induced by multiculturalism in a normatively legitimate manner. Of course, there is currently much philosophical ferment about what democracy is and entails, and this ferment is productively mirrored here. The present book thus collects contributions with a range of views on democracy, law and politics, from liberal egalitarians such as Jeremy Waldron, to liberal multiculturalists such as Will Kymlicka and Jeremy Webber, and from more Kantian critical theorists such as Jürgen Habermas and Thomas McCarthy, to more Hegelian and Nietzschean critical theorists such as Douglas Moggach, Michel Rosenfeld, and James Tully. Derived from a 2004 conference, the collection is usefully structured in a dialectical manner: Lead essays laying out a position are followed by one or two response works that seek not only to raise critical questions about the original, but also to put forward the author's own preferred vision of the best way to approach the issues. The dialectical structure helps get a clear view of the main issues and stakes in contemporary debates, while the substance and originality in most of the response articles helps the volume surpass the usual limits of conference proceedings.

The book covers a wide range of topics that become pressing once political theorists take seriously the enduring normative pluralism and ethnocultural diversity evinced in both established and newly emergent constitutional democracies: the character of political deliberation, proper methods of legal adjudication and interpretation, the variety of legal approaches to the accommodation of difference, the prospects for transnational constitutionalism, international regimes of minority rights specification and enforcement, and so on. This breadth, combined with some striking case studies of particular examples of multicultural legal structures, means that the book will be useful in many different contexts, beyond the target audience of political philosophers and legal theorists, extending to political scientists, sociologists, and law and society scholars. For students and scholars alike concerned to gain a perspicuous overview of the state of the art in the field, they could hardly do better than *Multiculturalism and Law*.

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Eligible for Execution: The Story of the Daryl Atkins Case. By Thomas G. Walker. Washington, DC: Congressional Quarterly Press/ SAGE. Pp. 261. $26.95 paper.

Reviewed by Sarah Beth Kaufman, New York University

In the world of criminal justice, modern death penalty trials and appeals are notoriously complex. As such, most general descriptions of the processes are poor facsimiles by their nature

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(epitomized by the one I attempt below). Since the death penalty was reinstated in 1976 in the United States, some of the brightest minds in the law have spent countless hours interpreting, condemning, defending, and revising the system's many facets. The result is a unique process designed to limit the ultimate punishment to only the most deserving.

Unlike everyday criminal trials, modern death penalty trials are bifurcated: If a defendant is found guilty of a capital murder in the sort of trial we are all familiar with, and if the prosecution is seeking the death penalty, a second trial is held to determine the punishment. In this second trial, or penalty phase, the jury hears evidence in order to determine whether the offender deserves the death penalty. It is very unusual for juries to decide criminal sentences; for the most part, judges sentence offenders based on state and federal sentencing guidelines. In a capital penalty trial, however, the prosecution presents aggravating factors, such as prior crimes, that they think will convince the jury to vote for death, and the defense presents mitigating factors, such as mental illness, to convince the jury to vote for a lesser sentence. This can go on for days or weeks, and it often includes testimony of psychiatrists, prison officials, and friends and family of the victim and defendant. Because of this extended penalty phase, jurors must be specially qualified in an often-lengthy process to assure that they are capable of considering both the death penalty and a lesser sentence. If a potential juror is categorically opposed to the death penalty, he or she cannot sit on the jury. Conversely, if a potential juror believes that all murderers should be executed, he or she is also excluded. After the completion of the penalty phase, if the offender is sentenced to death, there is then an automatic appeal that winds its way from local to state to federal courts and back. This appeal covers both the guilt and penalty phases, making for much more material than most noncriminal cases.

So it is with some surprise and not a small amount of trepidation that I found Walker's book, *Eligible for Execution: The Story of the Daryl Atkins Case*, so simply written. There is a lot of information to be found in each chapter, and Walker presents it in a prose that is more elegantly rendered than most. But the clarity with which events are relayed fails to animate the material.

In 2002, the U.S. Supreme Court decided that it is unconstitutional to execute people with mental retardation, even if they are legally culpable of a capital murder—this is the *Atkins* case of the book's title. Whether one finds it abhorrent that Americans did execute the mentally retarded, or disturbing that we no longer do, the issue is likely to garner strong opinions. The author takes a wide scope to explain how we got here, stretching back to the first execution by colonial settlers in 1608 before moving forward some

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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 Eightth 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.

Reviewed by Edie Greene and Hilary Anton-Stang, University of Colorado-Colorado Springs

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

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