

BOOK REVIEWS

punishment. According to Fleury-Steiner, these resisting jurors tended to empathize with the defendant and tended to recognize how race and class play a role in capital punishment – from articulating the role of both in capital defendants' lives, to recognizing how their fellow jurors refuse to acknowledge such influence, and indeed in some cases may let their own race and class biases shape deliberations. Such resisters, though, are rarely successful at swaying the entire jury toward a life verdict, and are more likely to be bullied, demeaned and treated as outsiders themselves within the decision-making process for challenging the hegemonic narratives held by the majority until they succumb to the group's pressure. In the end, it is through these mechanisms, Fleury-Steiner infers, that American capital trial process 'invests in inequality'.

The book's greatest contribution is its articulation of the narrative process that shapes capital jury decision making, particularly as told by the former jurors themselves. Their recall of how the decision was made, how the defendant was viewed within their group, their reconstruction of the reasons for his criminal behavior and their experiences as resisters or as jury members who resisted the resisters reveals the complex interplay of broader cultural narratives, the uniquely awesome demands of their role as capital jurors and the small group dynamics that take place in such a setting. The stories of the resisters are particularly troubling, poignant and illuminating in that they demonstrate the sheer strength of those hegemonic narratives that tend to lead to death sentences. Thus, this book offers the reader fascinating empirical evidence that illustrates how and why citizens who sit on capital juries are able to come to sentence fellow citizens to death.

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When prisoners come home: Parole and prisoner re-entry, Joan Petersilia. New York: Oxford University Press, 2003. viii + 278 pp. ISBN 0-19-516086-X.

Like the practice itself, the subject of parole has been out of fashion for some time (but see Cavender, 1982; Messinger et al., 1985; Bottomley, 1990; Simon, 1993; Lynch, 1998). Once it was the darling of criminology; not simply one penal measure among others to be studied, evaluated and reformed, but along with its close cousin probation, the penal measure that most corresponded to criminology's own wishes and desires. From the end of the 19th century on, the emerging science of criminology had consistently found the prison counter-productive to the modern aims of rehabilitation and reintegration into society, tolerable only as a necessary means of social defense and a mechanism for assuring the realm of administrative discretion necessary for an ameliorative and experimental penalty to operate (Rothman, 1980). How much better probation and parole, which removed the penal subject altogether from the contaminating aspects of incarceration, while retaining the full extent of legal control and discretion over the fate of the individual. Moreover, while the prison might intermittently employ criminology to fashion plausible tools of reformation during periods of pressure for rehabilitative progress, it could always (and often did) fall back upon its capacity for brute incapacitation and routinized discipline, parole needed criminology to invent content for its always problematic account of controlling felons in the community.

The crisis of what some have called peno-correctional modernism was for all practical purposes a crisis of parole (and probation). Hopelessly associated with the presumably discredited objective of rehabilitation, early release onto parole was abolished in about a third of the states and cut back significantly in another third. Meanwhile the vestigial function of maintaining surveillance over released prisoners (as well as advantageous terms for returning them to prison) survived but often without the name or any of the earlier ambitions associated with parole. Throughout this period of unfashionability no criminologist has been as persistent in maintaining interest in parole and probation as UC Irvine Professor Joan Petersilia (see, for example, Petersilia, 1999a). An early advocate of efforts to refashion both as an alternative to the mass incarceration mania of the 1980s and 1990s, Petersilia has continued to study the experience of convicted offenders in the community and continued to press for ways to relegitimize this once valued asset of modern correctionalism. In the 1980s and 1990s, she explored and advocated efforts to toughen up parole and probation as a kind of 'intermediate sanction' that could satisfy the public's desire for greater incapacitation without recourse to incarceration. Her own rigorous empirical research, however, helped undercut the idea that intermediate sanctions would in fact deliver punishment and incapacitation (1999b).

In *When prisoners come home*, Petersilia provides the most comprehensive summary available of research on the practice of contemporary parole, and promotes the most promising new strategy for leveraging parole as an alternative to mass incarceration since the failure of intermediate sanctions. The key to the latter is in the last word of her title. The term 'reentry', promoted widely in 2000 by former National Institute of Justice chief Jeremy Travis (2000), has opened the most promising strategy for reframing the debate on incarceration in several decades. Unlike intermediate sanctions which largely accepted the basic premises of mass incarceration, reentry deftly shifts the topic from the problem of how to deal with criminal offenders, to the problem of how to deal with the inevitable flow of hundreds of thousands of prisoners a year back into towns and cities across the USA, many of them anxious to nurture new signs of economic revitalization and urban redevelopment that could easily be chilled by a renewed escalation of violent crimes. Reentry moves parole from a competitor with the prison in solving the problem of how to deal with serious criminality to a solution to the problem seemingly created by mass incarceration itself.

When prisoners come home is a significant step forward in bolstering a new generation of scholarship on parole as well as advancing the reframing of public debate in terms of reentry. Petersilia documents the heavy burden that parole failures place on the already staggering cost of mass incarceration and marshals evidence to challenge the once dominant view that parole supervision can contribute little to delaying or preventing altogether the return to criminal activity. Perhaps the most important finding is that notwithstanding the 'nothing works' slogan of the past, the recidivism of released prisoners today is significantly worse (especially if we look at the seriousness of the crimes committed) than it was in the era of rehabilitation and discretionary release on parole. The book points the way to a new engagement between criminology and parole by describing succinctly the collapse of the once vital experimental culture of parole and its replacement with a routinized practice discovering minor violations and (all too often) returning subjects to prison. Petersilia also analyzes the destructive wave of laws and

policies that currently doom prisoners to failure in the community, while offering a compelling agenda for revitalizing parole (both as a form of discretionary early release and an experimental practice of reintegration) as means for solving the USA's reentry problem.

Perhaps the only problematic theme in the book is one that accurately highlights the greatest challenge to the reentry movement. Petersilia's chapter on 'the victim's role in prisoner reentry' aptly recognizes that crime victims, and their powerful political allies, represent a potentially devastating source of resistance to reinvigorating parole. For those committed to the logic of symbolic recognition, vengeance and zero tolerance, parole in any form is not punishment or control enough. With admirable (but to this reviewer unjustifiable) optimism, Petersilia argues for giving victims a larger role in parole decision making. It is hard to see, however, how this can ever lead to an expansion in parole, which will be opposed at every turn by victim organizations. Rather, the true genius of reentry (and one that can be expected to unleash fierce resistance) is to place victims in competition with the only interest group that can perhaps outweigh them in contemporary politics, i.e. the vast majority who fear becoming victims.

References

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Justice in the risk society, Barbara Hudson. London: Sage Publications, 2003. 258 pp.

Justice in the risk society is the latest in a distinguished series of treatises by Barbara Hudson on the nature of justice in modern/postmodern societies. It is by far the most ambitious of her books to date and yet, like its predecessors, manages successfully to