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*Twenty Million Angry Men: The Case for Including Convicted Felons in Our Jury System.*

By James M. Binnall. Oakland, CA: University of California Press, 2021. 275 pp. \$29.95 paperback

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I read Binnall's book with the trial of Derek Chauvin for the murder of George Floyd unfolding in my hometown of Minneapolis, MN. It was thus impossible to read the book without meditating on the relevance of jury trials for our society writ large and for those individuals who are excluded from serving on juries by virtue of a felony record. Although the Chauvin trial is certainly an outlier in terms of its high-profile nature, having it in the backdrop as I read the book meant that Binnall's words about jury trials more generally struck a sharp chord with me: "The jury stands as the only mandatory endeavor that brings citizens together to work collectively on a complex task that could have far-reaching social implications" (5). From the outset, Binnall makes a persuasive case, not just for including people with felony convictions on juries, but for jury service itself. This was an unexpected benefit of reading the book because, like many, I'm guilty of too often considering jury service a burden or nuisance and had not given much thought to the consequences of the decline in jury trials for civic engagement more broadly. The experience left me wondering, could historic trials like Chauvin's become the windows of opportunity needed to spark a movement to undo felon-juror exclusions?

Binnall describes the goal of the book as, "...to provide the first comprehensive, empirically informed analysis of felon-juror exclusion" (8). The book accomplishes this goal in a way that is readable (even for a lay reader), reflexive (making effective use of the author's personal life experience on both sides of the bar), and concise (the main text, excluding appendices and notes, is a meaty 147 pages long). The book is well worth the read, not only in academic settings but also for sparking community conversations about this issue. Should people with felony convictions be allowed to serve on juries? After reading this book, I have no doubt that any reasonable reader will say, "yes." Even those who may already agree with the premise of the book will find their conviction strengthened by the well-reasoned legal arguments and pioneering empirical evidence presented.

The book is well-organized and takes the reader through the history of and legal justifications for felon-juror exclusion before providing meticulous rebuttals of the two prominent rationales: the probity rationale and the inherent bias rationale. Binnall then presents empirical evidence from several studies that contradict, or at least complicate, these arguments. I found two of the analyses to be especially insightful. The first is Binnall's presentation of results of scores from the Revised Juror Bias Scale from several subgroups (Chapter 3)—including eligible jurors, convicted felons, law students, and law enforcement personnel—that challenge the inherent bias rationale. The findings show that, as compared to eligible jurors (no felony record), each of the other three groups shows statistically significant pretrial bias (though in differing directions). Thus felon-juror exclusions are over-inclusive, banning one group from serving on juries while allowing other biased groups to serve.

The second is the mock jury results showing not only that felon-jurors do not threaten the jury process (Chapter 4), but that they bring particular strengths to jury deliberations based on their lived experience with the criminal legal system (Chapter 5). Binnall's analyses of mock jury transcripts show that felon-jurors helped deliberations by "routinely drawing on personal experiences that related to their own criminal history," clarifying legal concepts, and exhibiting "a rather nuanced understanding of the law" (91). These chapters combined present a compelling case that American juries are (except in Maine) systematically denied the diverse viewpoints and hard-won skills of a

substantial subgroup of people that would otherwise enhance the deliberative process and strengthen the jury system as a whole.

Despite the many strengths of the book, I found myself wanting more in a couple respects. Binnall uses the phrase “empirically informed” to describe the work, and that is the right term to use in light of some of the methodological limitations of the studies presented. The data and results described are path breaking for sure and will undoubtedly pave the way for important future research. Yet the samples recruited are not random or representative and the studies are performed in single state contexts. This is understandable for the sake of breaking ground in a seldom studied and complex area of research and Binnall appropriately characterizes the findings as “exploratory” and “suggestive.” I hope that future research by Binnall (and others this work will inspire) will address some of these challenges.

In addition, the book contains conspicuously scant attention to the intersection of race, sex, and felony status. Discussion of these intersections is by no means absent, but the impact of felon-juror exclusion on certain subgroups, in particular Black men, is worthy of greater attention than is given in the book. And while the title is clever—a reference to my collaborative work estimating the number of people with felony convictions (Shannon et al. 2017) and the classic film *12 Angry Men*—women are also affected by these laws. While men make up more than 90% of prisoners, women make up one-quarter of the probation population. In our *Locked Out 2020* report for the Sentencing Project, my colleagues and I estimated that 1.2 million women are banned from voting due to felony convictions (over one-fifth of all who are disenfranchised) (Uggen et al., 2020). The number of women impacted by felon-juror exclusions is far higher given the broader reach of felon-juror exclusion laws and thus worthy of more attention in this conversation.

After reading the book, I find myself puzzling, as Binnall does, over why felon-juror exclusion laws do not receive more public scrutiny and how greater momentum might be built to change them. Recent successes in reducing felon disenfranchisement in several states suggest that similar change to felon-juror exclusion laws is possible, though perhaps the case for access to the ballot box is more compelling than to the jury box given the potential scale of the consequences (e.g., results of a national election vs. any given court case). In any case, scholars and activists need look no further than Binnall’s book for a powerful exposition of the flaws in felon-juror exclusions and compelling evidence that allowing felon-jurors to serve would enhance “our purest form of civic engagement” (144).

## REFERENCES

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*Punishing Poverty: How Bail and Pretrial Detention Fuel Inequalities in the Criminal Justice System.*  
By Christine S. Scott-Hayward and Henry F. Fradella. Oakland: University of California Press, 2019.  
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Bail reform is at a crossroads. Two years ago, it was a solidly bipartisan issue gaining momentum in both courts and legislatures. But a lot has happened in two years. The country has been riven by a pandemic and the public murder of George Floyd. Gun violence is spiking. Bail reform efforts in