

Life Imprisonment!

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Summary

Personality change begins in adolescence and continues into the eighth decade. We are not the same person all our lives. Life imprisonment after twenty years is penalizing a person who no longer has the same personality who contributed to the execution of the crime! The punitive effect of the penalty no longer has grounds for incarceration!

The cruelty of life imprisonment is similar to the death penalty, or even greater! In life imprisonment the convicted dies for life and only lives for death! If justice condemns cruelty, it is not consistent with its principles, by instituting a cruel penalty, such as life imprisonment, Justice is legitimizing cruelty! Maybe in the future, delinquents will begin to be considered as patients with epigenetic multifactorial complexes, influencing their criminal behavior. Instead of prison, they need treatment with new psychotropic drugs and psychotherapy.

Keywords: Life Imprisonment, Cruel Punishment, Epigenetic Multifactorial Complexes

Throughout my life, when I reached the age of thirty, I looked back to when I was twenty and thought, if I had known then what I knew now, my life would have been different! Later, when I reached the age of forty, I remembered the time of my thirty years and also life at that time would have been different, if I had known what I knew at forty! And at fifty and sixty I continued to think that my previous behaviors would have had some adjustment, if I had the knowledge and experience, I acquired with age!

I think older readers who are reading me understand me, as they may come to the same conclusion!

Psychologists call the process of change, which occurs as we age, "personality maturation." "It is a gradual, imperceptible change that begins in adolescence and continues into at least the eighth decade. We are not the same person all our lives," says René Möttus, a psychologist at the University of Edinburgh [1].

We can say that personality determines the way we think, feel and act. Personality development can be influenced by several factors or aspects, both environmental and the person himself.

Erik Erikson, one of the most notable psychologists and psychoanalysts of the 20th century, states that personality development is divided into eight different stages, ranging from the birth of people to their death, related to the search and adaptation of people, in the environment of Your lives.

Why do i Come with this Intro?

When reading the information sheet on life imprisonment, from the Council of Europe Countries, of 19 November 2020, I was surprised and regretted the large number of countries that have this sentence and only 6 do not apply this sentence.

"At the beginning of this century, there were about 261,000 people serving a formal life sentence (formal life imprisonment is used to describe cases where the court explicitly imposes a life sentence). In 2014, that number grew to around half a million people (479,000) – an increase of approximately 84%. While there are significant disparities in the use of life imprisonment among countries, formal life imprisonment is provided for in the legal codes of 183 countries and territories; and 65 countries use life sentences without parole." [2].

I believe that life imprisonment, after twenty, is penalizing a per-

son who is no longer the same person who committed the crime, who sentenced him to life imprisonment, who no longer has the same personality that contributed to the execution of the crime! The suffering related to incarceration, felt by all prisoners, will also contribute to a faster maturing of the personality in each convicted. Thus, the punitive effect of the penalty is no longer justified to maintain incarceration! This fact will be even more evident, if the incarcerated is motivated to a correct behavior by psychotherapy, and to study subjects, which can influence for the better, the restructuring of his personality!

I also believe that a sentence of 20 years of imprisonment already has a very large retributive effect, even for serious crimes and its deterrent effect is maximum! Moreover, this deterrent effect should not influence the aggravation of the sentence, which would be extremely cruel for the convicted, as he suffers an extension of prison just to intimidate society! "Law cannot fundamentally assert itself through intimidation and the superiority of the state monopoly on the use of force. The affirmation, strength and superiority of Law must be based on ethics and justice, its instruments will never be able to contradict, for pragmatic and utilitarian reasons (as if the "ends" justified the "means"), the ethical bases of the Law. system"[3].

For Italian jurist Luigi Ferrajoli, "the maximum sentence imposed, whatever the crime, should not exceed ten years" [4].

Life imprisonment "is the failure of the possible reintegration of the offender, because given its perpetual character, it takes away from the agent any hope of future integration into society, any chance of a second chance, constituting, in the abstract, a cruel, unnecessary and in rigorous, useless and exempt from any positivism, being, maxime, the highest violation of human dignity" [5].

"Criminal law does not have a punitive purpose. This, yes, is from prehistory. Criminal law has preventive purposes. The main one, with regard to the specific penalty, is precisely to re-socialize: to remove the person in society and we try to make her come back better" [5].

You might ask: do you think the prison environment will change someone's personality for the better? Psychoanalysts, Psychiatrists and Psychologists will give a more accurate answer to this question, however I think that the human relationship within prisons can be improved. If it is possible to have a limit of twenty or twenty-five years of maximum sentence, and determine for all prisoners, with different periods of imprisonment, that:

1. Each prisoner, for each year incarcerated, without causing any crime, has an automatic and immediate reduction of 4 months in the sentence. It is very important for people to feel the immediate effect of the result of their behavior! So, on the day he completes each year of imprisonment, without having suffered penalties, he feels the pleasure of reducing his sentences by 4 months! This feeling, that good behavior gives benefits, will become more consistent, with its repetition over the years of incarceration! It is a very important lesson that will help them when they return to civilian life!
2. When you miss 12.5% of your prison time, with good behavior, you can be released on parole.

