

# Life Sentences and Perpetual Confinement

Christopher Seeds

Department of Criminology, Law and Society, University of California-Irvine, Irvine, California 92697, USA; email: cseeds@uci.edu

Annu. Rev. Criminol. 2021. 4:287–309

The *Annual Review of Criminology* is online at [criminol.annualreviews.org](http://criminol.annualreviews.org)

<https://doi.org/10.1146/annurev-criminol-061020-022154>

Copyright © 2021 by Annual Reviews.  
All rights reserved.

## Keywords

punishment, life sentencing, life without parole, perpetual confinement, criminal justice reform

## Abstract

The past 40 years have been a time of great change in life sentencing, during which the use of life sentences has dramatically grown and the quality of life sentences has markedly hardened. The rise of life without parole in the United States is a particularly recognizable development, but life sentencing has increased worldwide, and the use of other forms of punishment that hold people in prison until death has also intensified. This article focuses on these transformations by examining several important areas in which thinking and scholarship on life sentencing have been altered and spurred by recent developments. The review concludes by pointing to gaps in the field of research and highlighting issues on which social scientific research on life sentencing has more to contribute going forward.

**ANNUAL  
REVIEWS CONNECT**

[www.annualreviews.org](http://www.annualreviews.org)

- Download figures
- Navigate cited references
- Keyword search
- Explore related articles
- Share via email or social media

## INTRODUCTION

Life sentences have existed in many countries as long as the prison (Van Zyl Smit 2002). In recent decades, however, the use of life sentencing has dramatically grown. Among the most prominent developments is the proliferation of life imprisonment without the possibility of parole (life without parole, or LWOP) in the United States, which swelled by more than four hundred percent between 1992 and 2016 (Maguire et al. 1992, Mauer et al. 2004, Nellis 2017). The number of people serving some form of life imprisonment in the United States (including LWOP, life with parole, and long terms of years amounting in effect to life sentences) now exceeds 200,000 and makes up more than nine percent of the nation's prison population (Nellis 2017). Approximately two-thirds of the life-sentenced population are people of color and approximately half are African American (Mauer & Nellis 2018). Internationally, the use of life sentencing has also increased. The number of people imprisoned for life nearly doubled worldwide between 2000 and 2014 from approximately 261,000 to an estimated 479,000 (Van Zyl Smit & Appleton 2019). Although the United States accounts for more than a third of the world's life sentences, the contemporary rise of life sentencing is rightly seen as an international phenomenon.

The growth of life sentencing in recent years has come with a stark shift in perspective about what life sentences do. In the United States, for most of the twentieth century, the life sentence was received as a staple of an indeterminate sentencing paradigm, providing an opportunity for rehabilitation and a reasonable expectation of release (Reitz 2012, Van Zyl Smit 2002, Van Zyl Smit & Corda 2017). Today, however, life without parole sentences are understood as punishments that confine individuals in prison until death (Seeds 2018, Simon 2012, Tonry 2016), a meaning that both fuels the use of life without parole and stimulates challenges against it as a cruel and unusual punishment and human rights violation (Mauer & Nellis 2018, Ogletree & Sarat 2012, Van Zyl Smit & Appleton 2019). Courts in the United States and around the world have responded by imposing limits on life sentencing in domestic and international law (Mauer & Nellis 2018; Van Zyl Smit & Appleton 2016, 2019).

Yet although life sentences have become more prevalent and more severe, and increasingly topical as a result,<sup>1</sup> in many ways the study of life sentencing still has the feel of a young science. Much of the recent work on life sentencing is a primarily descriptive enterprise—surveying population statistics, reporting legal decisions, and identifying differences in the form and scope of laws and practices across jurisdictions. It is telling that Dirk Van Zyl Smit & Catherine Appleton (2019, p. 86) describe their groundbreaking effort to inventory the prevalence and practice of life imprisonment worldwide as a work of “description and classification,” one principally concerned with identifying how the punishment is used and providing an “essential baseline” for future discussion and analysis. The types of criminological and sociolegal research that one might expect to find on such a prominent sanction and practice—such as studies of the deterrent effects of life sentences relative to long or short fixed-term sentences, studies of the causes of racial disproportionality in life sentencing, or studies of the diffusion of life-sentencing-related laws and policies—remain to be done. Developments of the past half-century in the United States and abroad have altered the landscape of life imprisonment, and scholars and analysts have begun to map the new terrain, setting foundations for future study, but social science dedicated to this phenomenon that

---

<sup>1</sup>Since the US Supreme Court decisions restricting the use of LWOP for juveniles [see *Graham v. Florida* (2010), *Miller v. Alabama* (2012), *Montgomery v. Louisiana* (2016)], and the European Court of Human Rights decisions restricting whole life sentences for all prisoners (see *Vinter and Others v. The United Kingdom* 2013)], legal commentary has blossomed. In the United States in the past decade, LWOP sentencing has been the subject of a sizable number of substantive journalistic inquiries.

increasingly defines the upper end of the penal complex is just beginning. Imprisonment for life is a nascent research field at a point of expansion.

This review is organized around three areas in which scholarship on life sentencing has developed in recent decades and is currently expanding its perspective. These are areas in which thinking about life sentencing has been altered by the developments of the past half-century, both in the United States and abroad. The first is historical, tracing the life sentence from its fashioning as a keystone of the indeterminate sentencing system in the United States at the turn of the twentieth century, where it epitomized rehabilitation and release, to its contemporary role as an archetype of long fixed-sentencing schemes that prioritize incapacitation and public safety. In the life sentence, the potential for leniency has always coexisted with the potential for severity (Pifferi 2016, Reitz 2012), but that balance has shifted in the past half-century to favor the latter. The article's first section synthesizes that change in punishment and how scholars have turned to address it.

The second area concerns the object of inquiry itself. As one criminologist suggested, a life sentence may be the "sentence nobody can understand" [Van Zyl Smit & Appleton 2016, p. 218, citing Windlesham (1993)]. By definition open-ended, a life sentence does not specify a number of years or a particular event (such as execution) at which the punishment terminates; the punishment's actual length as such is impossible to define without information on back-end release practices such as parole or executive clemency. Furthermore, sentences that in fact imprison for life come in a variety of forms. Life sentences are frequently divided into two areas, life with parole and life without parole, but punishments lacking the formal categorization of a life sentence also result in death in prison. The article's second section addresses fundamental questions of definition and measurement that arise in the study of life imprisonment, on which a unified approach is still lacking in analysis and scholarship. Surveying how scholars, analysts, and courts in the United States and abroad have addressed these questions accentuates the importance of ironing out matters of definition and measurement for law, policy, and research.

The increased use and changed meaning of life sentences and related punishments have had a palpable impact on the many people serving those sentences and the correctional institutions that hold them. In the United States, thousands of individuals sentenced to LWOP or extremely long terms of years in the late twentieth century have gradually become elderly in prison. They face physical and psychological pains beyond those that incarceration already presents. An aging prison population, in addition, places demands on institutions to provide geriatric and palliative care. The article's third section examines how research on the experience of life imprisonment—long focused on the processes by which people adapt and transform throughout the early and mid stages of the punishment—has broadened to address how prisoners and prisons manage health care as lifers encounter old age and death. As the age and mortality rate of prison populations increase, the experience of ending life in prison and the capacity of prisons to provide geriatric and palliative care become increasingly important sites of research.

The review concludes by pointing to several areas in which social scientific research on life sentencing has more to contribute going forward: research on the efficacy of life sentencing (in terms of deterrent impact, cost, and more) relative to lesser punishments; research on how racism and racial discrimination impact life sentencing and are produced and reproduced by it; and research, both historical and contemporary, on how life sentencing and perpetual confinement more generally intersect with other sentencing policies and criminal justice reform strategies. Throughout, the article uses the United States as a key example while taking into account research on international laws, practices, and penal histories.<sup>2</sup> The problematic of life sentencing has changed from a

---

<sup>2</sup>This article surveys only work published in English, in original or in translation. There is literature published in languages other than English that thinks deeply about life sentencing and, more generally, the balance

half-century ago. Research on life sentences is an important and growing field, but with significant gaps and interesting avenues on the horizon.

## **FROM REHABILITATION TO EXCLUSION: HISTORICAL DEVELOPMENTS IN THE USE AND MEANING OF LIFE SENTENCING**

In the United States, the past century has seen the life sentence transform from a cornerstone of an indeterminate sentencing system focused on rehabilitation and release to an exemplar of a quite different penal model, a tough and exclusionary approach to punishment. Internationally, too, the use of life sentencing has surged in the past two decades. This section sets life sentencing in a historical context and highlights an important trajectory of research: scholarship on the proximate causes that have produced the contemporary rise in life sentencing.

### **Life Sentencing: Then and Now**

In the early United States, the life sentence originally existed as a holdover from British law. Life sentences were on the books primarily for repeat offenses and were used rarely, in part because states lacked the resources to hold prisoners for substantial amounts of time (Van Zyl Smit 2002). The limited statistics available on life sentencing in the nineteenth century suggest that when life sentences were used, they were applied unevenly and that time served before release varied within and across jurisdictions (Wines & Dwight 1867). At a pivotal juncture for US punishment around 1870, penal reformers presented data on life sentencing from a half dozen jurisdictions to back the argument that existing sentencing and release practices were arbitrary: for one, life sentences often amounted to approximately 6 years in prison, less time than many fixed terms; in addition, release decisions depended on executive clemency, a subjective matter of mercy that often involved graft (Wines 1870, Wines & Dwight 1867).

Reformers proposed that states adopt instead a system in which the precise end of a prison term would not be forecast at the time of sentencing. This indeterminate sentencing system cast the prison as a site of treatment and rehabilitation, and in it the life sentence was a vital instrument. Given its open-ended character, the life sentence epitomized the reform strategy, providing prisoners an opportunity to change and leaving it to the expertise of a parole board to determine whether an individual was sufficiently rehabilitated to safely release from prison (Brockway 1870; see Petersilia 1999, Pifferi 2016, Reitz 2012). However, as reformers of that era and contemporary scholars alike have emphasized, the indeterminate sentencing model was a two-sided affair with a “double soul” (Pifferi 2016). For if a prisoner was deemed to have failed their chance (Wines 1904), a decision often laden with racial stereotype and prejudice (Dichter 2017), social protection would outweigh rehabilitation and result in lifetime confinement (Reitz 2012, Seeds 2019a). From the late nineteenth century through the first two-thirds of the twentieth century, US states adopted indeterminate sentencing to varying extents (Reitz 2012, Rhine et al. 2017), and a “congruity of philosophy and practice across the country remained in place until the 1970s” (Van Zyl Smit & Corda 2017, p. 426).

