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Book Review: Frank R. Baumgartner, Suzanna L. De Boef and Amber E. Boydstun *The Decline of the Death Penalty and the Discovery of Innocence* Cambridge: Cambridge University Press, 2008. xv + 292 pp. £17.99 (pbk), £45.00 (hbk). ISBN 9780521715249 (pbk), ISBN 9780521887342 (hbk)

Alexander J. Blenkinsopp
Theoretical Criminology 2009; 13; 259
DOI: 10.1177/13624806090130020502

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they examine the collateral consequences associated with early life behavioral problems. As they move into adolescence and adulthood, they summarize new studies showing that the prefrontal cortex—the area of the brain involved in planning, judgment and behavioral inhibition—is not finished developing until the mid- to late-20s. This pattern of brain development may explain why adolescent delinquency is so widespread and adult criminal behavior relatively rare. On the whole, these chapters may be the strongest in the book, for no other reason than they depict clearly the interlocking nature of social and biological influences.

The authors close the book by advancing some modest policy implications. Although critics of the biosocial perspective often argue that this line of research can only lead to punitive and inhumane policies, Wright, Tibbetts and Daigle show otherwise. They suggest that intervention programs should begin very early in life—even before the birth of the child—to promote healthy brain development. They prioritize the elimination of environmental toxins, and make a strong case that social services should be directed at high-risk families. While many of the policies offered by the authors appear reasonable and focus on prevention, some scholars will likely find room to criticize their proposals. Wright and his co-authors say nothing of macro-level economic interventions or of efforts to create greater social justice.

Criminals in the Making is a rare book. It is meticulously researched and propels criminology into new frontiers. Anyone seriously interested in learning about the development of antisocial behavior over the life course will find this book of value. Critics of anything biological, however, should be the first to read this book. The general theme cutting across the book is that the causes of antisocial behavior are highly complex and include a multitude of environmental and biological factors. Without doubt, *Criminals in the Making* will spark debate, incite controversy and challenge mainstream criminological understanding.

Frank R. Baumgartner, Suzanna L. De Boef and Amber E. Boydston

The Decline of the Death Penalty and the Discovery of Innocence

Cambridge: Cambridge University Press, 2008. xv + 292 pp. £17.99 (pbk), £45.00 (hbk). ISBN 9780521715249 (pbk), ISBN 9780521887342 (hbk).

• Reviewed by Alexander J. Blenkinsopp, independent researcher, USA

Since 1973, more than 120 people in the United States have been sentenced to death and later set free. Some commentators claim that these exonerations are part of an ‘innocence revolution’ that is underway in the United States, souring the public’s opinion of the death penalty by emphasizing the possibility of executing innocent people (Marshall, 2004; Godsey and Pulley, 2004). *The Decline of the Death Penalty and the Discovery of Innocence* is a timely attempt to confirm that thesis empirically.

Baumgartner, De Boef and Boydston—American political scientists all—statistically analyze newspaper reports on capital punishment, using them as a proxy for public opinion. They attempt to chart the ebbs and flows of the death penalty debate by examining how the debate has been ‘framed’—that is, defined

'along a particular dimension (e.g. fairness and innocence) at the exclusion of alternate dimensions' (p. 4)—in news reports. They conclude that the specter of mistaken executions has become the ascendant frame in the discourse, replacing such previously dominant frames as constitutionality and moral desert. The shift in issue-framing, the authors contend, has contributed to changes in public opinion, which has in turn led to what 'may well be the beginning of the end' for capital punishment in the United States (p. 230).

The Decline of the Death Penalty and the Discovery of Innocence makes a laudable attempt to examine and prove the existence of a phenomenon that has heretofore been documented only anecdotally (if compellingly). The book does not pinpoint the origins of the movement: 'it is virtually impossible to isolate the precise causes of the redefinition of the death penalty' (p. 223). But it does provide strong evidence that over the past decade or so, a confluence of developments revolving around the threat of mistaken executions—including the work of scholars-cum-activists who spread the innocence project model, and Illinois Governor George Ryan's commutation of all capital sentences in his state—has turned the tide against capital punishment. Other scholars have already identified pivotal events in the innocence revolution (see, for example, Tabak, 2001; Liebman, 2002; Armstrong and Mills, 2003; Zimring, 2003; Steiker and Steiker, 2005), but Baumgartner and his colleagues catalogue them with unprecedented thoroughness.

Still, the book's primary claim to originality lies in its effort to illustrate statistically that the innocence frame has come to dominate the death penalty debate. The researchers went through abstracts of articles on the death penalty that appeared in the *New York Times Index* from 1960 to 2005, coded their 'tone' on capital punishment (pro, anti or neutral), and noted any arguments they contained (e.g. 'deters crime' or 'proceedings are racist'). By calculating the incidence of each tone, as well as the number of times each argument appeared, the authors found that the net tone of the coverage became much more negative since the mid-1990s, and that innocence surged as a theme in 2000. They also conclude that the 'topic' of the story—what arguments are presented in it—determines the tone, and their data seem to confirm this; for example, articles about the 'fairness' of capital punishment—a term that also entails the possibility of wrongful executions (pp. 108–9)—have been overwhelmingly anti-death penalty.

