Peer-reviewed articles

Description

Peters, T.. (2020). The Struggle for Cognitive Liberty: Retrofitting the Self in Activist Theology. Theology and Science

Plain numerical DOI: 10.1080/14746700.2020.1786219
DOI URL
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“Human freedom is best understood as self-determination. free action consists of deliberation, decision, and action. the free human person deserves dignity, that is, we each deserve to be treated as a moral end and not merely as a means to someone else’s end. neurocentrist philosophy-a form of eliminative materialism-based on neuroscience, however, threatens the extinction of the human self and, thereby, threatens to turn our experience of freedom and dignity into a mere delusion. this evacuates the moral agenda of every activist liberation theology. one task of today’s public theologian is to protect cognitive liberty, because it conceptually undergirds political, economic, and social liberation.”
Sommaggio, P., Mazzocca, M., Gerola, A., & Ferro, F.. (2017). Cognitive Liberty. A first step towards a human neuro-rights declaration. BioLaw Journal

Plain numerical DOI: 10.15168/blj.v0i3.255
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“This paper discusses the emerging debate concerning the concept of cognitive liberty and its connection with human rights. therefore, considering how recent developments of neurosciences are granting us an increasing ability to monitor and influence mental processes, this article aims to provide a clear definition of cognitive liberty understood as a necessary condition to all other freedoms that cannot be reduced to existing rights. in this regard, after presenting the most important positions on the issue, we introduce our point of view, according to which cognitive liberty allows us to lay the groundwork for building new neurorelated human rights.”
Weissenbacher, A.. (2018). Defending cognitive liberty in an age of moral engineering. Theology and Science

Plain numerical DOI: 10.1080/14746700.2018.1488476
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“In 2009, mark walker first proposed the genetic virtue project, advancing that science should explore using genetic engineering to eliminate moral evils just as it attempts to eliminate natural ones like disease. this seemed like an issue for the far future given the unique challenges. walker focused on the wrong aspect of personhood, however, as moral engineering of the brain appears to be a more likely possibility. as early aspects of moral engineering the brain are in development, especially through the manipulation of the neural correlates of religious and political beliefs, emotions, and behaviors, i

consider several issues surrounding this project so as to protect individual rights and prevent future harms. i advance an internal criterion for the field called acceptability across ideologies to serve as a guide to protect against coercive and harmful technologies and analyze how current laws protecting cognitive liberty are lacking and in need of revision."
Sommaggio, P., & Mazzocca, M.. (2020). Cognitive liberty and human rights. In Neuroscience and Law: Complicated Crossings and New Perspectives

Plain numerical DOI: 10.1007/978-3-030-38840-9_6
DOI URL
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"This chapter discusses the emerging debate regarding the relationship between the concept of cognitive liberty and human rights. for this reason, after briefly presenting some issues related to the development of recent neurotechnology, the different types of definitions of the concept of cognitive liberty, that have been recently proposed, are illustrated. starting from these last, this chapter aims to analyze how, the whole relationship between human rights and cognitive liberty can change depending on the legislative strategy that one prefers to undertake."
Ienca, M.. (2017). The Right to Cognitive Liberty. Scientific American

Plain numerical DOI: 10.1038/scientificamerican0817-10
DOI URL
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Ienca, M., & Andorno, R.. (2017). Towards new human rights in the age of neuroscience and neurotechnology. Life Sciences, Society and Policy

Plain numerical DOI: 10.1186/s40504-017-0050-1
DOI URL
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"Rapid advancements in human neuroscience and neurotechnology open unprecedented possibilities for accessing, collecting, sharing and manipulating information from the human brain. such applications raise important challenges to human rights principles that need to be addressed to prevent unintended consequences. this paper assesses the implications of emerging neurotechnology applications in the context of the human rights framework and suggests that existing human rights may not be sufficient to respond to these emerging issues. after analysing the relationship between neuroscience and human rights, we identify four new rights that may become of great relevance in the coming decades: the right to cognitive liberty, the right to mental privacy, the right to mental integrity, and the right to psychological continuity."
Walsh, C.. (2010). Drugs and human rights: Private palliatives, sacramental freedoms and cognitive liberty. International Journal of Human Rights

Plain numerical DOI: 10.1080/13642980802704270

DOI URL
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“This paper reviews the impact of ten years of domestic incorporation of the european convention on human rights (echr) on the evolution of the united kingdom’s primary piece of prohibitive drugs legislation, the misuse of drugs act 1971. the significant cases where traditional interpretation of this act has been challenged in the courts using the convention are discussed. structured thematically, this paper looks at the interplay between drug prohibition and human rights in addressing complex issues, such as our right to self-medicate, to practice our religion(s) freely, and to explore our own consciousness. the intention is to expose the untapped potential of the echr as a tool with which to fundamentally challenge the (discriminatory) drug policy of the united kingdom. © 2010 taylor & francis.”
Kraft, C. J., & Giordano, J.. (2017). Integrating brain science and law: Neuroscientific evidence and legal perspectives on protecting individual liberties. Frontiers in Neuroscience