The sentence of life imprisonment without the possibility of parole takes its name from that era of penal reform. A vestige of executive clemency arrangements that preceded the indeterminate system, life sentences without parole existed in states that did not adopt parole or withheld from

---

between the punishment for serious crimes and respect for the human dignity of prisoners. Conversations about life sentencing in the United States could benefit from greater attention to scholarship abroad (including work on life sentencing and other perpetual punishment) that has yet to appear in translation.

parole boards the authority to review punishments for the most serious crimes. Under a life without parole sentence, discretion to release remained with the governor, but a life without parole sentence did not necessarily prohibit release [Gottschalk (2015), discussing Louisiana; Seeds (2019b), discussing Pennsylvania]. Life with parole and life without parole sentences, alike, could result in release, just as either could preclude it: Defendants in Louisiana accepted plea bargains to life without parole sentences with the understanding they were eligible for review and release after 10 years and 6 months (Foster 1988, Glover 1990, Nelson 2009); criminologists evaluating life-sentencing practices in early-twentieth-century Pennsylvania found clemency a more reliable method for release than parole (Kolasko 1937). In the early 1970s in many states, life with parole and life without parole sentences alike were reported to average between 10 and 20 years (Powers 1972).

The life-sentencing standards of 50 years ago are faintly recognizable today. Just as the life with parole sentence was at the crux of the transformation in US punishment at the end of the nineteenth century, the life without parole, or LWOP, sentence stands among the most prominent penal developments of the late twentieth century. Criminologists and corrections professionals began to give occasional attention to LWOP in the 1980s (Cheatwood 1988, MacDonald & Morgenbesser 1984, Rowan & Kane 1991–1992, Stewart & Lieberman 1982, Wright 1990). From the late 1980s onward, LWOP sentencing burgeoned (Maguire et al. 1992, Nellis 2017), and it did so along multiple vectors (Gottschalk 2012), e.g., as a death penalty alternative (Harv. Law Rev. 2006); as a sanction imposed for repeat offenses, drug offenses, and sex offenses (Appleton & Grover 2007, Gottschalk 2012, Ogletree & Sarat 2012); and as punishment for violent as well as nonviolent crimes (Turner & Bunting 2013). As with the death penalty, the distribution of LWOP sentences is weighted in a handful of US states (see Nellis 2017). Unlike the death penalty, however, there are few recognizable regional patterns.

More than proliferate, LWOP markedly hardened in character. LWOP now squarely means a perpetual prison sentence (Ogletree & Sarat 2012), not merely a sentence reviewed by a governor rather than a parole board. Following this interpretation, the US Supreme Court has deemed LWOP a uniquely severe prison sentence (*Harmelin v. Michigan* 1991) and prohibits its use for juveniles convicted of nonhomicide crimes and, in all but the rarest of cases, juveniles convicted of homicide offenses (*Grabam v. Florida* 2010, *Miller v. Alabama* 2012, *Montgomery v. Louisiana* 2016). Governors, legislators, judges, prosecutors, victims' advocates, and death penalty opponents alike tout LWOP as reassurance that criminals will never be released from prison (Gottschalk 2015, Lynch 2016, Van Zyl Smit 2002, Zimring & Johnson 2012).

LWOP is a symbolic vehicle loaded with social and cultural cues. Prominent among those cues is LWOP's standing as a status reward for victims, exemplifying a zero-sum equation between victims and criminals (Zimring & Johnson 2012; see Simon 2014a).<sup>3</sup> The anti-death-penalty movement, simultaneously, has presented LWOP as a lesser alternative to the death penalty, cloaking the severe punishment with an appearance of leniency (Haines 1996, Miao 2020, Simon 2014b, Vannier 2019, Zimring & Johnson 2012). LWOP functions, more fundamentally, as a symbol of exclusion. In the United States, the symbolic and expressive aspects of life sentencing are deeply intertwined with the nation's history of slavery and racial discrimination (Dolovich 2012, Girling 2016, Simon 2012). LWOP sentences and laws, now exemplary of contemporary US punishment (Dolovich 2012; Simon 2012, 2014a), are symbolic acts that reflect penal values (Rogan 2018) and have the potential to induce social patterns imbued with a racialized politics of exclusion.

---

<sup>3</sup>Other forms of perpetual confinement can carry similar semiotic content: e.g., a governor refusing clemency; a governor vetoing parole grants; or a parole board consistently denying release (Dolovich 2012, Simon 2012, Zimring & Johnson 2012; see, generally, Garland 2007).

As life-without-parole sentencing has changed tenor, the balance favoring chance over failed chances that was so fundamental to the Progressive Era vision of life with parole sentences (Wines 1904) has shifted as well. Although the mechanics of parole review are more or less the same, parole boards now consist of more commissioners with ties to law enforcement, deferrals between parole hearings are longer, victim testimony plays a more significant role [see Aviram (2020) and Young (2016) on California] and, more generally, the way in which parole commissioners approach release decisions has changed (Aviram 2020; Simon 1993, 2012). Parole decisions turn more on risk and public safety and less on individual reform (Reitz 2012, Reitz & Rhine 2020, Rhine et al. 2017, Van Zyl Smit & Corda 2017). Policy analysts have charted how parole release retrenched between the 1980s and the early 2000s (Ghandnoosh 2017) and how many courts across the United States have reflexively denied parole to people sentenced to life terms as juveniles (Mehta 2016). Yet, with exceptions (Aviram 2020, Young 2016), relatively little in-depth attention has been paid in recent criminal justice research to parole-release decision-making for lifers (Reitz & Rhine 2020). As parole becomes a less expected outcome, the distance between life with parole and LWOP again begins to close; only now, rather than presenting an opportunity for release, each heralds imprisonment until death.

To view any life sentence as one that provides a chance is in many ways a distinctly American outlook. Historically, in European states—which held to determinate rather than indeterminate sentencing systems during years of transformative penal change in the late nineteenth and early twentieth centuries (Pifferi 2016)—the life sentence occupied a more limited space and has been received with far more caution. As Michele Pifferi (2016) notes in his comparative study of US and European penology, in Europe the indeterminate sentence is not seen as presenting opportunity but rather a hold on the entire life of an individual and, to that effect, as an abuse of power. This perspective is reflected in European treatises on life sentencing, which take issue with the very notion of a life sentence, with or without parole, and may even go so far as to view life imprisonment as a sanction characteristic of an absolutist state (Weber 1999, reviewed by Van Zyl Smit 2001). Scholarship on prisoners in England and Wales and Nordic countries highlights the degree to which the uncertainty of release on a parole-eligible life sentence imposes psychological suffering (Crewe 2011, Jewkes 2005, Lappi-Seppälä 2016). These contrasting perspectives on parole-eligible life sentences in the United States and Europe illustrate how institutional histories and cultures have deep-rooted implications for penal policy.

In recent years, nevertheless, use of life sentencing has increased in European states (see, e.g., Griffin 2018) and other nations, including some historically skeptical of life sentences (Gumboh 2017). Life imprisonment is now authorized by statute in 183 countries; it is the most severe penalty in 149 of those nations and all international criminal courts (Van Zyl Smit & Appleton 2019). Countries that never before used life sentences have introduced them (Smith & Jiang 2019). The number of life-sentenced prisoners worldwide has nearly doubled since the millennium (Van Zyl Smit & Appleton 2019).<sup>4</sup>

### **Proximate Causes of the Rise in Life Sentencing**

A key question arises from the foregoing: What gave rise to this proliferation and transformation in life sentencing? In large part, prevailing accounts of the rise of life sentences have been rooted in professional knowledge and experience but advanced without the benefit of in-depth

---

<sup>4</sup>Five countries—the United States, the United Kingdom, South Africa, Turkey, and India—drive this upward trend (Van Zyl Smit & Appleton 2019).

empirical research. A budding line of scholarship concerns the processes by which the remarkable transformation in LWOP sentencing occurred in the United States.

One prominent narrative concerning the rise of LWOP sentencing sees it as a product of death penalty abolition efforts. The temporary invalidation of capital punishment in *Furman v. Georgia* in 1972, it is argued, spurred a rush to laws authorizing LWOP; then, after the death penalty was reinstated in 1976, lawyers and activists challenging the death penalty championed LWOP (Harv. Law Rev. 2006). The argument that death penalty abolition efforts fueled LWOP gels with the pronounced role LWOP has played as an alternative to capital punishment in recent decades.<sup>5</sup> And the temporary abolition of the death penalty in *Furman* certainly brought attention to life-sentencing practices, as states assessed how to resentence former death row prisoners (Harv. Law Rev. 2006, Steiker & Steiker 2016, Van Zyl Smit 2002). But the role of death penalty actions and events in the expansion of LWOP has varied across states and over time. Few states, in fact, actually turned directly to LWOP after *Furman* (C. Seeds, unpublished results); more turned to LWOP as a death penalty alternative in the 1980s, 1990s, and 2000s (Seeds 2018, Tonry 2016, Vannier 2019). Scholars are right to be concerned that capital punishment has provided moral camouflage for LWOP (Zimring & Johnson 2012). Yet rather than a principal driver of LWOP's rise, death penalty efforts are best seen as one factor, of varying importance, in a bigger picture.

Another prominent account of LWOP's growth sees it as a product of tough-on-crime penal policy, brought about during the War on Drugs and in truth-in-sentencing, mandatory minimum, and three-strikes laws (Mauer et al. 2004, Ogletree & Sarat 2012, Spohn 2014, Tonry 2016, Van Zyl Smit 2002). Michael Tonry (2016, p. 84) finds a majority of LWOP laws were enacted from the late 1980s to the mid-1990s and rightly suggests they "are at least in part attributable to the same social and political forces that supported enactment of three-strikes and truth-in-sentencing laws." Similarly, lawmakers turned to LWOP as punishment for aggravated sex offenses in the late 1990s and early 2000s (see Seeds 2017; Simon 2014b). The way in which LWOP grew in harsh sentencing policies was also, in part, a gradual occurrence. The late 1980s and 1990s saw a rising tide of punitive sentencing, in which a tough-on-crime ethos and penal populism fueled a gradual upward trend in long mandatory sentences, with life sentences at the pinnacle (Blagg et al. 2015, Foster 1995; see Schoenfeld 2018).

