The privacy of the mental and the latest surveillance

According to the Cartesian conception of the mind, each of us enjoys a 'privileged access' to our own mental states. This epistemic claim has been challenged several times, for instance by the establishing of the Freudian unconscious (Shoemaker 1990). Moreover, cognitive psychology has proved that the inferential processes that we intend to modify are to a certain degree automatic and unconscious (Nisbett & Wilson 1977). More recently, Kahneman, Sibony, and Sunstein have shown the detrimental effects of a number of flaws in many fields of human judgment (2021). Despite the several limitations placed on the Cartesian thesis of privileged access to mental contents, there are still a number of good reasons to argue for the right that each person owns to self-determine his or her mental contents and to oppose others' access to their mental states. Two decades ago, 'the right to be let alone', i.e. the right to be free from government or others' intrusions into one's private life has been invoked to face the emergence of the practice of decoding of mental states from brain activity (Haynes 2012; Soch, Haynes 2022; Gatt et al. 2022). The latest challenge to the privacy of the mental is interesting insofar as it shows that the field of neuroethics has been enlarged. It is driven not exclusively by neurotechnologies. Risks for the privacy of the mental can also arise in connection with non-neural data (Ienca et al. 2022). The application of the process of reverse inference from non-neural data may be conducive to new practices of brain reading and therefore to new forms of intrusion into the mental content (Chancellor, De Choudhury 2020; Cho, Kamkar, Hosseini-Kamkar 2022). As a result of the exposition of this novel techno-vulnerability, new concerns have been voiced on political, legal, social and ethical side. This talk will present the case for defending the privacy of the mental in the changed technological environment by discussing the implications of these novel surveillance techniques.

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