

Rethinking mental privacy: a philosophical and legal account

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The value of intimacy, privacy, and authenticity cannot be made dependent on our power to access the contents of other people's brains. It would be like saying that the legitimacy of private property depends on the access we can gain to other people's property. We cannot make the legitimacy of private property dependent on our possibility to oust someone. Otherwise, as soon as the tools of burglary become sophisticated, we would forget about the promotion of private property. When examining the brain, it is worth noting that the current findings can be traced back to at least 1873, when Golgi made efforts to render neurons visible under the microscope. It can be argued that promotion of the privacy of the mind needs new assumptions, unless one were to view the findings of Golgi and subsequent researchers as challenges to essential psychological concepts, including those related to social life. It is worth noting that proponents of the Cartesian view on the mind, who aim to oppose the naturalization of the mind and advocate the view that each individual has a logically 'privileged access' to their own mental states may inadvertently commit a naturalistic fallacy in Moore's terms. Moore suggested that inferring X's goodness from its natural properties is a fallacy. Now that we are able to open a window with a view into the brain, it matters to state, which dimensions are worth promoting. This normative effort needs not be relegated to a constructivist approach. The refusal to move from the statement of a property to the enunciation of its normativity can also be argued following moral realism. The same stance that supports moral compatibilism, namely, that the circumstance allows us to explain phenomena in causal terms, is not opposed to the assertion of moral responsibility.