

Law and the Inner Self: Understanding Harm in the Context of Socio-Technological Transformations

The self, as it is generally understood in legal and political theory, is the self of the *forum externum*: the individual, as the holder of rights and the bearer of responsibilities, as she interacts with other selves in the community.

Mainstream legal and political theory pays less attention to what Emily Dickinson calls ‘the self behind the self’ or the idea of the ‘inner self’: the notion that each of us has a deep and rich inner life or a *forum internum* made up of unmanifested thoughts, feelings, emotions, hopes and desires. The idea that we have inner selves is a profoundly important socio-cultural narrative that has shaped how we think about ourselves and our place in the world.

This paper will examine current socio-technological transformations through the prism of the narrative of the inner self. In shifting our attention away from the self of mainstream political and legal theory and towards the idea of the inner self, a new frame or ‘problem setting’ (Schön) begins to emerge. To take just one example: the problems of mass surveillance, political micro-targeting and algorithmic hypernudging for commercial purposes are almost always discussed in terms of threats to the rights to privacy and free speech in the *forum externum*. But we can also argue that these problems threaten to undermine the very integrity of the inner self: whether that is expressed in terms of mental integrity, freedom of thought or ‘intellectual privacy’ (Richards).

Some scholars have argued that we need a new ‘theory of harm’ for the socio-technological transformations of the 21st century. This paper will argue that any new theory of harm will be incomplete unless it pays close attention to the integrity of the inner self *alongside* any harms that occur in the *forum externum*.