Over the past decade, several scholars have identified the need for empirical research on the proximate causes and specific processes that produced LWOP sentencing at the state and local levels (Gottschalk 2012, Tonry 2016, Zimring & Johnson 2012). New research ventures in this direction, working with archival data and other primary source material. Vannier's (2019) research on California establishes how opponents of capital punishment, particularly from the millennium onward, influenced the public's perception of LWOP—normalizing LWOP by obscuring its severity in an effort to wrangle broader support for their effort to abolish the death penalty. Seeds (2018) excavates the history of LWOP sentencing in Florida, the state that has imposed more such sentences than any other. Alongside death penalty abolition efforts and tough-on-crime policy, he recognizes the importance of broader transformations in penal systems and identifies how LWOP precipitated as state actors sought to achieve greater fairness in sentencing and release procedures. In the 1970s and 1980s in the United States, some jurisdictions cut back on or eliminated parole, rendering sentences that were once life with parole sentences as life without (Seeds 2018).

---

<sup>5</sup>Although it remains unclear precisely how much of the substantial reduction in death sentences since the millennium is attributable to LWOP's presence as an alternative sentence (Garrett 2017, Steiker & Steiker 2016), the divergence in LWOP and death-sentencing trends is marked (Death Penal. Inf. Cent. 2019, Nellis 2017). For more on correlations between LWOP and death-sentencing trends, see Miao (2020).

Governors retreated from granting clemency, rendering LWOP effectively death in prison (Foster 1988, Gottschalk 2012, Rowan & Kane 1991–1992, Seeds 2019b).<sup>6</sup> Anti-death-penalty efforts and tough-on-crime politicking must be seen against the backdrop of a broader criminal justice history.

One area that demands more attention with respect to the proximate causes of LWOP in the United States is institutional capacity. Historically, limited prison resources curtailed the use of life sentences. A side product of the massive prison expansion in the United States in the late twentieth century was to allow greater use of life sentencing without provoking resource concerns (Zimring 2019).

Research on the introduction of life sentencing internationally indicates similar mechanisms. Some of the recent surge of life sentencing worldwide is attributable to developments in the death penalty context, as abolition or partial abolition of capital punishment has spurred greater use of and attention to life sentences (Mujuzi 2009, 2016; Smith & Jiang 2019). The role of the life sentence as a political response to crime that shocks the public conscience is also evident (Dhanuka 2016, Vannier 2016a). Death penalty abolition itself may open the door to the politically symbolic use of life sentencing, as Lévy (2016) notes discussing the introduction of LWOP sentences in Hungary [see also Landa Gorostiza (2016) on Spain and Vojta (2016) on countries of the former Yugoslavia]. As with the study of LWOP in the United States, knowledge of how life sentencing factors in criminal justice systems and of the proximate causes of its growth must be developed through fine-grained studies of state and local laws and practices. Death penalty abolitions, high profile crimes, and political opportunism generate life sentences.<sup>7</sup> Life sentences also come about as institutional frameworks and local history and culture shape laws, policies, and practices. In international work, as in the United States, foundations have been laid for research that can more deeply describe and explain life sentences and their proximate causes.

## FROM LIFE SENTENCES TO PERPETUAL CONFINEMENT: SPECIFYING THE OBJECT OF LIFE-SENTENCING RESEARCH

The previous section discusses a historical shift of emphasis from rehabilitation and release to incapacitation and permanent exclusion. Recent research reflects a reorientation of thought on life sentencing in yet another, related way. Analysts and researchers charting life imprisonment in the United States (Mauer & Nellis 2018) and worldwide (Van Zyl Smit & Appleton 2016, 2019) have begun to look beyond formal life sentences and include in the conversation other forms of punishment, such as long terms of years likely to outlast a prisoner's lifespan (Henry 2012; Henry et al. 2018; Mauer & Nellis 2018; Van Zyl Smit & Appleton 2016, 2019) and postconviction preventive detention (Van Zyl Smit & Appleton 2016, 2019). Raised here is an alternative way of framing the object—a category whose boundaries encompass penal practices that are reasonably likely to result in death in prison rather than sanctions with the formal designation of a life sentence.

This section reviews research on life sentencing by highlighting this conceptual move and some of the questions that it brings to the fore: What are we speaking of when we speak of a life sentence? What forms of punishment does the category include? How does one measure and compare those

---

<sup>6</sup>In the late twentieth century, prison-based journalism provided accounts of changes in sentencing laws and back-end practices that stand as a valuable source of information on life sentences. Best known is *The Angolite*, a prisoner-edited journal published at the Louisiana State Penitentiary in Angola, LA, which for decades has covered life-sentencing-related developments in politics and penal law and policy and the impact on those serving life sentences (Glover 1990, Nelson 2009, Rideau & Wikberg 1992; see Foster 1988, Kennedy 2013).

<sup>7</sup>On the role of executive practices of review on life sentences internationally, see, for example, Gumboh (2017) on Malawi, Lévy (2016) on Hungary, and Lappi-Seppälä (2016) on Nordic countries.



forms? The section begins by addressing the variety of forms of punishment that may amount to death in prison and recognizing how nations employ those forms in different ways based on local history and culture. The section then addresses issues of measurement, which stem from the life sentence's open-ended character but become especially pressing when the category is expanded to include more than formal life sentences. The section ends by assessing the value of using perpetual confinement as an analytical frame (rather than a category limited to formal life sentences). Such an alternative categorization—whether labeled death in prison (Henry 2012), perpetual confinement (Seeds 2019a), or otherwise—may more accurately capture what is important and provide a more meaningful baseline for social science research, legal challenges, and policy reform.

## Varieties of Form

In their survey of life imprisonment worldwide, Dirk Van Zyl Smit & Catherine Appleton (2019) develop a typology of life imprisonment that includes more than sentences formally designated as life (i.e., life with parole, life without parole, whole life). For Van Zyl Smit & Appleton, life imprisonment also includes (a) fixed terms of years that outlast lifespans, often referred to as de facto LWOP (Schmitt & Konfrst 2015, Van Zyl Smit & Appleton 2019) or virtual life sentences (Henry et al. 2018, Villaume 2005), and (b) postconviction indefinite detention, an intervention that authorizes confinement, sometimes in the form of a civil commitment, beyond the imposed prison sentence that may be lifelong (Van Zyl Smit & Appleton 2019).

Although the attention devoted to LWOP in the United States is well deserved, overplaying LWOP's distinctiveness obscures other combinations of laws and practices that states use to produce the same result. In the United States, Alaska authorizes a 99-year prison term instead of LWOP for the most serious crimes (Nellis 2017). Texas did not use LWOP until 2005 but theretofore relied on 40-year mandatory minimum terms (Harv. Law Rev. 2006). Less than one percent of the prison population in Indiana is sentenced to LWOP, but nearly nineteen percent is serving a sentence of longer than 50 years (Henry et al. 2018). In each of these jurisdictions, virtual life sentences occupy a place that LWOP sentences do elsewhere.

Internationally, in countries where formal life sentencing historically has been prohibited or hardly used, virtual life sentences play a similar role [see de León Villalba (2016) on Latin America, Fitz-Gibbon (2016) on Australia, Frisso (2016) on Brazil, Landa Gorostiza (2016) on Spain, López Lorca (2016) on Latin America, and Mujuzi (2016) on Uganda]. Latin America has been called a life-imprisonment-free zone, as only six of nineteen Spanish-speaking countries in the region authorize life imprisonment (López Lorca 2016). Javier de León Villalba [2016, p. 332, citing Brewer-Carías (2008)] attributes the absence of life sentencing in most Latin American nations to political histories: “Most Latin American states,” he explains, “joined the regional human rights system during their democratic transition processes, which led to the constitutionalization of human rights [norms prohibiting life sentences] in national jurisdictions.” Yet although human rights provisions prevent formal life sentencing, this does not necessarily result in lenient penal policy or an absence of de facto death-in-prison terms. One finds robust use of long-term prison sentences in Latin American countries, which allow maximum prison terms of 20 to 60 years (de León Villalba 2016). Extremely long prison terms, López Lorca (2016) forecasts, will soon be the focal penological issue in the region.

Brazil presents a related example. The 1934 Democratic National Constitution espoused a principle of reintegration and prohibited life imprisonment; later, dictatorships authorized life sentences for political prisoners. Today, the national constitution again prohibits life sentencing, but there are efforts to increase the maximum term to 50 years given the rise in the average life expectancy of the Brazilian population (Frisso 2016). The severity of punishment in Brazil, and

elsewhere in Latin America, is amplified as well by extreme prison conditions (de León Villalba 2016, Frisso 2016).

In other nations, preventive detention is prominent [see Coninx (2016) on Switzerland, Dessecker (2016) on Germany, Lappi-Seppälä (2016) on Nordic countries, and Van Zyl Smit (2002) on Germany; see also Appleton & Van Zyl Smit (2016) discussing the sentence of imprisonment for public protection in England and Wales between 2005 and 2012]. In Switzerland, life sentences are used narrowly (only for murder and genocide) and receive mandatory review after 15 years; preventive detention, however, is authorized broadly and may be lifelong (Coninx 2016). Nordic countries employ different combinations of life sentences and preventive detention, their practices having diverged over the past half-century (Lappi-Seppälä 2016, Schartmueller 2019). As with long-term sentences in Latin America, the extent to which different nations use preventive detention is deeply rooted in local penal history and cultural tradition (Lappi-Seppälä 2016, Van Zyl Smit 2002). In sum, the matter of how to punish serious and violent crime is a universal problem for governments (see Vojta 2016), in response to which states turn to a variety of forms of punishment that confine until death. The absence (or minimal use) of formal life sentencing does not necessarily reflect leniency or a lack of practices that confine individuals for their entire lives.