Plain numerical DOI: 10.3389/fnins.2017.00621
DOI URL
directSciHub download

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“Advances in neuroscientific techniques have found increasingly broader applications, including in legal neuroscience (or ‘neurolaw’), where experts in the brain sciences are called to testify in the courtroom. but does the incursion of neuroscience into the legal sphere constitute a threat to individual liberties? and what legal protections are there against such threats? in this paper, we outline individual rights as they interact with neuroscientific methods. we then proceed to examine the current uses of neuroscientific evidence, and ultimately determine whether the rights of the individual are endangered by such approaches. based on our analysis, we conclude that while federal evidence rules constitute a substantial hurdle for the use of neuroscientific evidence, more ethical safeguards are needed to protect against future violations of fundamental rights. finally, we assert that it will be increasingly imperative for the legal and neuroscientific communities to work together to better define the limits, capabilities, and intended direction of neuroscientific methods applicable for use in law.”
Rainey, S., Martin, S., Christen, A., Mégevand, P., & Fourneret, E.. (2020). Brain Recording, Mind-Reading, and Neurotechnology: Ethical Issues from Consumer Devices to Brain-Based Speech Decoding. Science and Engineering Ethics

Plain numerical DOI: 10.1007/s11948-020-00218-0
DOI URL
directSciHub download

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“Brain reading technologies are rapidly being developed in a number of neuroscience fields. these technologies can record, process, and decode neural signals. this has been described as ‘mind reading technology’ in some instances, especially in popular media. should the public at large, be

concerned about this kind of technology? can it really read minds? concerns about mind-reading might include the thought that, in having one's mind open to view, the possibility for free deliberation, and for self-conception, are eroded where one isn't at liberty to privately mull things over. themes including privacy, cognitive liberty, and self-conception and expression appear to be areas of vital ethical concern. overall, this article explores whether brain reading technologies are really mind reading technologies. if they are, ethical ways to deal with them must be developed. if they are not, researchers and technology developers need to find ways to describe them more accurately, in order to dispel unwarranted concerns and address appropriately those that are warranted."
Ienca, M., & Andorno, R.. (2021). Towards new human rights in the age of neuroscience and Neurotechnology. Analisis Filosofico

Plain numerical DOI: 10.36446/AF.2021.386
DOI URL
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"Rapid advancements in human neuroscience and neurotechnology open unprecedented possibilities for accessing, collecting, sharing and manipulating information from the human brain. such applications raise important challenges to human rights principles that need to be addressed to prevent unintended consequences. this paper assesses the implications of emerging neurotechnology applications in the context of the human rights framework and suggests that existing human rights may not be sufficient to respond to these emerging issues. after analysing the relationship between neuroscience and human rights, we identify four new rights that may become of great relevance in the coming decades: the right to cognitive liberty, the right to mental privacy, the right to mental integrity, and the right to psychological continuity."
Wolpe, P. R.. (2017). Neuroprivacy and cognitive liberty. In The Routledge Handbook of Neuroethics

Plain numerical DOI: 10.4324/9781315708652
DOI URL
directSciHub download

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"The term ''cognitive liberty'' has been used in a variety of ways. in general, it refers to the degree to which an individual has the right to control his or her own mental and emotional brain processes against the desires of external agents, especially the state, to control or access them. it is largely reflective of the value of neuroprivacy, the idea that privacy rights extend to a citizen's brain, and that if privacy has any meaning at all, it must mean one's right to protect the contents of one's brain (i.e., one's thoughts, emotions, and other subjective states). these terms are relatively recent concepts, reactions to the development of neurotechnologies that are beginning to allow unprecedented access to the inner workings of the brain. the values they reflect, however, have a long pedigree."
Walsh, C.. (2014). Beyond religious freedom: Psychedelics and cognitive liberty. In Prohibition, Religious Freedom, and Human Rights: Regulating Traditional Drug Use

Plain numerical DOI: 10.1007/978-3-642-40957-8_11
DOI URL

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“This chapter will examine the blurred boundaries between the sacred and the secular when it comes to psychedelic experiences, and the inevitable ensuing arbitrariness involved in protecting some such rituals and not others. it will put forth the argument that there is a need to move beyond simply seeking exemptions from drug prohibition in the name of religious freedom; rather, there should be a broader right to ingest psychedelics as an aspect of cognitive liberty. cognitive liberty is the right to control one’s own consciousness. it is a concept that equates to freedom of thought, a right protected internationally by the universal declaration of human rights and enforceable in europe through article 9 of the european convention of human rights.”
White, A. E.. (2010). The lie of fMRI: An examination of the ethics of a market in lie detection using functional magnetic resonance imaging. HEC Forum

