

Death by prison: The emergence of life without parole and perpetual confinement. By Christopher Seeds. Oakland, CA: University of California Press, 2022. 288. \$29.95 paperback

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Christopher Seeds' *Death by Prison: The Emergence of Life without Parole and Perpetual Confinement* provides the first-ever detailed account of shifting penal practices and societal appetite for imprisoning individuals until death, without reevaluation. The book arrives amid a period of modest but stable decarceration, one in which reform-minded policymakers are reconsidering some of the mass incarceration-era policies that created the 700% increase in the prison population between 1972 and 2009. At the same time, concerns around rising violent crime have triggered some to repeat the rhetoric of mass incarceration, running the risk of a return to its damaging policies.

A driver of mass incarceration has been the expanding number of people serving life sentences with no opportunity for parole (LWOP). More than 55,000 Americans are serving LWOP, reflecting a six-fold increase since 1992 (Maguire et al., 1993; Nellis, 2021). In Florida alone, more than 10,000 people are living death-by-prison sentences (Nellis, 2022). The sharp rise in LWOP sentences is troubling, indeed, but Seeds' book tells us it is only part of a larger concern, one that has been overlooked. Seeds' meticulous research reveals that it is the growing disregard for suffering and death from imprisonment that has been an insidious development intertwined with LWOP expansion. Because current reforms tackle death penalty abolition at one end and reduce punishments for low level, nonviolent convictions at the other, elimination of perpetual confinement is out of reach.

Through the transfiguration of LWOP from a rarely imposed and incentive-oriented sentence to a more commonly imposed death-by-prison sentence, LWOP became "an enabler" of a range of ways to impose perpetual confinement, including vanishing parole opportunities for those sentenced to life *with* parole as well as the broadening use of "virtual" or "de facto" life sentences that are, by design, not survivable. Most sentences are being served by Black Americans and other people of color, reflecting and reinforcing a long history of viewing these lives as particularly worth permanent exclusion from society.

This work highlights the societal ambivalence around death and dying from unsurvivable sentence lengths. Seeds writes "LWOP, in short, often came about indirectly, and America let it. And do it continues today: US society is not critical about when the punishment of LWOP is used nor is US society attentive to transformative changes that people go through in prison or the pains of aging that go along with and precede an in-prison death" (Seeds, 23).

The methods undertaken to produce this work include archival research, a survey of legislation on LWOP, and a comprehensive review of both primary and secondary historical source material on punishment in the United States. The study encapsulates the history of life sentences in the United States with a particular focus on the early 1970s through the 1990s. In terms of the book's structure, it is divided in three sections: prehistory (before 1972), transformation (between 1972 and 1992) and LWOP (from 1992 onward). During the first stage, LWOP sentences were authorized and imposed but there was reasonable possibility of release via parole or executive clemency, thus muting the impact of life sentences. Time served on a life sentence meant a range of 10–15 years in prison in some of today's most punitive jurisdictions such as Louisiana, Michigan, Florida, and the federal system.

The period between 1972, when the death penalty was reinstated, and 1991, mark a time when LWOP expanded to be used where death sentences were no longer sought, as well as in cases where

death sentences had not ever been sought in the first place. During this era, fixed sentencing models and cutbacks on parole were prominent “reforms.” These dismantled the ground on which life sentences had long been defined, generating LWOP as a residual effect. Michigan’s story provides an example. In 1991, in *Harmelin v. Michigan* (1991), the Supreme Court upheld the constitutionality of LWOP for a first-time drug possession case in this state, signaling that the punishment was justifiable in a broad range of crimes. In the third stage, beginning in 1992 and proceeding to the present, the removal of any protections against LWOP were set: determinate sentences flourished, parole and commutations were fully abandoned, and LWOP took its current form of truly meaning death by prison.

Seeds reminds us that the history of LWOP in American penal practices is intertwined with both the death penalty and mass incarceration, but LWOP has also charted a path of its own—one permitted by a growing neglect for the human condition and protections against this sentence. He writes, “While there is an affinity between mass imprisonment and death by prison, the latter concerns a specific disregard for the indignity of dying in confinement.” Neglect for humanity is a component of both punishments, but LWOP has been implemented on such a broad scale, without the legal protections and scrutiny that accompany a death sentence (however, flawed such protections are), that it brings concern for human dignity and legal accuracy to a new level.

As criminal legal reform advocates push for stricter restrictions or wholesale abolition of life-without-parole sentences, *Death by Prison* lays out the enormity of the task. Efforts to end LWOP must tackle American society’s apathy regarding those sentenced to death by imprisonment, in whatever form. Activists stand to accelerate progress by placing this sentence within the context of a widespread shift in the purpose of imprisonment from reform and redemption to permanent removal. Understanding the history at the local level reveals how the landscape of normative punishments is now changed because of LWOP. Seeds says, “Perpetual confinement is now seen, in the penal field and society alike, not simply as something that happens on occasion for expedience or along secondary track, but as a *normative way of punishing*” (174, emphasis in original). His analysis of how LWOP and perpetual confinement spread through the penal paradigm provides a roadmap for advocates wishing to reverse course.

REFERENCES

Harmelin v. Michigan. 1991. 501 U.S. 957.

Maguire, K., Pastore, A. L., and Flanagan, T. J. (Eds.) (1993). *Sourcebook of Criminal Justice Statistics, 1992*. Washington, DC: Bureau of Justice Statistics.

Nellis, A. 2021. *No End in Sight: America’s Enduring Reliance on Life Imprisonment*. Washington, DC: The Sentencing Project.

Nellis, A. 2022. *Individuals Serving Life Without Parole*. Washington, DC: The Sentencing Project.

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Surviving solitary: Living and working in restricted housing units. By Danielle S. Rudes, with Shannon Magnuson and Angela Hattery. Palo Alto, CA: Stanford University Press. 2022. 252 pp. \$26 paperback

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In *Surviving Solitary*, Danielle Rudes uses an immense set of qualitative data collected from seven prisons in an unnamed state to explore the perceptions and views of people living and working in the prisons’ solitary confinement units. Rudes and her team spent a collective 1666 h in these units (called Restrictive Housing Units, or RHUs, in her fieldsite), during which they observed day-to-day unit operations and conducted interviews with 351 people living in solitary and 95 staff members. The scope of data collected in such an intentionally inaccessible fieldsite alone represents a