presented in long passages of reporting, with the author summarizing events and interactions, instead of presenting them more in the form of field notes with some examples of dialogue, which might have enhanced the reporting and made it come alive. Perhaps the liveliness also suffers as the ethnography is not presented by writing with a present tense. I also missed some more detailed analysis and an exploration of negative cases, of deviations from the common picture. As it is, the text is repetitive at times.

There is no doubt that the book was written from a normative perspective; small wonder, given the author's field experiences – and an indignation that must have reached fever pitch when his own son, calmly waiting for the bus, was the victim in one of those disproportionate deployments of resources: four vehicles, 15 officers, and the use of methods otherwise devoted to riot control. The critique, not only of the police but of a society which breeds such unequal treatment, colors the book, and you may well find the author's questions pertinent: how is it that in a rich country with democratic principles, segregation and discrimination are allowed to flourish to the extent that some categories of citizens become virtually unprotected by the law? And why have the police come to play the role of maintaining a social order based on ethnic distinctions, rather than on keeping general public order?

These issues are compelling and important (in more countries than France), but raising them in the form of a social critique, as here, is not without its problems. For one thing, the reader may well wonder how much the author's analyses are influenced by his moral indignation. To be sure, Fassin knows his social science police studies, and he has done his field work thoroughly – yet you still miss the 'sociological eye' which would increase your understanding, excite and surprise you.

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Albert W. Dzur, *Punishment, Participatory Democracy, and the Jury*, Oxford University Press: New York, 2012; 240 pp. (including index): 9780199874095, $49.50 (cloth)

This is a challenging book to review. It is at once a meditation on the failures of US civic virtue and public institutions, and a blue print for enhancing the role of the jury as one means for ameliorating this failure. The two parts lead in somewhat different directions, although they are tied together by a concern with the potential role of the jury in criminal trials.

Dzur's reflections on the state of US criminal justice raise profound issues, and lead to a counter-intuitive proposal. He engages seriously with the liberal claim that penal populism and too much public participation (curiously Dzur neglects the issue of race) is one of the central causes for the extraordinary harshness of the criminal justice system in the United States, in sharp contrast to more moderate policies in the professionalized systems of Western Europe. He rejects their claims, arguing that the failings of the US system are due in large part to too little, not too

much participation. Distinguishing between 'thin populism' and 'thick populism', Dzur makes a case for the latter. Drawing on a wide range of political theorists from the ancient Greeks to Rousseau, Montesquieu, and Arendt, and on to contemporary theorists of civic virtue, deliberative democracy, and restorative justice, he argues that engaged citizen participation can lead to thoughtful decision making and more capable public institutions.

In particular he builds on the works of John Dewey and Sheldon Wolin to develop the argument that the American crime problem is in part a consequence of too little, not too much civic engagement. More engagement, in the form of robust juries, he believes will activate a sense of natural justice and common sense, as well as enhance institutional competence. Thus, for instance, he rejects proposals, such as Franklin Zimring's, to develop ways to distance sentencing commissions from public – political – influence, and place them in the hands of aloof professionals, much as the world's nations have done with their central banks and judiciaries.

In pivotal Chapter 4, entitled 'The jury as civic school house', the author argues that if the United States would only unleash the potential of the jury, the criminal process could be reconstructed for the good. He maintains that research consistently reveals that deliberative democratic practices can revitalize civil society and transform public policy, and goes on to argue that restorative justice and the criminal jury have the potential for reforming the criminal process. Dzur reviews the classic accounts of the jury offered by Tocqueville, John Stuart Mill, and Edward Livingston (in his proposed Criminal Code for Louisiana), and calls for reconstructing the school house. This chapter is also a fulcrum that tips the discussion from a general appeal for more civic engagement through jury and jury-like institutions to a programmatic focus on the benefits of the jury in the criminal process.

Dzur builds this call for an active jury by drawing on the works of Anthony Duff, who emphasizes the importance of the criminal process as a site for moral, as opposed to instrumental, judgment in which the defendant is treated as a fellow human being, and Nils Christie, who contrasts the participatory justice system in Tanzania with the sterile professionalized, nonparticipatory systems of Scandinavia. Weaving these claims together, the author argues that they offer 'persuasive reasons for courts to be more *inclusive, communicative, deliberative, participatory, and public*' (p. 97, emphasis in the original). The next several chapters explicate Dzur's views on the benefits of an enhanced jury in the criminal process. Here the author provides several examples of jury and jury-like institutions which he believes enrich civic life and public decision making in the criminal process and elsewhere. He traces what he regards as the death of the jury and points to its possible resurrection. He reviews the corrosive effects of plea bargaining. And he introduces the plans of the citizen-activist movement, the 'Fully informed Jury Association (FIJA)', which was established in 1989 to rejuvenate the role of juries in the criminal process (p. 132).

