

Life without parole: worse than death? [Book Review]

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LIFE WITHOUT PAROLE: WORSE THAN DEATH?

by Ross Kleinstuber, Jeremiah Coldsmith, Margaret E. Leigey, and Sandra Joy

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Internationally, whole life sentences are becoming an increasingly common sanction. They are supported by abolitionists of state executions and 'tough on crime' conservatives alike and - as such - have flourished within recent years. The United States has the highest number of persons serving whole life sentences anywhere in the world with an unprecedented 55,945 persons serving life without parole sentences in 2020 (Kleinstuber et al., 2022, p.94). Kleinstuber et al.'s "Life Without Parole: Worse Than Death?" considers the purpose, development and impact of life without parole sentences in the US by focusing upon the increased use of life without parole sentences across the previous three decades. The authors examine the US's increasing dependency upon these sentences by considering arguments in support of their continued use and - in so doing - shine a light on the inhumane 'pains' suffered by those serving such sentences.

The book starts by considering the legitimacy of life without parole sentences, questioning whether life without parole sentences are humane and subsequently 'just' by considering the experiences of death row prisoners who - by most people's standards - are serving a significantly 'worse' sentence. The authors focus on "death penalty volunteers" (p.21) (death row prisoners who purposely refuse to pursue any form of appeal so as to accelerate the execution process) so as to demonstrate the inhumane nature of life without parole sentences. The authors subsequently argue that the increasing number of "death penalty volunteers" (p.21) calls into question the notion that 'life' (without parole) is 'better' than death.

The second chapter continues to question the legitimacy of life without parole sentences by considering the experiences of life without parole prisoners. This chapter consolidates and builds upon existing literature on the pains of imprisonment (such as Sykes, 1958) and life without parole (e.g. Zehr, 1996,

Johnson and McGunigall-Smith, 2008, Leigey, 2015 and Hartman, 2016) further emphasising the cruel and "inhuman" (p.61) nature of life without parole sentences.

In the third chapter, the authors draw upon Van Zyl Smit and Appleton's (2019) "Life Imprisonment: A Global Human Rights Analysis" to expose the "degrading" (p.61) nature of life and whole life sentences and argue - in the words of Judge Power-Forde (see of *Vinter v UK* [2013]) - that prisoners "ought not to be deprived entirely of ... hope" (p.65).

These early chapters collectively present a persuasive argument against the increasing use of life without parole sentences. Nevertheless, many of these arguments have been made by various scholars within recent decades but - due to their predominantly theoretical nature - have failed to have any significant consequence; life without parole has continued to increase in popularity amongst legislators, judiciaries and society, resulting in an unprecedented amount of life without parole prisoners in the United States.

The fourth chapter subsequently recognises and discusses the limited judicial scrutiny that life without parole (in contrast to the death penalty) has received, despite it being considered the 'worse' of the two sentences by death row prisoners and life without parole prisoners alike, thereby contributing to abolitionist perspectives on the issue.

This argument is strengthened by the fifth chapter which considers the financial burden of life without parole sentences. It is traditionally argued that state executions are more costly, primarily as a consequence of the lengthy appeals process that must be fulfilled before a person can be executed; indeed, this argument - that it is cheaper to incarcerate a person for the remainder of their natural life - is often used in support of the abolition of state executions. Kleinstuber et al., however, argue that the cost ratio of state executions to life without parole sentences is outweighed by the greater use life without parole sentences and determined that the total cost of life without parole sentences is greater than the total cost of state executions. Whilst the author's conclusion inarguably supports their abolitionist perspective, it also risks encouraging state executions as the more cost-effective sanction.

The authors' final argument in this section focuses on life without parole as a form of a racial control. Kleinstuber et al. (2022) argue that life without parole targets the disadvantaged (which in the US

overlaps with the racially minoritized) due to the existence of "The Three Strikes Laws". The sixth chapter concludes with a brief discussion of the slightly newer notion of juvenile life without parole sentences, drawing upon data which shows that 62% of juvenile life without parole prisoners are African American (p.127) further supporting their argument that life without parole sentences constitute a form of racialised control.

In part two, Kleinstuber at al. move on to consider the 'tough on crime' case for life without parole sentences. The seventh chapter considers whether life without parole has any crime-reducing consequences. The authors argue (having conducted a comprehensive statistical analysis) that life without parole sentences do not reduce the frequency of violent crime, nor do they produce measurably lower crime rates; indeed, the only statistically significant data suggests that the increasing use of life without parole sentences may actually increase crime (p.171).

The eighth chapter considers the utilitarian arguments in support of life without parole sentences, arguments which are frequently made in support of such sanctions. Kleinstuber at al., however, argue that life without parole sentences are imposed too frequently, for too many offences and against offenders whose crimes do not warrant such a severe penalty. The authors subsequently argue that - if life without parole sentences are to meet the requirements of retribution - they must be reserved solely for offences which are considered to be incredibly severe, namely for offenders who would have received the death penalty.

The ninth chapter - which examines the "power of second chances" (p.196) - is, for me, the most poignant in the book. By considering the experiences of six former life without parole prisoners who have since been successfully released from prison, the chapter empirically challenges the idea that life without parole sentences are reserved solely for those who society deems to be irredeemable. The case studies contained within this chapter demonstrate that life without parole prisoners can mature and make positive contributions to their communities, showing that it is impossible to predict at the time of sentencing what a person can go on to become. Kleinstuber at al. subsequently suggest that life without parole prisoners should be offered some form of review of their sentence in the years that follow and eventually, parole.

As a PhD student studying whole life orders and whole life imprisonment within England and Wales, many of the earlier arguments made in the book have been made elsewhere, although the inclusion of the cost breakdown data and statistical analysis in chapters five and seven represent a true contribution to knowledge. The ninth chapter, however, adds real weight to the abolitionist argument. It is in this chapter that the continued and persistent belief that whole life sentence prisoners are beyond redemption (which drives our increasing use of such sentences) is forcefully refuted. I hope to see this aspect of the authors' work explored further in future research.

"Life Without Parole: Worse Than Death?" is a must read for fellow death penalty and whole life sentence abolitionists as well as those concerned with the human rights of incarcerated persons. Nevertheless, I believe that this book would be a thought-provoking read for anyone with an interest in criminology, sociology and/or psychology as a whole and would recommend "Life Without Parole: Worse Than Death?" to students and scholars alike.

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