The second statistical analysis gauges each frame's strength by using an adapted form of factor analysis that allows the authors to measure its frequency, duration and complexity. The authors conclude from the data that '[t]he innocence frame is the strongest in modern history' (p. 157). The third analysis relies upon an exhaustive compilation of public opinion polls on the death penalty, used to trace the trajectory of public support for the practice. The authors find that while most Americans continue to favor the death penalty, support for capital punishment began to decline in 1996. They also conclude, convincingly, that public opinion tends to remain stable and change only slowly, but that it will change in predictable ways in response to major events, newspaper coverage and the tone of the discussion.

Finally, they run a regression analysis and discern that the number of death sentences handed down is positively related to tone of media coverage, homicide level

and public opinion. Oddly, the authors conflate juries' decisions with public policy, stating that 'the decision by a jury to sentence someone to death is a powerful policy statement, one of the most powerful our government ever makes' (p. 201). But jurors are not policy makers. The authors assert that 'the number of death sentences [is] a singularly appropriate gauge of public policy' (p. 201), without explaining why this is so. Smith (2008) has examined the connection, describing the legislative incentives to make death sentences easier to obtain by restricting access to the courts or by limiting defendants' resources. But Baumgartner et al. offer no such explanation.

While the authors' data do not seem at odds with any of their conclusions, some of their methodological choices give pause. I will address two examples. First, in most of their analyses of news reports, the authors use abstracts of articles as listed in the *New York Times Index*, rather than the full text of the articles. (The decision to treat the *New York Times* as representative of the US media in general is itself a potential problem too involved to discuss here, though the authors try to defend their choice on pp. 103–4 and 127–32.) Moreover, the authors rely on the *Index*'s categorizations by looking only at abstracts under the 'death penalty' rubric. They acknowledge that 'much information is lost in this process' (p. 104), but they offer the rationale that they are only interested in 'the most important themes' of the articles (p. 105). It is not clear, however, why the indexers' judgments about what elements of the articles are most significant would be superior to the authors', nor is it clear that the abstracts—which are governed by length and readability constraints—contain all of the most important aspects of the stories.

More troubling is the authors' heavy reliance upon their classifications of the 'tone' of the articles. Confusingly, 'tone' seems to mean different things in different parts of the book. In one place, it means 'bias' (p. 122). In another, it refers to the 'directionality' of the State's action, such that '[a]ny story reporting on actions favorable to a defendant is coded anti-death penalty' (p. 112). These are not the same thing. An op-ed forcefully arguing against the death penalty is coded the same way, and receives the same tonal weight, as a news article that reports an outcome favorable to a capital defendant, even though the two pieces serve different purposes, are likely to strike readers in different ways, and might reflect very different things. Furthermore, directionality might be a poor indicator of whether the article has a pro- or anti-death penalty tenor. For example, here is one of the four abstracts provided to illustrate how the coding was done:

State of Missouri will execute 26-year-old Antonio Richardson, a mentally retarded man, despite pleas for clemency from the mother of his two victims; he was 16 years old in 1991, when he murdered 20-year-old Julie Kerry and her 19-year-old sister Robin.

(p. 112)

This abstract is coded as pro-death penalty, though there are good reasons to disagree with this coding; for example, the abstract includes details likely to make the convict a sympathetic figure, and reports pleas for clemency but not countervailing arguments.

The Decline of the Death Penalty and the Discovery of Innocence represents a good first step in analyzing empirically the impact of innocence upon capital

punishment. It weaves together its various analyses effectively to create a bigger picture of a self-reinforcing social cascade. It is a clearly written book, though slightly dry and repetitive in places. Scholars would be well served to build upon this work by expanding the data set and by applying other academic disciplines' analytic tools to this book's findings.

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Henner Hess, Lars Ostermeier and Bettina Paul (eds)

Kontrollkulturen: Texte zur Kriminalpolitik im Anschluss an David Garland (Cultures of Control: Texts on Criminal Policy following up from David Garland)

Weinheim: Juventa Verlag GmbH, 2007. 9. Beiheft *Kriminologisches Journal*. 252 pp. ISBN 3779909898 (pbk).

- Reviewed by Tom Daems, Katholieke Universiteit Leuven, Belgium

Few books in the recent history of criminology have attracted so much attention as David Garland's *The Culture of Control*. Since its publication in 2001 numerous reviews and essays have been published in various academic outlets. In York a special conference was organized in September 2003. The papers were subsequently published as a special issue of the *Critical Review of International Social and Political Philosophy* (Matravers, 2004). Also the *Cambrian Law Review* devoted a thematic issue to Garland's book (Kilcommings and Vaughan, 2004). *The Culture of Control* deals with crime control developments in the USA and the