

# Review of “Death by Prison: The Emergence of Life Without Parole and Perpetual Confinement”

By Christopher Seeds

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**Reviewer:** Lyle C. May, Robert Johnson, *American University*

Life without parole is a silent execution devoid of capital punishment’s legal protections or public scrutiny. LWOP, as this sanction is inelegantly called, is a long, drawn-out fate with no terminus in sight. A more resonant name would be a “walking death sentence”; rather than confronting an execution date that marks one’s death, as does the condemned prisoner, lifers find death in varying forms over time with no markers to guide their understanding or adjustment to this terminal sanction that “walks” with them every day and night of their lives. Lifers face death by suicide, murder, or rampant disease. Permeating these potential ends, each grim but ambiguous in comparison with an execution date, are the emotions of hopelessness, despair, and resignation in the face of a sanction that lets one live but precludes a chance for redemption, or even claims of redemption, such are found in the last words of the condemned. LWOP is so insidious, most countries do not use the punishment; the handful that do reserve it for a small number of people. In the United States, however, over 55,000 men, women, and teens are serving LWOP for a wide range of crimes. This uniquely harsh sanction continues to grow apace, adding to the roster of those slated by law to die in prison.

In his seminal work, *Death by Prison: The Emergence of Life Without Parole and Perpetual Confinement*, Christopher Seeds (2022) provides an in-depth sociohistorical analysis of the incremental structural changes in penological frameworks that, to speak bluntly, turned LWOP into a backdoor death sentence and prisons into modern mass graves. Such strong language is necessary to awaken readers to the reality that public apathy and political rhetoric have enabled the explosion of life sentences since the mid-1990s, when LWOP became America’s punishment of choice for a sizeable and growing class of offenders marked as undesirable and utterly expendable.

The increase in LWOP sentences, Seeds explains, “corresponds with mass incarceration, but has its own trajectory.” One element of that trajectory is the abolition and rebirth of the modern death sentence in the 1970s. Before the US Supreme Court abolished the death penalty in *Furman v. Georgia* (1972), prisoners with “natural life” terms (the equivalent of LWOP) had a reasonable chance at clemency; this was true for those who had previously been sentenced to death but had their punishment commuted to life imprisonment. Once the Court reinstated the death penalty in *Gregg v. Georgia* (1976); however, more states enacted LWOP statutes and usage of this sanction surged.

Other proximate causes of the growth in LWOP sentences are explored, notable among which is the advocacy by death penalty abolitionists, who argued that LWOP was a kinder, gentler death sentence than death by execution. States such as Pennsylvania and Florida initially resisted the use of LWOP as an alternative to the death penalty, and even listened to objections from

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prison officials and the incarcerated. But a sea change was occurring in the penal field where indeterminate sentencing practices and judicial discretion were under fire for being too lenient. Then came calls to end parole and limit clemency, practices seen as inherently lenient rather than just or fair, shifting sentencing schemes to longer determinate terms. The rehabilitative ideal was seen as a sort of mirage; lawmakers wanted solid “truth” in sentencing, seen in hard numbers. With tough on crime rhetoric to drown out reasonable objections to harsh fixed sentences, and misinformation about “super predators” and “nothing works” to clear the public conscience, LWOP was a one-size-fits-all solution for almost any crime that could be construed as serious. LWOP became, to quote Seeds, a “capital net widening mechanism” that expended the range and number of people sentenced to die in prison.

Even as the policies of mass incarceration come under greater scrutiny in 2023, and there are increased calls to reduce prison populations and limit pretrial detainment, Seeds reminds us that LWOP is on the rise and unaffected by such reforms. Indeed, perpetual confinement now encompasses over 210,000 people serving a host of related terminal sentences: LWOP, virtual life terms of 50+ years, and parole eligible life terms for which actual release on parole is a rare event. A disproportionate number of these people are from BIPOC communities that were over-policed and targeted by policies such as “three strikes” laws. Underlying this framework are attitudes and beliefs that link race with crime, socioeconomic factors that penalize the poor, distorted media representations of crime and punishment, and coded political narratives that distort policies.

Seeds makes two critical points throughout the book: (1) understanding LWOP and perpetual confinement as institutionalized penal forms requires the examination of proximate causes that turn into accepted policy; (2) confronting the punitiveness of LWOP means examining the complete disregard, apathy, and inattention to the humanity of those condemned to die in prison. Beyond normalized disregard for those sentenced to perpetual confinement and its institutionalization, LWOP exemplifies the disrespect for human dignity that defines modern American punishment practices. *Death by Prison* helps us to see the key role of LWOP as a sanction that reinforces the use of excessive punishment as an accepted modality. Seeds artfully excavates and explicates a criminal legal apparatus that has buried alive hundreds of thousands of people and that sets in motion a cyclical process that gets worse over time: as the number of permanent prisoners increases, resources dwindle; as the population of discarded human beings age and grow infirm, stretched resources exacerbate inhumane conditions of confinement for all. This tragic trajectory produces pointless suffering because LWOP, like the death penalty, does not improve public safety.

Christopher Seeds’ *Death by Prison* is a comprehensive and compelling origin story of a sentence that is a crime against human decency that worsens with each and every new LWOP sentence. This book is essential reading for all students of crime and punishment.

Lyle C. May is a journalist, abolitionist, and author of the forthcoming book *Witness: An Insider’s Narrative of the Carceral State*, due out through Haymarket Books in the fall of 2023.