### Problems of Measurement

As commentators increasingly look beyond formal life sentences to additional forms of punishment for life, questions of comparison and measurement naturally arise. When is one form like another? Can a life sentence with parole amount to perpetual confinement? When does a virtual life sentence become the functional equivalent of LWOP? This section reviews how scholars, analysts, and courts have grappled with these questions.

**What does life mean?** Technically, a life sentence is one in which the length of sentence is expressly withheld in order to allow a subsequent determination following review by a parole board, governor, or pardons committee. When US reformers repackaged the life sentence in the indeterminate sentencing system a century ago, the ideal of an expert panel of parole commissioners making individualized determinations about rehabilitation was of the essence (Pifferi 2016, Wines 1904). Today, the character of life sentencing has changed, yet review for release remains a focal point. This is true worldwide. When courts have stepped in to regulate life sentencing [for example in *Graham v. Florida* (2010), *Miller v. Alabama* (2012), or *Vinter and Others v. The United Kingdom* (2013)], it is in scrutinizing what review procedures exist and how and by whom they are implemented that courts have distinguished acceptable life sentences from those violating the law.<sup>8</sup> Just as the capital sentencing hearing is a foundational and unique element of the modern death penalty, review for release is a singularly critical element of life sentences. Ultimately, what a life sentence means is bound up with review procedures.<sup>9</sup>

---

<sup>8</sup>The quality of review is at the crux of the United States Supreme Court's and the European Court of Human Rights' interpretations of whether states' and nations' laws and practices satisfy constitutional and international human rights principles. In *Vinter*, the European Court of Human Rights held that a life sentence violates Article 3 of the European Convention on Human Rights if it does not allow a reasonable prospect, both on paper and in practice (de jure and de facto), for review and release. In other words, there must be a specified legal procedure for review and also a reasonable possibility of release via that procedure.

<sup>9</sup>Scholars have raised the related question of whether a state can even have a meaningful review for release without providing adequate opportunities for people serving life-sentences to take programs and receive

While open-endedness was the source of the life sentence's appeal for champions of indeterminate sentencing and individualization of punishment, for researchers the ambiguity of life demands certain groundwork. Given the essential role of back-end practices, the length of a life sentence—and, in effect, its severity—cannot be determined without information on actual time served. The same information is needed for reliable interstate and cross-national comparisons of life sentences (see, generally, Pease 1994). Statistics on time served, however, are available in some jurisdictions [see, for example, Vannier (2016a), reporting on France] but not others. Not all US states have kept regular accounts of time served on life sentences. Some reports and analyses include these data [Powers 1972, MacDonald & Morgenbesser 1984; see Sheleff (1988) discussing Minor-Harper & Greenfeld (1985)], but life-sentence statistics are commonly reported without information on time served before release.

The foregoing has implications for measurement and comparison over time because practices and expectations concerning release on life sentences can change. In the late 1980s, criminologist Derral Cheatwood (1988, p. 44) observed that although an LWOP sentence may reflect an attempt to banish a person for the rest of their life, “these statutes are not all that the public or practitioners in the field assume them to be. They do not, in fact, guarantee life without any possibility of release. . . .” “So long as the life-without-parole sanction is applied to relatively small numbers of persons and the sentences of these persons are commuted quietly after twenty or more years,” he noted optimistically, “it is probable that there will be no great public outcry against this method of release” (Cheatwood 1988, p. 50). What Cheatwood estimated is not the case today. Clemency is only rarely granted (Gottschalk 2012, Seeds 2019b), and it is reasonable to expect that a sentence of LWOP will not result in release.

The ambiguity of a life sentence invites yet other measurement issues. Because life does not specify a number, the sentence is difficult to relate to devices, such as good-time credits, that are calculated in terms of days or months. How does one calculate days off of life? One legislative response in the United States has been to not apply credits to life sentences (Seeds 2018), denying people serving life sentences the opportunity to benefit from good behavior in prison. Uganda offers another example. There, the number of days spent in pretrial detention is often subtracted from the sentence, but the uncertainty of how to calculate that benefit in the case of a life sentence has been answered by simply holding it does not apply (Mujuzi 2016). The ambiguity of life has implications for judicial interpretation as well, as it enables overlapping meanings and coexistent, perhaps competing, interpretations [see Lévy (2016) on Hungary, Mujuzi (2009) on Mauritius, and Mujuzi (2016) on Uganda]. Because a life sentence can take on different lengths (up to death in prison), claims about the severity or leniency of a life sentence “have to be examined closely and critically” (Van Zyl Smit & Appleton 2019, p. 64).

**When is a fixed-term sentence a de facto life sentence?** At what point should a long fixed-term sentence be considered a functional equivalent of an LWOP sentence? The US Supreme Court has confronted the question on multiple occasions (*Solem v. Helm* 1983, *Harmelin v. Michigan* 1991) and never squarely answered it. The issue has arisen again following the Court's recent decisions prohibiting juvenile LWOP. To meet constitutional muster under *Graham*, *Miller*, and *Montgomery*, life sentences imposed on juveniles must permit a meaningful opportunity for release in the form of an adequate and timely review by a parole board. Litigants—some of whom have

---

treatment in prison (Vannier 2016a). In the United States, LWOP prisoners tend to come last on the list for programming that is based on the release date, which disadvantages them when seeking clemency (Kazemian & Travis 2015).

been resented to very long terms of years after *Miller* and *Grabam*—have argued that their sentences are de facto LWOP sentences because review for release will not occur before they die. In response, some state and lower federal courts have granted relief and others have not. Some courts have relied on fixed-term cutoffs (e.g., 50 years), whereas others have adopted changeable measures, such as life expectancy or the age of retirement, emphasizing that a person needs time to attain “fulfillment outside prison walls” (*Grabam v. Florida* 2010, p. 79; see Ripper & Johnson 2019, Russell 2014).<sup>10</sup> Others recommend a maximum number of years low enough to avoid most death-in-prison terms. The European Court of Human Rights, following the International Criminal Court, demands review within 25 years (Appleton 2015, Van Zyl Smit & Appleton 2019). Mauer & Nellis (2018) propose review after no more than 20 years.

Determining when a long mandatory minimum sentence or fixed-term amounts to LWOP also poses complications for research. Scholars and analysts choose different numbers of years before parole or an equivalent level of review. The United States Sentencing Commission uses 470 months (39 years, 2 months) as a proxy for a de facto life sentence because the number matches the average life expectancy of individuals serving time in US federal prisons (Schmitt & Konfrst 2015). Blagg et al. (2015), studying Washington State, also selected 470 months as a proxy for a de facto life sentence. The Sentencing Project follows similar reasoning in identifying de facto life as sentences of 50 years or more (Nellis 2017). Henry et al. (2018, pp. 298–99) choose 50 years or more as “a conservative estimate” of “the inmate population who will almost certainly die in prison before completion of their sentence.” Van Zyl Smit & Appleton (2019, pp. 75–76) find 35 years useful to “provide a preliminary picture of the pervasiveness of de facto life sentences in the world.” Although each approach is reasonable in isolation, the variety in the way that scholars and analysts measure life sentences (or death-in-prison sentences) has the potential to reduce the correspondence of data, which could in turn ostensibly slow the growth of knowledge in the research field and by extension hinder its use for litigants and policymakers. If the multiplicity of forms and uses of life sentencing makes it hard to reform (Gottschalk 2013) and if the ambiguity of a life sentence makes it less susceptible to legal challenge (Van Zyl Smit 2006), issues of definition and measurement present obstacles to generalizable social science findings.

### Perpetual Confinement as an Analytical Frame

The turn to include a variety of forms in studies of life imprisonment begs the question: What is it one really wants to capture when calling upon the category of a life sentence? Are formal life sentences what matter or is a category broadened to include other ways of reaching death in prison more important? Is the object in question a legal category (life sentences) or a penal phenomenon (perpetual confinement)? Should we think of death in prison or perpetual confinement as a type of punishment (Henry 2012, Seeds 2019a)? These questions are more than academic.

Adjusting the frame changes the scale of the issue and has the potential to shift how one perceives the problem and its possible solutions. Including more than formal life sentences reveals a more extensive phenomenon. The Sentencing Project (2020) reports that the number of people in the United States now serving life with parole, LWOP, and virtual life sentences combined is greater than the entire national prison population in 1970. Seen in this light—with one in seven

---

<sup>10</sup>As van Hattum & Meijer (2016, p. 144) state, discussing an approach similar to using age of retirement in the Netherlands: “The intention was to release them at a point at which they could participate actively in free society before the detrimental effects of the sentence or the prisoner’s advanced age nullified the change of social rehabilitation.”

US prisoners serving a form of life sentence—a significant role of the prison in the United States appears to be to house people perpetually. Expanding the scope to death-in-prison terms also reframes variation across jurisdictions. Indiana, for example, which has a low number of prisoners serving LWOP but very high number of prisoners serving mandatory minimum sentences of 40 or more years, has among the highest state totals when virtual life sentences are included (Henry et al. 2018). Recognizing the extent to which the prison is used for perpetual confinement should provoke further reflection on the exclusionary nature of contemporary US punishment (Dolovich 2012, Simon 2012) and could bring about greater awareness of the bifurcated character of contemporary criminal justice reform (see Beckett 2018, Beckett et al. 2016, Gottschalk 2015, Seeds 2017).<sup>11</sup>

Using a frame of perpetual confinement also has consequences for judicial interpretation of constitutional and human rights. Litigation and commentary following *Graham*, *Miller*, and *Montgomery* on the sentencing of juveniles have brought the issue to a point. To date, the US Supreme Court has treated LWOP as a singularly severe punishment. But analyzing LWOP and virtual life sentences as different forms of the same issue—as legal commentators and litigants increasingly do—has the potential to extend the range of relief (and reduce the circumstances in which resentencing courts may simply replace one form of death in prison with another). From this perspective, the current focus in US jurisprudence on LWOP as a distinctly severe form of punishment appears quite limited in scope.

