


of incarceration,” they argue, becomes the most pressing criminal justice policy imperative, leaving untouched the question of why such a devastating punishment is so easily and readily meted out.” On this particular week, in which the power of *Serial*’s deep-dive into Syed’s case has been amply demonstrated, this critique reads somewhat unfair: must everyone who illuminates a particular injustice also provide a multidimensional critique of all injustices? And yet, Kaplan and LaChance remind us that lowbrow has not cornered the market on tropes and spectacle, making me think that TV perspectives on crime (both fictional and nonfictional) have shifted largely to suit the tastes of the audience. The 1990s public, clamoring for law-and-order content lionizing police and prosecutors, was rewarded with dozens of *Law and Order* franchise seasons following a predictable model. Today’s audience, galvanized by protests against police outreach and much more aware of the inequality dimensions of law enforcement, is rewarded with *Making a Murderer*, *Serial*, and their ilk.

As I was finishing *Crimesploitation*, I chanced upon an interesting episode of the CBS show *The Good Fight*. Liz Reddick, the managing partner of a large African-American BigLaw firm, is approached by a plucky documentarian who wants to interview her as a “powerful Black Woman”; gradually, though, Liz comes to realize that the documentarian is trying to create a crimesploitation film that argues that Liz contributed, in her previous job as a prosecutor, to a wrongful conviction. It almost feels as if Liz (the fictional character!) benefitted from reading Kaplan and LaChance’s book: she realizes that the documentarian is focusing on visual evidence of high emotional valence and is trying to paint a Manichean picture of the defendant’s trial, casting Liz as the villain. To me, this attests to the importance of encouraging not only academics, but viewers of all stripes and political affiliations, to adopt Kaplan and LaChance’s critical perspective and keen eye for narrative tropes and employ it to all that we see and consume.

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Franklin E Zimring, *The Insidious Momentum of American Mass Incarceration*, Oxford University Press: New York, 2020; 248 pp. : 978-0-197-513170, £25.49 (hbk)

Few issues have received greater scholarly attention than the American experiment with mass incarceration. Ever since this trend has been subject to systematic description and analysis an

interdisciplinary body of research has sought to identify both the underlying causes and the social consequences of unprecedented prison expansionism (Travis et al. 2014). It has drawn attention to the complex intersection between mass incarceration and racial politics, and it has documented how the afterlife of imprisonment continues to disfigure and reshape the whole edifice of democratic citizenship for millions of Americans (Miller 2021). Although calls for progressive reform are long-standing, there remains little consensus on how the United States might escape from its current prisoner's dilemma (Beckett 2018).

In his book *The Insidious Momentum of American Mass Incarceration*, Franklin E. Zimring draws together many of these strands within the literature and presents a comprehensive review of the recent past, present and possible futures of American mass incarceration (p.x). In what can at times feel like a companion piece to earlier published work (Zimring and Hawkins 1991), Zimring brings his signature style of careful, systematic and evidence-based analysis to bare on the 'insidious momentum' of American mass incarceration. From the outset, this is a work that is steadfast in its commitment to follow the evidence and, while this can at times feel uncomfortable and disheartening, the result is an essentially optimistic project that seeks to cut through the political rhetoric in order to present a pragmatic and tightly argued assessment of how sustained reductions in the current incarceration rate might be achieved.

Readers are left in little doubt as to the scale of this task. We learn that the American incarceration rate increased from 97 per 100,000 of the population in 1982 to a figure in excess of 500 per 100,000 in 2010 (p. 6–10). As Zimring notes this level of imprisonment is without parallel when placed in historical or international perspective. In 2010, the United States reported a national incarceration rate that was almost four times higher than its closest comparator in England and Wales, while disaggregated state-level data reveal considerable regional variations in penal culture and the use of imprisonment (p. 16). Unlike many unitary systems of government, criminal prosecutions in the United States are managed by locally elected prosecutors and financial responsibility cuts across county and gubernational lines. Important differences can be found in the use of indeterminate and determinate sentencing powers, and the degree of discretion afforded to local parole boards.

This interest in both the 'hardware' and 'software' of penalty is a defining feature of Zimring's work and his central claim that mass incarceration is likely to remain a central feature of American punishment for decades to come (p. 99). This line of argument is developed across three substantive sections. Part I reviews the recent history of American mass incarceration. Chapter 1 presents a broad survey of current trends and defends a research strategy that conceives of these developments as 'one process' that is both nation-wide in its reach and ever-present since the 1970s. In Chapter 2, Zimring reviews the extant data relating to crime, police arrests and the use of imprisonment before turning in Chapter 3 to consider why custodial sanctions have proved so attractive to key criminal justice decision-makers. Chapter 4 discusses the causal feedback mechanisms that now sustain American prison expansionism long after the initial causes that fuelled the late 1970s prison boom have faded. Chapter 5 seeks to predict the most likely developmental trajectory of American mass incarceration in the period between 2020 and 2050.

