**Introduction**

- There has been marked improvement in neurotechnological methods of decoding mental states
- Interest in non-therapeutic applications (e.g., cognitive enhancement, entertainment)
- Such interest has informed calls for neurorights, including mental privacy (MP)
- Use of neurotechnological attention monitoring by companies across the world already

**Case Study**

- Electroencephalography (EEG) headbands in the classroom
- Attention monitoring to improve academic performance
- Trialed on 10,000 schoolchildren in China aged 10-17
  (as of Jan 19, 2019)

**Control Theories**

- MP about autonomous governance of ourselves and information about us
- Problems:
  - Won’t work for non-autonomous minors
  - Unclear scope and strength
  - Lack of substantive grounds for making autonomous decisions

**Contextual Integrity**

- Appropriateness of flows of information is context-specific, dependent on social norms
- Norms in turn depend on “the values, ends, and purposes of the social contexts in which we find them.”
- Problems:
  - Seems to imply deep relativism
  - Not intended for normative analysis

**Existing Accounts of MP**

**A New Proposal**

**The distinctiveness of mental privacy**

- Ground MP in the value of self-expression
- Self-expression of what, exactly?
- Answer: our introspective awareness of our own mental life (see Figure 1)

**Distinctiveness of neurotechnological threats**

- Bypass person-level behavior entirely
- Especially threatening to self-expression and self-definition
  - Risk of hermeneutical injustice (diminishment of our interpretive resources)

**Details**

- Introspection as highly interpretive, even Socratic
- Potential for offloading self-interpretation to an external device (such as EEG headbands from the case study)
- “Exospection” in which an external device informs us of our own subjective states risks eroding capacities for monitoring and reflectively interpreting our mental life, and expressing it to others

**Conclusions**

- Calls for legal enshrinement of mental privacy are urgent.
  - There is a need for more conceptual and empirical work on digital and neurotechnological reliance.

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**References**