Burrhus Frederic Skinner, considered the most outstanding

American psychologist of the 20th century and, perhaps, the most important in the world at the time, developed what became known as Operant Conditioning, referring that a behavior that produces pleasant effects tends to become more frequent, and behavior that produces adverse effects tends to become less frequent. This positive reinforcement has the effect of maintaining and strengthening the response. Skinner argued that, in the face of correct behavior, the use of positive reinforcements (rewards), as an alternative to punishments and repressive schemes, is pedagogically more effective.

Psychologist Edward Thorndike, a professor at Columbia University who worked a few decades before Skinner, had proposed a similar law, called the law of Thorndike's effect.

I think that all prisoners should receive behavioral lessons from psychologists. This measure would help to create a calmer, less aggressive environment, in addition to helping to correct some personality deviations!

In Portugal, life imprisonment was abolished in 1884, after the abolition of the death penalty in 1852 for political crimes and in 1867 for common crimes. With the Constitution of 1822, the abolition of all sanctions considered cruel began. The 1976 Constitution expressly prohibits sanctions of a lifetime, unlimited or indefinite duration.

As St. Paul says, (1 Corinthians 13: 2, 13) more important than faith is charity (agape), and this has a special place for the most needy.

I consider that the cruelty of life imprisonment is similar to that of the death penalty, or even greater! In life imprisonment the convicted dies for life and only lives for death! Every day that passes, his soul suffers without hope! ...

We are not in Babylon, in the time of the code of Hammurabi (1772 B.C.), with the law of Talion!

If justice condemns cruelty, it is not consistent with its principles, in instituting a cruel penalty, such as life imprisonment! By applying this penalty, Justice is legitimizing cruelty! The court in giving the life sentence seems to be using cruelty disguised as a public good! In addition, this life sentence affects, beyond the condemned, all his family members, in a lifelong suffering, in a more meaningful way for parents, children and siblings! It is greater than the pain of death because they suffer for the separation forever from the condemned and they suffer for the suffering in which he lives!

"The commission of a crime means, to a certain extent, that society has failed. Failed family failed social support, failed security, failed education, failed the state. A crime is always a collective failure, it is a failure of society" (Life imprisonment: a hoax. Tiago Mendonça) [6].

By accepting life imprisonment, society seems to be of a clear conscience, free from any guilt! There is a lack of humility! Justice must honor the virtues that support it, and these are based on a single noble foundation, humility, as Confucius said 2.500 years ago! "They ignore or forget what Christ said about the devil who does not serve to cast out the devil: evil cannot be

overcome with evil” [7].

“Life imprisonment is not the solution to problems; I repeat: life imprisonment is not the solution to problems, but a problem to be solved. Because if hope is shut up in a cell, there is no future for society. Never deprive us of the right to start over », declared Pope Francis in September 2019. In the encyclical “Fratelli tutti”, he states: « is that condemnation must always be for reintegration; a condemnation without “windows” of horizon is not human». Four years ago, it was more expressive, in a speech to European jurists: “Speaking clearly, life imprisonment is almost a hidden death penalty. He is there, dying every day, without the hope of liberation».

In the Words of André Giroux "Hell is Waiting Without Hope".

The penalties must have and show charity for the condemned! This is not possible in feathers steeped in cruelty! Kindness is fundamental in our lives! It cannot be selective, it must be universal, and Justice, as a model of conduct, must set an example! “In addition to being a delinquent, there is an incarcerated person who, in turn, also carries a story, feelings, dreams and frustrations”.

"Poor the poor murderer, it was the genes that led him to commit the crime." Quote attributed to Irish biopsychologist Nigel Barber, in relation to David Bradley Waldroup, who murdered his wife's best friend on October 16, 2006, in a caravan parked in the mountains of Tennessee [8].

In recent years, evidence has grown that epigenetics may also play a key role in the origins and expression of mental disorders. These epigenetic phenomena may help to explain part of the complexity of mental illnesses and provide a basis for discovering new pharmacological targets to treat these disorders [9].

I believe that in the future, which we hope to be close to, delinquents will begin to be considered as patients with epigenetic multifactorial complexes, influencing their criminal behavior, who, instead of imprisonment, need treatment with new psychotropic drugs and psychotherapy, considered an epigenetic “drug”, for Stephen Michael Stahl, Professor at the University of California, San Diego, an international authority on psychiatry with expertise in psychopharmacology.

I Remember the Questions from The Spirits' Book, By Allan Kardec:

- **Question n° 459:** Do spirits influence our thoughts and actions?

“Much more than you can imagine. They influence to such an extent that, in general, they are the ones who direct you.”

- **Question 1009:** So, penalties are never imposed for all eternity? “Question your common sense, your reason, and ask them if a perpetual condemnation, motivated by a few moments of error, would not be a denial of the goodness of God.” (Saint Augustine). “Punishment has only the purpose of rehabilitation, redemption. To want it eternal, for a lack that is not eternal, is to deny it all its reason for being”. (St. Paul, apostle).

- **Question 879:** What would be the character of the man who practiced justice in all its purity? “That of the truly just, after the example of Jesus, since he would also practice love of neighbor and charity, without which there is no true justice.”

I call attention to the sentence given by Jesus to those who crucified Him. Minutes before dying on the cross, Jesus spoke to the Father and said: Father, forgive them, they do not know what they are doing! (Lucas 23,34)

Declaration of Interest

I have no interest, other than the satisfaction of contributing, to ending life in prison.

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