Rotating the lens from the formal name of the sentence to the reasonably expected outcome of the punishment, therefore, is a critical conceptual move. The scope of policy reform, legal relief, and research turns on how these categories are measured and defined. Life-sentencing research has reached a place where it is valuable to think more carefully about its object.<sup>12</sup>

## **FROM AWAKENING TO END OF LIFE: RESEARCH ON THE LIVED EXPERIENCE AND PENAL MANAGEMENT OF LIFE SENTENCES**

Research on life-sentencing laws and practices has accelerated since the millennium, but studies of the lived experience of life and long-term imprisonment have long been a staple of criminology and prison sociology. A wealth of social science literature on the pains of long-term imprisonment was produced in the late twentieth century, of which studies of life-sentenced individuals make up much of the core. In recent years, as research on the processes by which people adapt to life and long-term sentences has continued, an additional issue has come to the front—namely, the challenges that incarcerated people face as they grow old and approach the end of life in prison. Researchers, accordingly, have begun to investigate beyond how individuals adjust in the liminal space of a life sentence, examining the terminal experience of death in prison and the role of geriatric and palliative care.

---

<sup>11</sup>Note that studying only formal life sentences is potentially both under- and overinclusive if one wants to analyze sentences that confine people until death. Determining whether life sentences amount to perpetual confinement ultimately requires information on time served before release.

<sup>12</sup>The concept of perpetual confinement itself has fuzzy edges. Beyond formal life sentences, very long terms of years, and preventive detention, there are other avenues to death in prison: e.g., death sentences that never come to execution (Dilts 2015, Girling 2016); pre-arraignment or pretrial permanent detention, as experienced in immigration detention or the Guantanamo Bay detention camp; and sentences that may not exceed life expectancy but that are served under conditions so severe that they foreshorten life (de León Villalba 2016, Frisso 2016).

## Processes of Adaptation

Classic twentieth-century prison sociology emphasized the overarching material environment and sought to articulate models of prison social relations that could be generalized across prisons and prisoners [Goffman 1961, Sykes 2007 (1958)]. Over the past half-century, scholars have worked to develop a more complex picture of how individuals experience life and long-term imprisonment (Flanagan 1995). Contemporary work does not deny the deprivations and pains of imprisonment but in addition concentrates on how individuals confront the challenges of life sentences and engage in productive strategies and routines in response. Influential theories such as mature coping (Johnson & Dobrzanska 2005) and awakening (Irwin 2009) highlight cyclical processes of highs and lows in which life-sentenced prisoners reflect on their crimes and work to give their lives structure and meaning despite circumstances in which release from prison is a distant possibility. Research taking a more phenomenological approach identifies the life sentence as a break in the life course, upsetting the expected chronology of key events and unhinging “the assumptions which informed everyday life in more normal circumstances” (Cohen & Taylor 1972, p. 41; see O’Donnell 2014). Per Yvonne Jewkes (2005), life imprisonment is a sort of limit experience that, not unlike a terminal illness, is disruptive as well as transformative.

As studies of the lived experience of a life sentence have grown in number, research has corroborated existing general frameworks of adaptation and has added complexity, recognizing that people respond to and cope with imprisonment differently based on their individual backgrounds and the character of the prison facility in which they are placed. Lora Lempert (2016), for example, interviews 56 women serving life without parole and 16 women serving parole-eligible life sentences in Michigan and documents distinct aspects of women’s experiences of life sentences that range from the nature of and motivation for the crimes committed to the physical and emotional challenges of long-term incarceration [see also George (2010) on serving a *de facto* life sentence in a women’s prison]. Marion Vannier (2016b) recognizes the particular challenges LWOP sentences pose for women in California prisons as they experience a slow process of bodily aging and decay until death.

A particularly valuable contribution of recent scholarship is the detailed picture it delivers of how people’s responses to a life sentence differ according to the phase of the sentence, early versus middle or late (Crewe et al. 2020, Leigey 2015). A key distinction between the early versus middle and late phases for youth sentenced to life is the diminished capacity for agentic response at an early phase, as individuals navigate entry shock, contrasted with the self-reflective efforts that are characteristic of later responses as individuals come to terms with, first, the fact that their crime caused serious harm and suffering and, second, that they face a very long prison term if not a perpetual one (Crewe et al. 2020, Johnson & Leigey 2020). As Steven Herbert (2019, p. 34) notes, “Life-sentenced prisoners do good works because of the positive impact it can generate for others, but also because they can simultaneously write a new story about themselves, one that can provide a sense of both atonement and hope.” Years of research detailing the maturation and development of people sentenced to life has served to correct the perception that life-sentenced prisoners necessarily present a threat of violence within the prison or upon release.<sup>13</sup> Although people serving life-sentences face substantial deprivations of liberty, privacy, and autonomy—and despite the fact that programming is generally less available to them (Kazemian & Travis 2015; see Gottschalk 2012, Lempert 2016, Vannier 2016b)—individuals sentenced to life are consistently found to pose lower safety risks as they age and mature (Cunningham & Sorensen 2006, Sorensen & Reidy

---

<sup>13</sup>The study of life sentences must also involve prisoner release. On the experience of formerly life-sentenced individuals upon release from prison, see, especially, Appleton (2010) and Liem (2016).



2019; see Mauer & Nellis 2018). Older lifers tend to be a stabilizing and constructive presence in the prison, often serving as mentors to younger prisoners (Herbert 2019, Irwin 2009, Johnson & Dobrzanska 2005, Leigey 2015). Accordingly, the fear of LWOP prisoners as safety risks, held by many in corrections throughout the twentieth century [see, e.g., Seeds (2018) discussing Florida], has subsided (Kazemian & Travis 2015).<sup>14</sup>

## From Awakening to Dying

As research on the processes of adaptation to life imprisonment continues, a related issue has come to the fore. Criminologists anticipated decades ago that the greatest institutional impact of LWOP on corrections—even more than long prison stays translating into a higher prison population—would come from imprisoning people into old age. “Someone in correctional departments with large populations,” Cheatwood (1988, pp. 54–55) urged, “has to begin to think in terms of maximum security convalescent homes.” Today, Cheatwood’s statements appear prophetic. The number of prisoners aged 55 or older has dramatically grown, as has the number of elderly dying in US prisons (Carson & Sabol 2016, Noonan 2016). Although multiple sources contribute to aging-into-dying in the US prison populations (Porter et al. 2016), life sentences are a significant factor. Thousands of people sentenced to life in the late twentieth century have become senior citizens in confinement. The aging crisis posed by life sentences, first recognized years ago, is now coming to fruition.

As a generation of life-sentenced prisoners has advanced from the early and middle stages of life sentences to their end, research on lived experience has begun to follow. Focus has turned beyond the liminality of anticipating death in prison (Fleury-Steiner 2015, Johnson & McGunigall-Smith 2008) to the terminal state of actually dying inside. Aging in prison creates unique hardships—physical, psychological, and social—in addition to the already-present pains of imprisonment (Herbert 2019, Leigey 2015, Williams et al. 2012). Criminological and sociolegal literature examines how older incarcerated people perceive the unique health challenges of aging in prison and the strategies they use to manage their health (see, e.g., Crawley & Sparks 2005, Novisky 2018). Scholars are increasingly attentive to the multifaceted challenges that life and long-term prisoners face as they approach end of life (Handtke et al. 2017, Herbert 2019, Ifene 2019, Mann 2016).

The aging of the prison population is an issue for institutions too. Attention to medical technology and penal medical facilities, and, more generally, the resources dedicated to the medical care of people aging in prison, is a downstream effect of the increasing age of the prison population (Herbert 2019). The very policies that authorize life sentences call for the development of a geriatric and palliative care branch of the prison and greater focus on release practices, such as compassionate release, medical release, and elder parole programs. In many respects, an aging population

---

<sup>14</sup>An additional important insight of recent work has been to emphasize that although adaptive responses can alleviate the pains of imprisonment and bring about transformative change, they may simultaneously generate collateral effects that would be obstacles in the event of release from prison (Crewe et al. 2020). For a comprehensive assessment of social science research on life- and long-term-sentenced prisoners and policy proposals for change in correctional programming, see Kazemian & Travis (2015). For an overview of the literature on adaptation to prison, see Travis et al. (2014). Autobiographical book-length accounts written by people serving life sentences or who formerly served life sentences (Hartman 2010, Hassine 1996), as well as first-person narratives expressing the experience of a life sentence through essay, poetry, podcast, and film (Hartman 2013, Rideau & Wikberg 1992, Tannenbaum & Jackson 2010), provide essential complements to the social science literature.

makes demands a prison is not generally equipped to provide (Williams et al. 2012), complicating the provision of health care that is already a challenge for “understaffed and under-resourced” penal institutions (Herbert 2019, p. 92). In this context, the ways in which prison facilities, staff, and associated specialists are able or unable to meet the needs of the elderly or otherwise terminally ill become a critical point for research: Practices of geriatric and palliative care, the capacity of prison facilities to provide such care, and the medical standards to which penal institutions are held in doing so are of utmost importance.

LWOP and many other life sentences are, as those serving the punishments have long known, the “other death penalty” (Hartman 2013). As the death penalty dwindles, the other death penalty is just reaching its prime. Only, in the case of a life sentence, the technology associated with death is not the electric chair or lethal injection, but the prison hospice and prison health care. In 2011, the US Supreme Court mandated that state penal systems respect the dignity of incarcerated people by eliminating overcrowded and inadequate prison conditions (*Brown v. Plata* 2011; see Simon 2014a). The foreseeable ongoing increase in elderly prisoners portends similar legal challenges, with dignity claims concerning end-of-life care in prison moving to the fore of Eighth Amendment litigation. Accordingly, much more needs to be known about the pains of elderly prisoners and the capacity of corrections institutions to properly care for them (Kazemian & Travis 2015).

## FUTURE DIRECTIONS

One of the earliest calls for a research agenda on LWOP sentencing emphasized the need for greater knowledge of the processes that produce it, the impact of LWOP sentencing on crime rates and criminal justice practices, and the administrative problems it would cause for correctional institutions in terms of costs, security, and health care (Cheatwood 1988). Researchers have begun to look closely at some of these issues, but on other fronts life sentencing is a subfield that is only beginning to develop. The robust academic enterprise that followed the modern death penalty—including studies on deterrent effect, monetary cost, and arbitrariness and discrimination in sentencing—is a reminder of how much can be gleaned about an extreme punishment through criminological inquiry. Yet the effects and efficacy of life sentencing are subjects on which there is currently little research. And there are preliminary questions, discussed above—concerning re-consideration of the object in question and attention to measurement of life sentences to better operationalize findings—that seem fundamental to such work and remain unresolved.

