

Kant, Immanuel (2007) *Toward perpetual peace and other writings on politics, peace and history*. New Haven, CT: Yale University Press.

Santos, Boaventura de Sousa (2002) *Toward a new legal common sense: Law, globalization and emancipation*. Cambridge: Cambridge University Press.

Susanne Karstedt
Keele University, UK

The death penalty: A worldwide perspective, Roger Hood and Carolyn Hoyle. Oxford University Press, 2008. 504 pp. \$120 cloth. ISBN-10: 0199228469.

The debate about state execution as a criminal punishment is well into its third century and many of the themes associated with the controversy seem little changed by the passage of time. Yet the decades since the Second World War have generated enormous change in state policies toward capital punishment, in the predominant understanding of the death penalty and in the levels of government seeking to influence death penalty policy. As recently as 1980, more than two centuries after Beccaria's *On crime and punishment* launched the abolition movement, 37 nations had rejected the death penalty. By 2007, the number of abolition nations had grown to 100 – so that just short of twice as many nations had abolished the death penalty in 27 years as in the previous two centuries.

Related to the swifter pace of abolition was a dramatic change in how observers define the question of capital punishment. What for centuries had been regarded as a question of the necessary punishment for serious crime came instead to be viewed as a question of the proper limits to be imposed on the power of the modern state – as an issue of human rights rather than simply of crime policy. This shift from a crime policy to human rights perspective has also encouraged a change from allowing autonomous decisions by each nation-state to go unquestioned to an emphasis on regional and even global international involvement in death penalty policy.

The newest version of *The death penalty: A worldwide perspective* is the fourth edition of a report on the global status of the death penalty that Professor Roger Hood has prepared and the first time that he is joined in the venture by Carolyn Hoyle, his Oxford colleague. The origin of the project was a series of reports commissioned by the UN on the death penalty starting in the late 1950s. Professor Hood was the third prominent criminologist retained to conduct the UN survey (see United Nations, 1962, 1967) and he then expanded his 1988 survey report into his first 'Worldwide Perspective' volume. The Worldwide Perspective books use a much wider variety of data sources than the UN survey, and integrate empirical data with sustained analysis on the pace and limitations of the abolition movement in the 21st century, the regions and nations where executions continue and the major issues generated by state execution.

As the pace of abolition has increased, the legal and policy issues associated with alternatives to capital punishment for serious crime have become more important. Responding to this, the fourth edition includes a new chapter on 'The challenges of a suitable replacement' that is careful, analytic and erudite.

This current edition of the series is an indispensable resource for serious students of the death penalty anywhere. It is also well written and happily devoid of academic

pretension. We are long past the era when anyone could argue that trends in other nations are of no importance to domestic death penalty policy, and this is as true in the United States as in the PRC and Rwanda. The great failure of the US Supreme Court in *Gregg v. Georgia* was probably related to ignoring the patterns of change in other developed nations (Zimring and Hawkins, 1986). What Hood and Hoyle provide their readers is a careful sifting of data together with a level of analysis beyond the capacity of resources like Amnesty International.

The global pace of change in death penalty policy has been both a blessing and a curse for Professor Hood. His 'Worldwide Perspective' series has become an important part of the discourse on the death penalty in the modern world. But the velocity of change in recent years has required constant and substantial work to keep abreast of a dynamic subject matter. Indeed, one future method for assessing the history of the recent era will be to compare the ever-thickening contents of these four remarkable volumes. Hood and Hoyle may be truly writing a history of the death penalty on the installment plan. They have done a fine job with this installment. But if history is our guide, we will soon require a fifth edition!

References

- United Nations (1962) *Capital punishment* (Marc Ancel Report).
 United Nations (1967) *Capital punishment, developments 1961–65* (Norval Morris Report).
 Zimring, Franklin and Gordon Hawkins (1986) *Capital punishment and the American agenda*. Cambridge: Cambridge University Press.

Franklin E. Zimring
 School of Law, Berkeley, USA

Race, gender, & punishment: From colonialism to the war on terror, Mary Bosworth and Jeanne Flavin (eds). New Brunswick, NJ & London: Rutgers University Press, 2007. 232 pp. (including index). \$24.95 (pbk). ISBN 0–8135–3904–8.

Organized around four socio-historical forces – colonialism, slavery, immigration and globalization – *Race, gender, & punishment* explores the interplay of broad social practices and beliefs with punishment and other forms of social control. Importantly, the authors detail both what these processes *do to people* and what *ideas* they generate and spread. Moreover, they link the social forces that result in racialized and gendered punishment to other outcomes as well, such as welfare and immigration 'reform' and harsh reproductive regulations.

Largely focused on the USA, the book consists of four parts – one for each of the historical phenomena under consideration – with three chapters in each part. The chapters on colonialism (Part I) examine the association between European imperialism and colonialism, colonialism's effect on Alaskan natives and the connection between colonialism and the punishment of Mexicans in the USA. Part II focuses on slavery; its chapters analyze the role of race and gender in the punishment of antebellum women, the intersection of race, gender and lynching and slavery's legacy for contemporary reproductive policies. Chapters in Part III, devoted to immigration, consider the social