In Part II, the focus shifts to consider sentencing reform. Chapter 6 attempts to measure the likely impact of two 'categorical' reform strategies that would encourage

'de-imprisonment' by (a) promoting alternatives to custody for those found guilty of drug offences and (b) incentivising sentencers to make greater use of local jails that Zimring argues could bring potential benefits in terms of location, duration and flexibility. Chapter 7 builds upon this focus by exploring how the governance of imprisonment could be improved to encourage key decision-makers, such as sentencing commissions, parole boards and sentencing judges to work together to confront the momentum of mass incarceration. Chapter 8 wrestles with the role of locally elected criminal prosecutors and the steps that could be taken to foster a more strategic approach to the use of finite carceral resources.


Part III rounds out this analysis by considering the policy dilemmas that all state and federal decision-makers will face if the insidious momentum of American mass incarceration continues on its current path. Chapter 9 reflects upon the administrative challenge of accommodating a high volume of prisoners in an operational context marked by diminishing resources and a disjointed prison estate that is not fit for purpose. Chapter 10 reviews the extraordinary growth in the imposition of legal disabilities that continue to cause considerable harm to prisoners, their families and the wider community long after a prison sentence has been served.

This is a book of impressive range and ambition. While scholarly, the style is accessible, non-partisan and should appeal to an academic audience as well as those criminal justice officials—elected representatives, prosecutors, sentencing judges and parole board members—who take system stewardship seriously, who are committed to evidence-based policy-making and ultimately possesses the power to drive substantive penal change in the United States. Zimring is to be commended for both the depth and breadth of research assembled here and his willingness to challenge accepted wisdom. The thankless task of predicting the future is navigated with considerable skill and does not shy away from confronting the agonising compromises, trade-offs and moral dilemmas that the next generation of policy-makers and penal reformers will surely face as they fight for progressive change in a context where mass incarceration has become 'business as usual' for so many criminal justice agencies.

By treating mass incarceration as 'one process' Zimring is able to present a penetrating analysis of American penalty, but this trade-off between parsimony and complexity inevitably comes at a price. By treating mass incarceration as a nationwide and ubiquitous trend since the 1970s, the analysis presented here arguably downplays important qualitative differences in both 'look' and 'feel' of imprisonment at a state level and the importance of temporality in shaping the interactions between state and federal actors over the broad sweep of historical time. In this respect, Zimring appears to be working within a broadly institutionalist or path-dependent analytical framework, but these underlying theoretical assumptions about penal change are never fully resolved. How confident can we be that 'business as usual', or some variation thereon, is the most likely direction of travel in the United States when this seems to preclude the possibility of path-breaking or paradigm-shifting changes of the very type that Zimring considers so instrumental in driving American mass incarceration since the late 1970s? If moments of radical change were possible then, why are they not possible now? History may never repeat itself, but it does have a tendency to rhyme.

These tensions are implicit in all forms of prediction and go to the heart of how we think about the future whether we are instinctively pragmatic or idealistic, realistic or utopian. Zimring is consistent in his analytical choices and should be applauded for his efforts to move the debate on to pose more searching questions about the strategies that are most likely to disrupt or reverse the insidious momentum of mass incarceration in a low-crime era. Understanding the scale of the problems we face and the countervailing forces that continue push back against penal reform is not the same as merely accepting the status quo. Rather, it is the first step towards meaningful change and it can only be hoped that this book contributes to a more searching democratic debate about the levels of imprisonment that are both morally desirable and economically affordable in the United States.

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Christopher Seeds, *Death by Prison: The Emergence of Life without Parole and Perpetual Confinement*, University of California Press: Oakland, California, 2022; 288 pp.: ISBN: 9780520379985, Hardcover \$85.00, Paperback \$29.95

*Death by Prison* is a very well-written and didactically structured book that delves into the emergence of life imprisonment without parole in the United States. The topologies are numerous and the data are rich and diverse, allowing Seeds to consider both nationwide patterns and achieve focused local-level analyses (e.g. Florida).

The book challenges a number of conventional narratives, about the death penalty, life imprisonment and its origins, and upsets a number of categorisations – in particular, those around the extreme end of the spectrum. If anything, this is a Derridan-like book that surgically deconstructs LWOP's multifaceted Rubik's cube and rebuilds it entirely. The main argument can be summarized as follows: despite its embrace, routine use and