The *Future of the Mind* applied to the court

Emma Levine
First-Year Studies
Lake Forest College
Lake Forest, Illinois 60045

In the The Future of the Mind, author Michio Kaku discusses a new generation of technology that might come into play in our society. As a lawyer, I believe it is my job to critique this book and discuss the potential implications it may have in the judicial field. In his book, Kaku addressed the issues of the definition of consciousness, implantation of thoughts, the idea of robots, and the study of dreams. Although some of these ideas could potentially benefit lawyers, the risks outweigh the gains, therefore the ideas presented in The Future of the Mind will cause serious harm to the judicial field.

Michio Kaku (2014) defined consciousness as the ability to process stimuli using multiple feedback loops (p.46). Merriam-Webster defines (2014): "Consciousness is (a) the condition of being conscious: the normal state of being awake and able to understand what is happening around you (b) a person's mind and thoughts". The first definition has one major flaw; Kaku's definition fails to include those with mental illnesses. Michio Kaku (2014) claimed that individuals with mental illnesses have a flaw in their feedback loops (p.207). This means that he believes that those with mental illnesses do not have functioning feedback loops and are, therefore, not to be considered conscious. If the judicial field were to put into use Kaku's definition, anyone who claimed mentally ill could be given a minimal sentence. At the moment, claiming mentally ill will not necessarily free a defendant of their charges, but it may allow a lesser sentence or it could state that they are guilty, but mentally ill ("Findlaw", n.d., Insanity section para. 1). According to Frontline (2001), "Thirty-three percent of federal inmates identified as mentally ill had been convicted of a violent offense, compared to 13 percent of other inmates" (para. 6). If we take on Kaku's definition of consciousness, those thirty-three percent of inmates could have gotten off with a significantly lesser sentence because lawyers could claim they were not "conscious". Clearly, the judicial field should not take on Kaku's definition of consciousness in order to maintain a safer community for the residents of the United States of America.

Based on the quote,"...we depend on our memory to clarify what is true and false" (Kaku, 2014, p.128), the implantation of memory would not benefit the judicial system in any way shape or form. Kaku (2014) describes a "better" society where we could help the unemployed and teach children by the implantation of memories (p. 125). However, as for those of us in the judicial field, the implantation of memories would cause uproar. There have been past cases where people have "implanted" memories and court cases have been won based on these falsified memories. A well-known psychologist Elizabeth Loftus has done many experiments regarding the implantation of falsified memories. Loftus was able to convince 25% of her subjects that they were lost in a shopping mall at a young age. These subjects truly believed this happened to them, although it was, infact, a false memory (Costandi, 2013, Digging up the Past section para. 4). The problem with this is that "false memories", once accepted, can themselves elicit strong emotions and thereby mimic real ones" (Spinney, 2003, para. 8). Obviously, this could lead to problems in the judicial field if society could implant memories into one anothers brains and in the past there have been problems with false memories. A case in 1990 accused George Franklin of murder; his daughter testified against him. Initially he was convicted to life in prison, but upon further review they discovered that his daughters memories were not memories, but stories based off newspaper articles. Following this release of information and after a DNA test, George Franklin was released in 1996 (Denzel, 2012, para. 3-6). Based on this case and the experiments of Elizabeth Loftus, the implantation of memories would only cause harm to the judicial system.

The concept of intelligent robots and robots capable of complex emotions and thoughts itself does not harm the judicial field. The problems will arise when robots are complex enough that they can have these human thoughts and how they will be dealt with in the judicial system. Currently, robots are incapable of understanding complex emotions and thoughts, rather they are machines that function based on circuits. "Imagine the vast knowledge of the environment needed for a robot to understand a simple context like "outside." Common sense requires cubic miles of knowledge" (2013, The Artificial Intelligence Disadvantage - Barely The First Faltering Steps section para. 2). However, once this hurdle is overcome, we will have to consider all possibilities, including the definite possibility of killer robots (Kaku, 2014, p. 246). "The robot of tomorrow will undoubtedly have many of these characteristics and may perhaps become an intimate companion to its human counterparts. We believe that robots will one day have rights" (McNally and Inayatullah, n.d., Introduction section para. 7-8). With these new possibilities there are a series of questions that must be considered: Will robots spend time in jail? Who is responsible for the robots actions, the robot or its owner? How would a robot pay fines or pay bail? These are questions that should be avoided, and to avoid these, our society needs to forget the possibility of intelligent robots. As a lawyer, I can attest that the judicial system does not want any intelligent robots to be created.

In The Future of the Mind, Kaku (2014) talks about the definite possibility of photographing ones dreams (p.176). This as one could assume would cause trouble in the judicial system. Could dreams be used as motives or evidence in trials? In fact, this was once a common practice in the Salem witch trials: lawyers used spectral evidence, which "refers to a witness testimony that the accused person's spirit or spectral shape appeared to him/her witness in a dream at the time the accused person's physical body was at another location" ("USLegal", n.d.). Today this practice is no longer used, however, if we begin to use new technology that can photograph dreams could spectral evidence be put back into place? In the court case where OJ Simpson was brought to court and, "prosecutors argued that Simpson's alleged dreams offered 'powerful evidence' of a 'fatal obsession'"(Woo, 1995, para. 2). Once again there is a standing example of how this new technology could take place and in fact how wrong it could be. Dreams do not predict our future or show our inner thoughts therefore should not be used as evidence. As a lawyer, I fear that with new imaging technology other lawyers may be able to use dreams as sufficient evidence.

In summary, many of the ideas discussed in The Future of the Mind would only harm the judicial system. As shown by previous court cases and statistics, these new groundbreaking technologies would send the judicial system down hill. The

*This author wrote the paper as a part of FIYS106: Medical Mysteries of the Mind under the direction of Dr. DebBurman

system would no longer be able to protect its community because criminals could claim mentally ill and be freed. There would be a whole new set of issues regarding memory implantations. Robots would cause a whole different set of problems in the legality and rights. Finally with new dream imagining people could use our subconsciousness thoughts against defendants. Clearly, these technologies should remain out of our society and would only cause harm to the judicial system.
. My appointment at the writing center helped me with editing my essay and correcting for grammatical issues. My tutor was helpful and went through my paragraphs with me, helping me pick out grammatical issues. However, I needed help with concision, and instead my tutor suggested things that needed to be added to my paper. This put me in a difficult situation as to not go over the word limit, but still address all the necessary material.