



Conference Abstract

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Title: **Cognition Enhancement and the Principles of Continental Civil Law**

Abstract text:

Long has the notion of personal autonomy played the most significant role in the philosophical debate concerning cognitive enhancement. The enhancement libertarians and liberals recognised the full freedom to enhance as a fundamental moral right of a human being, a duty of a person towards oneself as well as the whole society. Such a concept of the right to enhance seems compatible with the autonomy-focused traditions of continental civil law. Yet, despite all the effort put in theoretical inquires, the debate has not lead to significant changes in continental law systems.

The lack of a normative framework may be a result of an extensive scepticism towards the concept of autonomy, which we can observe in current continental civil law regulations. Nowadays legislators put much emphasis on the ideas of “protection of the weaker party” or non-exploitation. Within the modern civil law systems we can distinct a tendency to a much more society-oriented contract law in which the parties lose their immunity and the contracts become protected by the state.

In my presentation I will argue that this tendency in modern civil law does not prevent us from regulating cognitive enhancement. Quite the opposite, respecting the principles of modern continental civil law leads us toward a more comprehensive, yet flexible, laws on enhancement. Laws that could not only help us solve some classical cognitive enhancement problems (fair access or individual’s responsibility), but also become valuable instruments of public health enhancement policies.

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