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ENHANCED PUNISHMENT

Can technology make life sentences longer?

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In August 2013 the mother and stepfather of Daniel Pelka each received a life sentence for his murder.[1] Daniel was four when he died in March 2012. In his last few months he was beaten, starved, held under water until he lost consciousness, denied medical treatment, locked in a tiny room containing only a mattress on which he was expected both to sleep and defecate, humiliated, denied affection, and subjected to grotesquely creative abuse such as being force-fed salt when he asked for a drink of water. His young sibling witnessed much of this, and neighbours reported hearing Daniel's screams at night.

Daniel's mother, Magdelena Luczak, and stepfather, Mariusz Krezolek, have both died in prison since their sentencing. Advocates of the death penalty will argue that this is no more than they deserve. But what if Luczak and Krezolek hadn't died? Do justice systems that do not incorporate the death penalty have the resources to punish such crimes appropriately?

Had they lived, Luczak and Krezolek would each have served a minimum of 30 years in prison. The conditions in which they would have served their sentences must, by law, meet certain standards. Prisoners must be fed and watered, given clean cells, access to a toilet and washing facilities, access to medical treatment, and allowed out of their cells for exercise and recreation. Luczak and Krezolek denied Daniel all of these things. If you are a retributivist, this is concerning. The UK's punishment system is primarily retributive. In a retributive system, just punishments are proportionate punishments. Yet Luczak and Krezolek's punishments were not proportionate to their crimes. Can anything be done about this?

Some argue that retributive punishment should be replaced with a forward-looking approach such as restorative justice.[2] I won't discuss that here. I want to consider how *retributivists* might address the problem that, in some cases, it is not possible to make punishment proportionate if it is to be both humane and restricted by current human life expectancy.

Retributivists could turn to technology for ways to increase the severity of punishments without making drastic changes to the current UK legal system. Here are some possibilities.

Lifespan enhancement: Many transhumanists believe that science will soon enable humans to remain healthy indefinitely. Aubrey de Grey, co-founder of the anti-ageing Sens research foundation, believes that the first person to live 1,000 years is already alive.[3] In cases where a 30-year life sentence is judged too lenient, convicted criminals could be sentenced to receive a life sentence in conjunction with lifespan enhancement. As a result, life imprisonment could mean several hundred years rather than a few decades. It would, of course, be more expensive for society to support such sentences. However, if lifespan enhancement were widely available, this cost could be offset by the increased contributions of a longer-living workforce.

Mind uploading: As the technology required to scan and map human brain processes improves,[4] some believe it will become possible to upload minds to computers.[5] We could then speed up the uploaded mind. Nick Bostrom calls a vastly faster version of human-level intelligence 'speed superintelligence'. He observes that a speed superintelligence, operating at 10,000 times that of a biological brain, 'would be able to read a book in a few seconds and write a PhD thesis in an afternoon. If the speed-up were instead a factor of a million, a millennium of thinking would be accomplished in eight and a half hours'.[6] Uploading the mind of a convicted criminal and running it a million times faster than normal would enable the uploaded criminal to serve a 1,000 year sentence in eight and a half hours.

Altering perception of duration: Various factors can cause people to perceive time as passing more slowly. These include our emotional state,[7] the emotional state we witness in others,[8] psychoactive drugs,[9] mindfulness meditation,[10] and body temperature.[11] Time seems to pass more slowly for children than for adults, which may relate to attention and information processing.[12] Such insights could inform the design

and management of prisons, so that even without increasing the real-time length of sentences, they could be made subjectively longer.

Robot prison officers: Consideration of the welfare of prison staff limits how unpleasant prison can be made for prisoners. If human staff could one day be replaced by robots, this limiting factor would be removed. Robotics technology has already produced *self-driving cars*,[13] which places robot prison officers within the bounds of possibility. Being overseen by robots rather than other human beings might in and of itself be worse for prisoners.

Of course, all these options raise questions about whether enhanced punishments are humane, and of what constitutes humane punishments more generally. It is important to debate these questions before punishment is technologically enhanced. But, for those who take retributivist punishment seriously, technology offers potentially attractive ways to improve justice.

Notes

1. <http://www.bbc.co.uk/news/uk-england-23544717>
2. <http://en.wikipedia.org/wiki/Restorative_justice>
3. <http://www.ted.com/talks/aubrey_de_grey_says_we_can_avoid_aging.html>
4. <http://www.fhi.ox.ac.uk/wp-content/uploads/brain-emulation-roadmap-report1.pdf>
5. <https://en.wikipedia.org/wiki/Mind_uploading>
6. Bostrom, N. (2010). 'Intelligence explosion: groundwork for a strategic analysis'. Unpublished manuscript.
7. Droit-Volet, S., Fayolle, S.L., and Gil, S. (2011). 'Emotion and time perception: effects of film-induced mood', *Frontiers in Integrative Neuroscience* 5: 33.
8. Gil, S. and Droit-Volet, S. (2011). 'How do emotional facial expressions influence our perception of time?', in Masmoudi, S., Yan Dai, D., and Naceur, A. (eds) *Attention, Representation, and Human Performance: Integration of Cognition, Emotion and Motivation* (London: Psychology Press, Taylor & Francis).
9. Wittmann, M., Carter, O., Hasler, F., Cahn, B.R., Grimberg, U., Spring, P., Hell, D., Flohr, H., and Vollenweider, F.X. (2007). 'Effects of psilocybin on time perception and temporal control of behaviour in humans', *Journal of Psychopharmacology* 21/1: 50–64.
10. Kramer, R.S., Weger, U.W., and Sharma, D. (2013). 'The effect of mindfulness meditation on time perception', *Consciousness and Cognition* 22/3: 846–52.
11. Wearden, J.H. and Penton-Voak, I.S. (1995). 'Feeling the heat: body temperature and the rate of subjective time, revisited', *The Quarterly Journal*

of Experimental Psychology Section B: Comparative and Physiological Psychology 48/2: 129–41.
12. Gruber, R.P., Wagner, L.F. and Block, R.A. (2000). 'Subjective time versus proper (clock) time', in Saniga, M., Buccheri, R., and Di Gesù, V. (eds) *Studies on the Structure of Time: From Physics to Psycho(patho)logy* (New York: Kluwer Academic/Plenum Publishers).
13. <http://www.robots.ox.ac.uk/~mobile/wikisite/pmwiki/pmwiki.php>