Beyond efficacy, other avenues for future research stand out. Scholars and academic associations have called for deeper attention to the study of how criminal justice processes propagate racism and racial discrimination. Life-sentencing research is an important area for studying race and punishment. Policy reports have already brought to light the disproportionate number of people of color who are serving LWOP sentences in the United States (Nellis 2017). Scholars have emphasized the link between life sentencing, race-based conceptions of incorrigibility and criminality, and the United States’ history of racial oppression and exclusion (Dichter 2017, Dolovich 2012, Simon 2012). There is more to be done on these fronts and far more to learn about how race and racial prejudice factor in the development of life-sentencing laws and practices (Mauer & Nellis 2018) and how assumptions and preconceptions linking race with dangerousness and criminality are generated and regenerated through practices of life sentencing.

Another important direction for future research is a deeper investigation of how life sentencing interacts with other elements of criminal justice. Life sentencing and perpetual confinement more generally are at the crux of several major issues facing the criminal justice system. One of these is the problem of elderly and dying prisoners, discussed above. Another is potential death penalty abolition and, subsequently, LWOP as a replacement penalty (Steiker & Steiker 2020). A



nationwide categorical constitutional abolition may be singular in its effects, but there is a natural experiment happening in the growing number of states that have recently abolished capital punishment from which scholars may glean insights (Steiker & Steiker 2016). There are multiple reasons not to expect a simple transfer of operations from capital punishment to LWOP. With an eye to the future, it is valuable to look more deeply into the relationship between the death penalty, life sentences, and other forms of perpetual confinement (Steiker & Steiker 2016, Zimring & Johnson 2012; for a historical perspective, see Seeds 2018). Research on international practices can be informative here as well.

Yet another reason death-in-prison sentences are a phenomenon in greater need of description and explanation is that they are very often imposed for violent and serious crimes, which to date have been left out of US criminal justice reform. States have engaged in efforts to push back against mass incarceration excesses by reducing punishments for low-level offenses, but often this has come without attention to—and even at the expense of—harsher sentencing for serious and violent crimes (Beckett et al. 2016, Campbell et al. 2020, Gottschalk 2015, Mauer & Nellis 2018, Seeds 2017). The increase in life sentencing alongside prison downsizing, accordingly, should spark queries.

In criminology and neighboring disciplines that study punishment, one finds a scholarly interest in branching out from the prison to study other practices of control, such as monetary sanctions, banishment, and policing. Those avenues of research are extremely important. But in expanding the scope of sociological and criminological research on punishment, scholars also must maintain sight of the substantial prison use that continues and of how the use of the prison is changing—in the United States, where people serving life sentences make up an increasing percentage of the prison population, and internationally, as life sentencing appears in jurisdictions where historically it has been absent. In this light, more research on the history of how life sentencing has developed is vitally important, as is studying the forces that bring about life sentencing today and how penal and social practices develop in turn.

## DISCLOSURE STATEMENT

The author is not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

## ACKNOWLEDGMENTS

I am grateful to Dirk Van Zyl Smit and Catherine Appleton for their comments on an earlier version of the manuscript.

## LITERATURE CITED

- Appleton C. 2010. *Life after Life Imprisonment*. Oxford, UK: Oxford Univ. Press
- Appleton C. 2015. Life without parole. *Oxf. Handb.* <https://doi.org/10.1093/oxfordhb/9780199935383.013.25>
- Appleton C, Grover B. 2007. The pros and cons of life without parole. *Br. J. Criminol.* 47(4):597–615
- Appleton C, Van Zyl Smit D. 2016. The paradox of reform: life imprisonment in England and Wales. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 217–40. Oxford, UK: Hart Publ.
- Aviram H. 2020. *Yesterday's Monsters: The Manson Family Cases and the Illusion of Parole*. Oakland, CA: Univ. Calif. Press
- Beckett K. 2018. The politics, promise, and peril of criminal justice reform in the context of mass incarceration. *Annu. Rev. Criminol.* 1:235–59

- Beckett K, Reosti A, Knaphus E. 2016. The end of an era? Understanding the contradictions of criminal justice reform. *Ann. Am. Acad. Political Soc. Sci.* 664(1):238–59
- Blagg D, Brown M, Buchanan A, Ellis B, Gee O, et al. 2015. *Life without parole sentences in Washington State*. Rep., Univ. Wash. Law Soc. Justice Progr., Seattle. <https://lsj.washington.edu/research/undergraduate/life-without-parole-sentences-washington-state>
- Brewer-Carías AR. 2008. *Constitutional Protection of Human Rights in Latin America: A Comparative Study of the Amparo Proceeding*. Cambridge, UK: Cambridge Univ. Press
- Brockway Z. 1870. The idea of a true prison system for a state. In *Transactions of the National Congress on Penitentiary and Reformatory Discipline*, ed. E Wines, pp. 38–65. Albany, NY: Argus Co.
- Brown v. Plata*, 563 U.S. 493 (2011)
- Campbell M, Schoenfeld H, Vaughn P. 2020. Same old song and dance? An analysis of legislative activity in a period of penal reform. *Punishm. Soc.* 22(4):389–412
- Carson EA, Sabol WJ. 2016. *Aging of the state prison population, 1993–2013*. Bur. Justice Stat. Rep. NCJ 2487665, Dep. Justice, Washington, DC. <https://www.bjs.gov/content/pub/pdf/asp9313.pdf>
- Cheatwood D. 1988. The life-without-parole sanction: its current status and a research agenda. *Crime Delinquency* 34:43–59
- Cohen S, Taylor L. 1972. *Psychological Survival: The Experience of Long-Term Imprisonment*. London: Penguin
- Coninx A. 2016. Life without parole for preventive reasons? Lifelong post-sentence detention in Switzerland. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 435–60. Oxford, UK: Hart Publ.
- Crawley E, Sparks R. 2005. Older men in prison: survival, coping, and identity. In *The Effects of Imprisonment*, ed. A Liebling, S Maruna, pp. 343–65. London: Willan
- Crewe B. 2011. Depth, weight, tightness: revisiting the pains of imprisonment. *Punishm. Soc.* 13(5):509–29
- Crewe B, Hulley S, Wright S. 2020. *Life Imprisonment from Young Adulthood: Adaptation, Identity, Time*. London: Palgrave Macmillan
- Cunningham MD, Sorensen JR. 2006. Nothing to lose? A comparative examination of prison misconduct rates among life-without-parole and other long-term high-security inmates. *Crim. Justice Behav.* 33(6):683–705
- Death Penal. Inf. Cent. 2019. *The death penalty in 2019: year end report*. Rep., Death Penal. Inf. Cent., Washington, DC. <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2019-year-end-report>
- de León Villalba F. 2016. Long-term imprisonment in Latin America. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 329–48. Oxford, UK: Hart Publ.
- Dessecker A. 2016. Constitutional limits on life imprisonment and post-sentence preventive detention in Germany. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 411–34. Oxford, UK: Hart Publ.
- Dhanuka M. 2016. A new form of life imprisonment for India? In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 119–40. Oxford, UK: Hart Publ.
- Dichter T. 2017. Worst of the worst: rehabilitationist roots of life without parole. *Law Cult. Humanit.* <https://doi.org/10.1177/1743872117733190>
- Dilts A. 2015. Death penalty abolition in neoliberal times: the SAFE California Act and the nexus of savings and security. In *Death and Other Penalties*, ed. G Adelsberg, L Guenther, S Zeman, pp. 106–29. New York: Fordham Univ. Press
- Dolovich S. 2012. Creating the permanent prisoner. In *Life Without Parole: America's New Death Penalty?*, ed. C Ogletree Jr., A Sarat, pp. 96–137. New York: NYU Press
- Fitz-Gibbon K. 2016. Life without parole in Australia: current practices, juvenile and retrospective sentencing. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 75–96. Oxford, UK: Hart Publ.
- Flanagan T. 1995. *Long-Term Imprisonment*. New York: Sage
- Flcury-Steiner B. 2015. Effects of life imprisonment and the crisis of prisoner health. *Criminol. Public Policy* 14(2):407–16
- Foster B. 1988. Pardons and politics: how it all went wrong. *Angolite* 13(1):33–50
- Foster B. 1995. *What is the meaning of life: the evolution of natural life sentences in Louisiana, 1973–1994*. Paper presented at the Academy of Criminal Justice Sciences Annual Meeting, March 9, Boston, MA

