

# Is access to our phones a step toward the police wanting access to our minds?

March 10 2016, by Nathan Emmerich

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Credit: AI-generated image ([disclaimer](#))

We use our smartphones so much these days, it almost feels like they have become extensions of ourselves, boosting our capacity to calculate and remember. What might come of this closer union of human and technological device? If police can serve a warrant to search your phone, and we see these devices as extensions of ourselves, how long until

investigators one day serve a warrant to search your mind?

This line of thinking was roused by the FBI's legal efforts to [force Apple to help them access an iPhone](#) that belonged to a suspected terrorist – something Apple says would [undermine the security](#) of [its products](#). This is [one of several similar cases](#), and part of a larger effort by the FBI and intelligence agencies, to [ensure they can access](#) a variety of now common devices.

## **An extended mind?**

Philosopher Matthew Noah Smith [recently argued](#) that the way we use smartphones to store information such as photos, shopping lists, passwords and messages can be seen as an expansion of our own memory, allowing us to improve our storage and recall. Further still, he argues that they could be considered as extending our minds, drawing on the [extended mind thesis](#) first put forward by Andy Clarke and David Chalmers.

Like the abacus 2,500 years ago or the pilot's flight deck controls and gauges today, smartphones allow us to think in ways that we could not otherwise manage. Not only are such technologies integral to maintaining our digital online identity and life offline, they are central to the emergence of "[the networked self](#)" – the idea that by simultaneously connecting to many online resources, which in turn enable use to connect to others, we are no longer restricted to the "here and now". This means we can augment our thinking by calling upon collective intelligence: what is [often flippantly](#), but [perhaps presciently](#) called the "hive mind".

Through smartphones our cognitive processes become enmeshed in the network – and so by extension, Smith argues, do our minds. On this basis, Smith considers the FBI's legal efforts to unlock a phone as literally a demand to access our minds.

## Cultural networked necessity

However, as we tolerate comparable invasive measures for the purposes of law enforcement - such as searching homes, reading diaries or forensically examining computers - perhaps this isn't really about the "extended mind". Perhaps instead the demands of the modern world mean that relying upon these devices to create a "networked self" is no longer optional, but a socio-cultural necessity. It's conceivable that our culture may develop in such a way that in the future it will become impossible to fully realise one's self without being in some way "plugged in".

If we think about it in this way, the smartphone is not simply the equivalent of a home, diary or safe to be cracked open and investigated, but an extension of the self. In the near future technology is likely to blur the boundary between the mind/brain and technology – wearable technologies and augmented reality, for example, will become a significant part of society. And if this is so, we need to give serious thought to how much we are prepared to allow these technologies to be designed by the corporate sector and compromised by the state.

## Reading the mind with science

It's clear that Americans are prepared to tolerate significant compromises with regards to what is considered invasive. For example, companies routinely subject individuals to [pre-employment, and even ongoing, blood tests](#). And regardless of their accuracy, there is a cultural acceptance of lie detector tests and even a [professional association for lie-detector specialists](#). Both drug testing and lie detectors are invasive, and the latter can clearly be considered an attempt to peer into the mind. Court cases are also now increasingly presenting [brain scans](#) as [legal evidence](#).

This might make us think that there are bigger concerns than smartphones. Virtually everything today that might be considered distinctly human is being subject to neurological analysis. So [neuroethics](#), [neuroesthetics](#), and [neurotheology](#) are considered insightful new fields of enquiry. Even the [experience of love](#) is framed as a [neurochemical phenomenon](#) that, alongside other emotions, feelings and beliefs, is something to be investigated and manipulated.

It's likely that practices in which the mind and the self are in some way invaded will increase. Those who wish to protect the boundaries of the self should be most concerned about the capabilities of the field of neurosciences.

## **Where to draw the line?**

Even if Apple wins this case, there are many others situations in which a court can order you to unlock you [smartphone](#) or decrypt a computer, particularly if doing so involves [biometrics](#) such as a fingerprint or retina scan. Even with the idea of the "extended mind" it's unlikely that smartphones will be afforded any legal protection. But if we argue that smartphones are part of our minds, then the fact that under some circumstances they can be legally accessed would seem to add legitimacy to idea that neurotechnologies could, and perhaps should, provide police or state security services with access to the mind, via the brain.

If we worry that the state might win the right to access the smartphones that make up our "extended mind", then our first step should be to ensure there are ethical, political and legal protections that will protect our biological, non-extended minds from the potential powers of investigation that the neurosciences may soon make possible.

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