

# The Academy of Political Science

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## Book Reviews

**American Juries: The Verdict** by Neil Vidmar and Valerie P. Hans. Amherst, NY, Prometheus Books, 2007. 428 pp. \$32.95.

In recent decades, the American jury has increasingly come under attack by critics who maintain that jurors are too often uninformed, irresponsible, biased, unable or unwilling to follow instructions, and incapable of understanding scientific and expert evidence. In *American Juries*, Neil Vidmar and Valerie Hans, two of the nation's foremost experts on jury trials, consider, evaluate, and largely reject these criticisms.

This work offers a comprehensive overview of the often heated debates over the merits of the jury system. It describes the origins, history, and evolution of the jury system over several centuries and intersperses throughout the analysis lively discussions of noteworthy controversies, ranging from the trial of John Peter Zenger to the prosecutions of Scott Peterson and Timothy McVeigh to the litigation over the Exxon Valdez oil spill.

Vidmar and Hans examine a broad range of issues, including pretrial publicity, the process of jury deliberation, jury competence, scientific and expert testimony, jury nullification, the insanity defense, the death penalty, and compensatory and punitive damages. In the course of their analysis, they systematically incorporate and build upon the work of many scholars who have examined these questions over the past half century, focusing especially on newer research from the past 20 years.

The authors conclude that the jury makes an important contribution to the American system of justice because it reflects democratic aspirations, moral values, community standards, and a commitment to a fair trial. Moreover, they conclude that the criticisms of the jury have relied largely on anecdotal evidence, much of which is unsubstantiated and unreliable. Although conceding that the jury system is imperfect and can be strengthened, Vidmar and Hans insist that for the most part, "the American jury is a sound decision maker in the majority of both civil and criminal trials" (p. 339). In the vast majority of trials, judges agree with juries on the result, and when they disagree, it is usually in close cases in which the jury's distinctive commonsense approach explains the divergence. Juries tend, for example, to be less willing than judges to convict criminal defendants and less willing to convict in prosecutions for victimless or otherwise de minimis offenses. There is little evidence to suggest

that juries systematically either misunderstand the law or the evidence or discriminate against corporate or other types of parties.

Vidmar and Hans do note several areas, however, in which the jury system poses problems. A great strength of jury deliberation, they argue, is the ability of the jury to draw on broadly diverse perspectives from the community. Although juries have become much more representative of the general populace over the past two centuries, low participation rates in some jurisdictions, unfair methods of selecting the jury pool, and the use of peremptory challenges can all undermine the breadth of jury representation. Moreover, in certain areas, such as capital cases, cases involving claims of mental illness, and acquaintance rape prosecutions, juries often reflect community biases and stereotypes that may undermine the fact-finding process. The authors also note that in complex litigation, legal “instructions can sometimes be mangled by the jurors” (p. 342).

On the whole, however, Vidmar and Hans find that these are correctible deficiencies and that the sharper criticisms of the jury system are simply unsupported. Even more important, the positive role the jury plays in the American legal and constitutional system more than offsets any deficiencies of the jury system. In this highly readable and lively work, which should be readily accessible to students and non-lawyers as well as to those more directly involved in the legal system, the authors conclude that “our verdict is strongly in favor of the American jury” (p. 346).

GEOFFREY R. STONE

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**Organizations at War in Afghanistan and Beyond** by *Abdulkader H. Sinno*. Ithaca, NY, Cornell University Press, 2008. 336 pp. \$39.95.

This is a hard book to tackle. It is not as clearly organized as it might have been, and (especially in the opening theoretical chapters) its thread often gets lost in difficult, repetitive, jargon-laden prose. Yet for anyone interested in insurgency and counterinsurgency, Afghanistan and Pakistan, or late-period Soviet military history, the book is worth the effort. Abdulkader H. Sinno sheds new light on the organizational politics and sociology of Afghanistan’s morphing militia groups, and on the 30 years of warfare engulfing the country from the Soviet invasion of 1979 to today’s NATO-led peace enforcement operations.

Sinno also proposes (and defends well) a very straightforward and generalizable set of arguments, although they take a bit of parsing to find. Namely: Decentralized militias formed on the basis of competitive patron-client relationships are good at harassing their enemies and hard to eradicate, as long as they have reliable outside sources of funding; if one group is weakened or defeated, another competing militia is always ready to take its place. This makes them better at insurgency warfare than many centralized organizations, which can be easier to decapitate or co-opt. Yet only those militias that can use