- Frisso GM. 2016. The abolition of life imprisonment in Brazil and its contradictions. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 307–28. Oxford, UK: Hart Publ.
- Garland D. 2007. Rethinking the symbolic–instrumental distinction: meanings and motives in American capital punishment. In *Governance and Regulation in Social Life*, ed. A Brannigan, G Pavlich, pp. 119–30. London: Routledge-Cavendish
- Garrett B. 2017. *End of its Rope: How Killing the Death Penalty Can Revive Criminal Justice*. Cambridge, MA: Harvard Univ. Press
- George E. 2010. *A Woman Doing Life: Notes from a Prison for Women*. New York: Oxford Univ. Press
- Ghandnoosh N. 2017. Delaying a second chance: the declining prospects for parole on life sentences. *The Sentencing Project*. <https://www.sentencingproject.org/publications/delaying-second-chance-declining-prospects-parole-life-sentences/>
- Girling E. 2016. Sites of crossing and death in punishment: the parallel trade-offs and equivalencies of the death penalty and life without parole in the United States. *Howard J. Crime Justice* 55(3):345–61
- Glover M. 1990. Opening the 10–6 floodgate. *Angolite* 15(4):59–64
- Goffman E. 1961. *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. New York: Anchor
- Gottschalk M. 2012. No way out? Life sentences and the politics of penal reform. In *Life Without Parole: America's New Death Penalty?*, ed. C Ogletree, A Sarat, pp. 227–81. New York: NYU Press
- Gottschalk M. 2013. Sentenced to life: penal reform and the most severe sanctions. *Annu. Rev. Law Soc. Sci.* 9:353–82
- Gottschalk M. 2015. *Caught: The Prison State and the Lockdown of American Politics*. Princeton, NJ: Princeton Univ. Press
- Graham v. Florida*, 510 U.S. 48 (2010)
- Griffin D. 2018. The rise of life imprisonment. In *Killing Time: Life Imprisonment and Parole in Ireland*, pp. 39–61. London: Palgrave Macmillan
- Gumboh E. 2017. A critical analysis of life imprisonment in Malawi. *J. Afr. Law* 61(3):443–66
- Haines HH. 1996. *Against Capital Punishment: The Anti-Death-Penalty Movement in America, 1972–1994*. New York: Oxford Univ. Press
- Handtke V, Bretschneider W, Elger B, Wangmo T. 2017. The collision of care and punishment: ageing prisoners' view on compassionate release. *Punishm. Soc.* 19(1):5–22
- Harmelin v. Michigan*, 501 U.S. 957 (1991)
- Hartman KE. 2010. *Mother California: A Story of Redemption Behind Bars*. New York: Atlas Co.
- Hartman KE, ed. 2013. *Too Cruel, Not Unusual Enough*. Lancaster, CA: Other Death Penal. Proj.
- Harv. Law Rev. 2006. A matter of life and death: the effect of life-without-parole statutes on capital punishment. *Harv. Law Rev.* 119:1838–54
- Hassine V. 1996. *Life Without Parole: Living and Dying in Prison Today*. Los Angeles: Roxbury Publ.
- Henry JS. 2012. Death in prison sentences: overutilized and underscrutinized. In *Life Without Parole: America's New Death Penalty?*, ed. C Ogletree Jr., A Sarat, pp. 66–95. New York: NYU Press
- Henry JS, Salvatore C, Pugh B-E. 2018. Virtual life sentences: an exploratory study. *Prison J.* 98(3):294–313
- Herbert S. 2019. *Too Easy to Keep: Life-Sentenced Prisoners and the Future of Mass Incarceration*. Oakland: Univ. Calif. Press
- Iftene A. 2019. *Punished for Aging: Vulnerability, Rights, and Access to Justice in Canadian Penitentiaries*. Toronto: Univ. Toronto Press
- Irwin J. 2009. *Lifers: Seeking Redemption in Prison*. New York: Routledge
- Jewkes Y. 2005. Loss, liminality and the life sentence: managing identity through a disrupted lifecourse. In *The Effects of Imprisonment*, ed. A Liebling, S Maruna, pp. 366–88. London: Willan
- Johnson R, Dobrzanska A. 2005. Mature coping among life-sentenced inmates: an exploratory study of adjustment dynamics. *Correct. Compend.* 30(6):8–9
- Johnson R, Leigey M. 2020. The life-course of juvenile lifers: understanding maturation and development as Miller and its progeny guide juvenile life sentence release decisions. *J. Crim. Justice Law* 3(2):29–46
- Johnson R, McGunigall-Smith S. 2008. Life without parole, America's other death penalty: notes on life under sentence of death by incarceration. *Prison J.* 88(2):328–46
- Kazemian L, Travis J. 2015. Imperative for inclusion of long termers and lifers in research and policy. *Criminol. Public Policy* 14(2):355–95

- Kennedy L. 2013. “Longterm blues”: penal politics, reform, and carceral experiences at Angola. *Punishm. Soc.* 15(3):304–22
- Kolakoski LW. 1937. Comparative study of commutation and regular parole cases for the state of Pennsylvania. *Prison J.* 17:322–27
- Landa Gorostiza J-M. 2016. Long-term and life imprisonment in Spain: release procedures and terrorism. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 389–407. Oxford, UK: Hart Publ.
- Lappi-Seppälä T. 2016. Life imprisonment and related institutions in the Nordic countries. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 461–506. Oxford, UK: Hart Publ.
- Leigey ME. 2015. *The Forgotten Men: Serving a Life without Parole Sentence*. New Brunswick, NJ: Rutgers Univ. Press
- Lempert LB. 2016. *Women Doing Life: Gender, Punishment, and the Struggle for Identity*. New York: NYU Press
- Lévay M. 2016. Constitutionalising life imprisonment without parole: the case of Hungary. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 167–88. Oxford, UK: Hart Publ.
- Liem M. 2016. *After Life Imprisonment: Reentry in the Era of Mass Incarceration*. New York: NYU Press
- López Lorca B. 2016. Life imprisonment in Latin America. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 43–72. Oxford, UK: Hart Publ.
- Lynch M. 2016. *Hard Bargains: The Coercive Power of Drug Laws in Federal Court*. New York: Russell Sage Found.
- Macdonald D, Morgenbesser L. 1984. *Life without parole statutes in the United States*. Div. Progr. Plan. Res. Eval. Rep., New York State Dep. Correct. Serv., New York
- Maguire K, Pastore AL, Flanagan T. 1992. *Sourcebook of criminal justice statistics*. Bur. Justice Statistics Rep. NCJ 143496, Dep. Justice, Washington, DC. <https://bjs.gov/content/pub/pdf/scjs92.pdf>
- Mann N. 2016. Older age, harder time: ageing and imprisonment. In *Handbook on Prisons*, ed. Y Jewkes, J Bennett, B Crewe, pp. 514–28. New York: Routledge. 2nd ed.
- Mauer M, King RS, Young MC. 2004. The meaning of “life”: Long prison sentences in context. *The Sentencing Project*. <https://www.sentencingproject.org/publications/the-meaning-of-life-long-prison-sentences-in-context/>
- Mauer M, Nellis A. 2018. *The Meaning of Life: The Case for Abolishing Life Sentences*. New York: New Press
- Mehta S. 2016. False hope: how parole systems fail youth serving extreme sentences. *American Civil Liberties Union*. <https://www.aclu.org/issues/juvenile-justice/youth-incarceration/false-hope-how-parole-systems-fail-youth-serving-extreme>
- Miao M. 2020. Replacing death with life? The rise of LWOP in the context of abolitionist campaigns in the United States. *Northwest. J. Law Soc. Policy* 15(2):173–223
- Miller v. Alabama*, 567 U.S. 460 (2012)
- Minor-Harper S, Greenfeld LA. 1985. *Prison admissions and releases, 1982*. Bur. Justice Stat. Rep. NCJ 97995, Dep. Justice, Washington, DC. <https://www.bjs.gov/content/pub/pdf/par82.pdf>
- Montgomery v. Louisiana*, 136 U.S. 718 (2016)
- Mujuzi JD. 2009. The evolution of the meaning(s) of penal servitude for life (life imprisonment) in Mauritius: the human rights and jurisprudential challenges confronted so far and those ahead. *J. Afr. Law* 53(2):222–48
- Mujuzi JD. 2016. Life imprisonment and human rights in Uganda. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 97–118. Oxford, UK: Hart Publ.
- Nellis A. 2017. Still life: America’s increasing use of life and long-term sentences. *The Sentencing Project*. <https://www.sentencingproject.org/publications/still-life-americas-increasing-use-life-long-term-sentences/>
- Nelson L. 2009. A history of penal reform in Angola, part I: the immovable object. *Angolite* 34(Sept./Oct.):16–23
- Noonan ME. 2016. *Mortality in state prisons, 2001–2014*. Bur. Justice Stat. Rep. NCJ 250150, US Dep. Justice, Washington, DC. <https://www.bjs.gov/content/pub/pdf/msp0114st.pdf>
- Novisky MA. 2018. Avoiding the runaround: the link between cultural health capital and health management among older prisoners. *Criminology* 56(4):643–78

- O'Donnell I. 2014. *Prisoners, Solitude, and Time*. Oxford, UK: Oxford Univ. Press
- Ogletree CJ, Sarat A. 2012. *Life Without Parole: America's New Death Penalty?* New York: NYU Press
- Pease K. 1994. Cross-national imprisonment rates: limitations of method and possible conclusions. *Br. J. Criminol.* 34:116–30
- Petersilia J. 1999. Parole and prisoner reentry in the United States. *Crime Justice* 26:479–529
- Pifferi M. 2016. *Reinventing Punishment: A Comparative History of Criminology and Penology in the Nineteenth and Twentieth Centuries*. Oxford, UK: Oxford Univ. Press
- Porter LC, Bushway SD, Tsao HS, Smith HL. 2016. How the US prison boom has changed the age distribution of the prison population. *Criminology* 54(1):30–55
- Powers E. 1972. *Parole Eligibility of Prisoners Serving a Life Sentence*. Boston, MA: Massachusetts Correct. Assoc. 2nd ed.
- Reitz K. 2012. The “traditional” indeterminate sentencing model. In *The Oxford Handbook of Sentencing and Corrections*, ed. J Petersilia, K Reitz, pp. 270–98. New York: Oxford Univ. Press
- Reitz KR, Rhine EE. 2020. Parole release and supervision: critical drivers of American prison policy. *Annu. Rev. Criminol.* 3:281–98
- Rhine EE, Petersilia J, Reitz KR. 2017. The future of parole release. *Crime Justice* 46(1):279–338
- Rideau W, Wikberg R. 1992. *Life Sentences: Rage and Survival Behind Bars*. New York: New York Times Books
- Ripper B, Johnson R. 2019. Livable term sentences as alternatives to juvenile life without parole: a sentencing framework based on *United States v. Grant*. *J. Crim. Justice Law* 3(1):58–74
- Rogan M. 2018. Discerning penal values and judicial decision making: the case of whole life sentencing in Europe and the United States of America. *Howard J. Crime Justice* 57(3):321–38
- Rowan M, Kane B. 1991–1992. Life means life maybe? An analysis of Pennsylvania's policy toward lifers. *Duquesne Law Rev.* 30:661–79
- Russell SF. 2014. Review for release: juvenile offenders, state parole practices, and the Eighth Amendment. *Ind. Law J.* 89:373–440
- Schartmueller D. 2019. How long is life? Comparing the processes of release for life-imprisoned offenders in Denmark, Finland, and Sweden. *Eur. J. Crim. Policy Res.* 25(4):391–408
- Schmitt GR, Konfrst HJ. 2015. *Life sentences in the federal system*. Rep., U.S. Sentencing Comm., Washington, DC. [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/20150226\\_Life\\_Sentences.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/20150226_Life_Sentences.pdf)
- Schoenfeld H. 2018. *Building the Prison State: Race and the Politics of Mass Incarceration*. Chicago: Univ. Chicago Press
- Seeds C. 2017. Bifurcation nation: American penal policy in late mass incarceration. *Punishm. Soc.* 19(5):590–610
- Seeds C. 2018. Disaggregating LWOP: life without parole, capital punishment, and mass incarceration in Florida, 1972–1995. *Law Soc. Rev.* 52(1):172–205
- Seeds C. 2019a. Historical modes of perpetual penal confinement: theories and practices before life without parole. *Law Soc. Inq.* 44(2):305–32
- Seeds C. 2019b. Governors and prisoners: the death of clemency and the making of life sentencing without release in Pennsylvania. *Soc. Justice* 46(4):81–105
- Sentencing Proj. 2020. People serving life exceeds entire prison population of 1970. *The Sentencing Project*. <https://www.sentencingproject.org/publications/people-serving-life-exceeds-entire-prison-population-1970/>
- Sheff L. 1988. *Ultimate Penalties: Capital Punishment, Life Imprisonment and Physical Torture*. Columbus, OH: Ohio State Univ. Press
- Simon J. 1993. *Poor Control: Parole and the Social Control of the Underclass*. Chicago: Univ. Chicago Press
- Simon J. 2012. Dignity and risk: the long road from *Graham v. Florida* to abolition of life without parole. In *Life Without Parole: America's New Death Penalty?*, ed. C Ogletree Jr., A Sarat, pp. 282–310. New York: NYU Press
- Simon J. 2014a. *Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America*. New York: New Press
- Simon J. 2014b. The cruelty of the abolitionists. *J. Hum. Rights Pract.* 6(3):486–502