This second half of the book is in effect a manifesto for the development of a robust role for the jury. Impressive. But it gives pause to this reviewer. It is not so

much that it is wrong, as it is myopic. Let me work through the subjects of my concerns in order of their appearance in the latter chapters. Dzur cites Anthony Duff as an advocate for the view that a criminal process should be a moral enquiry. Quite right; but nothing in Duff's theory – so far as I can recall – requires a jury trial. Dzur draws on Norway's home-made Jerimiah, Nils Christie, who celebrates Tanzanian justice in contrast to sterile Scandinavian justice. But Tanzania ranks number 111 (of 177) on Transparency International's corruption index; Norway ranks fifth and Finland and Sweden tie for third. Almost everyone I know – including, I suspect, Nils Christie himself – is likely to believe that Norway (and Scandinavia more generally) has just about the best criminal justice system in the world, despite the fact its lay-jurors are little more than show-piece auxiliaries for professional judges. In the name of fair, sensible, and equitable criminal justice administration, it is amazing that anyone would seriously denigrate Scandinavian justice.

Dzur also draws on such contemporary writers as Robert Burns who celebrate the virtues of the jury, and then goes on to lament its demise and outline a plan to 'resurrect' it. Despite this impressive lineage, he never really tells us much about the early life of the robust jury. Indeed, he cannot. That jury is more myth than reality. Elaborated criminal jury trials in the United States and England are of recent vintage, products of the 19th century, and apart from the occasional celebrated jury trial, they started to disappear almost as soon as they began, shortly after lawyers for the defense began to appear with some regularity (Feeley, 1997). Notwithstanding Tocqueville's celebratory writings and Livingston's wishful thinking, jury trials in England and the United States well into the 1800s, were brief perfunctory affairs lasting only a few minutes. Often the same jury would sit continuously through a number of trials, and then adjourn to deliberate the fates of the several accused over dinner. Negotiations initiated by defense counsel are as likely to have increased deliberativeness as not, but whatever they were and are, it is not clear that the appearance of negotiated settlements represented a giant step backward. I raise this not to endorse plea bargaining, but to provide context. Indeed, I agree with Dzur's endorsement of John Langbein's biting criticisms of plea bargaining, but am surprised by his failure to follow through on Langbein's work (1978, 1979, 2003). Langbein detests the adversary process – including the jury trial, the rules of evidence, the elaborated process – and attributes the evils of plea bargaining to these features of the criminal process. The elaborated jury trial and plea bargaining are two sides of the same coin. Dzur also briefly discusses but neglects to reflect on the obvious implications of Steven Schulhofer's (1984) authoritative study of what may be the USA's most successful experiment to eliminate plea bargaining, the Philadelphia bench trial program, which all but eliminates both plea bargaining *and* jury trials in exchange for fair, effective, and meaningful bench trials. In this and a companion study, Schulhofer (1985) came close to calling for the repeal of the Sixth Amendment's guarantee of a right to trial by jury. In short, the issue of institutional design is more complex than is suggested by the author.

Having said this, I do not want to dismiss Dzur's book. It is an important call for enhanced civic participation and engagement, and in an increasingly marketized society, this is a message that bears repetition as it pertains to all sorts of public institutions, including the criminal process. He emphasizes the important point that civically engaged and knowledgeable people are less likely to want to lock 'em up and throw away the keys (or cut school expenditures of Medicaid or the like). I can certainly imagine deliberative poll guru Jim Fishkin (who is discussed at some length in the book, pp. 108–114) charging a randomly selected group of people with scaling and prescribing a range of presumptive sentences for a variety of criminal offenses. And I believe that he is certainly right to advocate experimentation with restorative justice and similar programs. Where he goes astray, I believe, is when he pins so much hope of the jury trial, or more accurately the myth of the jury in US history.

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Robert Durán, *Gang Life in Two Cities: An Insider's Journey*, Columbia University Press: New York, 2013; 272 pp. (including index): 9780231158671, $76 (cloth), $27.50 (pbk)

In *Gang Life in Two Cities: An Insider's Journey*, Robert Durán develops an ethnographic and historical analysis of the emergence of gang activity and anti-gang policing in Denver, Colorado and Ogden, Utah. In doing so he states from the beginning that his intention is to develop an understanding of gangs and gang members that resists framing them as inherently criminal groups or identities. As a former gang member and youth counselor, Durán's experiences and connections to his research sites allow him to develop an organic analysis that is underrepresented in contemporary criminology – one that builds from a homegrown familiarity with his participants' worldviews and the rationale behind their actions.