- Smith T, Jiang S. 2019. Making sense of life without parole in China. *Punishm. Soc.* 21(1):70–88
- Solem v. Helm*, 463 U.S. 277 (1983)
- Sorensen JR, Reidy TJ. 2019. Nothing to lose? An examination of prison misconduct among life-without-parole inmates. *Prison J.* 99(1):46–65
- Spohn C. 2014. Twentieth-century sentencing reform movements: looking backward, moving forward. *Criminol. Public Policy* 13(4):535–45
- Steiker C, Steiker J. 2016. *Courting Death: The Supreme Court and Capital Punishment*. Cambridge, MA: Belknap Press
- Steiker C, Steiker J. 2020. The rise, fall, and afterlife of the death penalty in the United States. *Annu. Rev. Criminol.* 3:299–315
- Stewart J, Lieberman P. 1982. What is this new sentence that takes away parole? *Stud. Lawyer* 11:14–17, 39
- Sykes G. 2007 (1958). *The Society of Captives: A Study of a Maximum Security Prison*. Princeton NJ: Princeton Univ. Press
- Tannenbaum J, Jackson S. 2010. *By Heart: Poetry, Prison, and Two Lives*. Oakland, CA: New Village Press
- Tonry M. 2016. *Sentencing Fragments: Penal Reform in America, 1975–2025*. New York: Oxford Univ. Press
- Travis J, Western B, Redburn S, eds. 2014. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: Natl. Res. Council.
- Turner J, Bunting W. 2013. A living death: life without parole for nonviolent offenses. *American Civil Liberties Union*. <https://www.aclu.org/report/living-death-life-without-parole-nonviolent-offenses>
- van Hattum W, Meijer S. 2016. An administrative procedure for life prisoners: law and practice of royal pardon in the Netherlands. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 141–66. Oxford, UK: Hart Publ.
- Vannier M. 2016a. A right to hope? Life imprisonment in France. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 189–214. Oxford, UK: Hart Publ.
- Vannier M. 2016b. Women serving life without the possibility of parole. *Howard J. Crime Justice* 55(3):328–44
- Vannier M. 2019. Normalizing extreme imprisonment: the case of life without parole in California (1972–2012). *Theor. Criminol.* <https://doi.org/10.1177/1362480619893678>
- Van Zyl Smit D. 2001. Abolishing life imprisonment? *Punishm. Soc.* 3(2):299–306
- Van Zyl Smit D. 2002. *Taking Life Imprisonment Seriously: In National and International Law*. Norwell, MA: Kluwer Law Int.
- Van Zyl Smit D. 2006. Life imprisonment: recent issues in national and international law. *Int. J. Law Psychiatry* 29(5):405–21
- Van Zyl Smit D, Appleton C. 2016. *Life Imprisonment and Human Rights*. Oxford, UK: Hart Publ.
- Van Zyl Smit D, Appleton C. 2019. *Life Imprisonment: A Global Human Rights Analysis*. Cambridge, MA: Harvard Univ. Press
- Van Zyl Smit D, Corda A. 2017. American exceptionalism in parole release and supervision. In *American Exceptionalism in Crime and Punishment*, ed. K Reitz, pp. 410–86. Oxford, UK: Oxford Univ. Press
- Villaume A. 2005. “Life without parole” and “virtual life sentences”: death sentences by any other name. *Contemp. Justice Rev.* 8(3):265–77
- Vinter and Others v. The United Kingdom*, ECtHR (aaps. 66069/09, 130/10 and 3896/10), July 9, 2013
- Vojta F. 2016. Life and long-term imprisonment in the countries of the former Yugoslavia. In *Life Imprisonment and Human Rights*, ed. D Van Zyl Smit, C Appleton, pp. 351–72. Oxford, UK: Hart Publ.
- Weber H-M. 1999. *The Abolition of Life Imprisonment*. Baden-Baden, Ger.: Nomos
- Williams BA, Stern MF, Mellow J, Safer M, Greifinger RB. 2012. Aging in correctional custody: setting a policy agenda for older prisoner health care. *Am. J. Public Health* 102(8):1475–81
- Windlesham D. 1993. *Responses to Crime: Penal Policy in the Making*. Oxford: Clarendon Press
- Wines E. 1870. *Transactions of the National Congress on Penitentiary and Reformatory Discipline*. Albany, NY: Argus Co.
- Wines E, Dwight T. 1867. *Report on the Prisons and Reformatories of the United States and Canada*. Albany, NY: Van Benthuysen & Sons
- Wines F. 1904. *The New Criminology*. New York: Kempster Print Co.

- Wright J. 1990. Life-without-parole: an alternative to death or not much of a life at all? *Vanderbilt Law Rev.* 43:529–68
- Young KM. 2016. Parole hearings and victims' rights: implementation, ambiguity, and reform. *Conn. Law Rev.* 49(2):431–98
- Zimring F. 2019. *Author meets critics: life imprisonment: a global human rights analysis*. Comments presented at the 75th Annual Meeting of the American Society of Criminology, San Francisco, November 14
- Zimring FE, Johnson D. 2012. The dark at the top of the stairs. In *The Oxford Handbook of Sentencing and Corrections*, ed. J Petersilia, K Reitz, pp. 737–52. New York: Oxford Univ. Press



# Contents

## The Discipline

On Becoming “A Teacher or Something”: An Autobiographical Review  
*Ruth D. Peterson* ..... 1

## Perspectives

Perspectives on Policing: Cynthia Lum  
*Cynthia Lum* ..... 19

Perspectives on Policing: Phillip Atiba Goff  
*Phillip Atiba Goff* ..... 27

## Theory and Method in Criminology

Toward a Criminology of Sexual Harassment  
*Christopher Uggen, Ráchael A. Powers, Heather McLaughlin,  
and Amy Blackstone* ..... 33

The Causes and Consequences of Urban Riot and Unrest  
*Tim Newburn* ..... 53

Genocide, Mass Atrocity, and Theories of Crime: Unlocking  
Criminology’s Potential  
*Susanne Karstedt, Hollie Nyseth Brebm, and Laura C. Frizzell* ..... 75

Human Mobility and Crime: Theoretical Approaches and Novel  
Data Collection Strategies  
*Christopher R. Browning, Nicolo P. Pinchak, and Catherine A. Calder* ..... 99

Where Is This Story Going? A Critical Analysis of the Emerging Field  
of Narrative Criminology  
*Shadd Maruna and Marieke Liem* ..... 125

Firearms Instrumentality: Do Guns Make Violent Situations  
More Lethal?  
*Anthony A. Braga, Elizabeth Griffiths, Keller Sheppard, and Stephen Douglas* ..... 147

Annu. Rev. Criminol. 2021.4:287-309. Downloaded from www.annualreviews.org. Access provided by 2601:642:4e00:101:a:dcf7:68d3:c2ed:6e7b on 02/27/24. For personal use only.



## Uses and Abuses of Criminal Records

A Policy Review of Employers' Open Access to Conviction Records <i>Shawn D. Bushway and Nidhi Kalra</i> .....	165
The Intended and Unintended Consequences of Ban the Box <i>Steven Raphael</i> .....	191
Artificial Intelligence, Predictive Policing, and Risk Assessment for Law Enforcement <i>Richard A. Berk</i> .....	209

## Criminalization and Criminal Legal Institutions

Decarceration Problems and Prospects <i>Todd R. Clear</i> .....	239
The Mass Criminalization of Black Americans: A Historical Overview <i>Elizabeth Hinton and DeAnza Cook</i> .....	261
Life Sentences and Perpetual Confinement <i>Christopher Seeds</i> .....	287
Local Government Dependence on Criminal Justice Revenue and Emerging Constraints <i>Shannon R. Graham and Michael D. Makowsky</i> .....	311
Models of Prosecutor-Led Diversion Programs in the United States and Beyond <i>Ronald F. Wright and Kay L. Levine</i> .....	331
Opioids and the Criminal Justice System: New Challenges Posed by the Modern Opioid Epidemic <i>Jonathan P. Caulkins, Anne Gould, Bryce Pardo, Peter Reuter, and Bradley D. Stein</i> .....	353
Plea Bargaining, Conviction Without Trial, and the Global Administratization of Criminal Convictions <i>Máximo Langer</i> .....	377

## Errata

An online log of corrections to *Annual Review of Criminology* articles may be found at <http://www.annualreviews.org/errata/criminol>