Plain numerical DOI: 10.1007/s10730-010-9141-6
DOI URL
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“In this paper, i argue that companies who use functional magnetic resonance imaging (fmri) scans for lie detection encounter the same basic ethical stumbling blocks as commercial companies that market traditional polygraphs. markets in traditional voluntary polygraphs are common and fail to elicit much uproar among ethicists. thus, for consistency, if markets in polygraphs are ethically unproblematic, markets using fmris for lie detection are equally as acceptable. furthermore, while i acknowledge two substantial differences between the ethical concerns involving polygraphs and fmri lie detection, i argue that these concerns can be overcome and do not lead to the conclusion that markets in fmri lie detection are ethically dubious. it is my conclusion that voluntary markets in fmri lie detection can be justified by consumer autonomy and should be allowed to persist. © 2010 springer science+business media b.v.”
Xu, H., & Dinev, T.. (2012). The security-liberty balance: Individuals’ attitudes towards internet government surveillance. Electronic Government

Plain numerical DOI: 10.1504/EG.2012.044778
DOI URL
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“In the security-liberty balance, individuals would weigh the benefits of government surveillance against what the cost would be to our civil liberties. drawing on social cognitive theory (sct), this study empirically operationalises and tests citizens’ attitudes towards internet government surveillance and discusses predictors of these attitudes that help elicit the notion of security-liberty balance through a survey study. we propose that individuals’ internet self-efficacy and social awareness affect perceived need for government surveillance and government intrusion concerns. the study presents empirically

tested relationships which are important for informing the debate and developing well-balanced policies of security protection and civil liberties. copyright © 2012 inderscience enterprises ltd."
Davies, W.. (2017). Elite Power under Advanced Neoliberalism. Theory, Culture & Society

, 34(5–6), 227–250.
Plain numerical DOI: 10.1177/0263276417715072
DOI URL
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"The financial crisis, and associated scandals, created a sense of a juridical deficit with regard to the financial sector. forms of independent judgement within the sector appeared compromised, while judgement over the sector seemed unattainable. elites, in the classical millsian sense of those taking tacitly coordinated 'big decisions' over the rest of the public, seemed absent. this article argues that the eradication of jurisdictional elites is an effect of neoliberalism, as articulated most coherently by hayek. it characterizes the neoliberal project as an effort to elevate 'unconscious' processes over 'conscious' ones, which in practice means elevating cybernetic, non- human systems and processes over discursive spheres of politics and judgement. yet such a system still produces its own types of elite power, which come to consist in acts of translation, rather than judgement. firstly, there are 'cyborg intermediaries': elites which operate largely within the system of codes, data, screens and prices. secondly, there are 'diplomatic intermediaries': elites who come to narrate and justify what markets (and associated technologies and bodies) are 'saying'. the paper draws on lazzarato's work on signifying vs asignifying semiotics in order to articulate this, and concludes by considering the types of elite crisis which these forms of power tend to produce."
Foster, J. B., & Holleman, H.. (2010). The Financial Power Elite. Monthly Review

, 62(1), 1.
Plain numerical DOI: 10.14452/MR-062-01-2010-05_1
DOI URL
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"The article presents an historical overview of the emergence of the financial sector within the u.s. banking system, focusing on the developments of the end of the 20th century which led to the formation of a financial elite. introductory comments are given noting the rise and fall of different regulatory regimes within the u.s. banking sector in the first half of the century up to 1980. in-depth discussion is then provided highlighting the concentration of the financial sector as a dominant force in the nation's economy up to the events of the 2008 global financial crisis and the return of political demands for regulation."
Iyer, R., Koleva, S., Graham, J., Ditto, P., & Haidt, J.. (2012). Understanding libertarian morality: The psychological dispositions of self-identified libertarians. PLoS ONE

Plain numerical DOI: 10.1371/journal.pone.0042366
DOI URL
directSciHub download

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“Libertarians are an increasingly prominent ideological group in u.s. politics, yet they have been largely unstudied. across 16 measures in a large web-based sample that included 11,994 self-identified libertarians, we sought to understand the moral and psychological characteristics of self-described libertarians. based on an intuitionist view of moral judgment, we focused on the underlying affective and cognitive dispositions that accompany this unique worldview. compared to self-identified liberals and conservatives, libertarians showed 1) stronger endorsement of individual liberty as their foremost guiding principle, and weaker endorsement of all other moral principles; 2) a relatively cerebral as opposed to emotional cognitive style; and 3) lower interdependence and social relatedness. as predicted by intuitionist theories concerning the origins of moral reasoning, libertarian values showed convergent relationships with libertarian emotional dispositions and social preferences. our findings add to a growing recognition of the role of personality differences in the organization of political attitudes.”
Boire, R.. (2000). On Cognitive Liberty. In Journal of Cognitive Liberties

Plain numerical DOI: 10.1080/00207144.2013.753820
DOI URL
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“Mirando la pagina de este hombre resulta que es un abogado que dirige un centro por el derecho a la libertad cognitiva y dirigia una revista del mismo nombre que defiende el derecho a mi propio cerebro, especialmente en (a) nadie me puede obligar a tomar psicofarmacos (b) tengo todo el derecho a consumar las drogas que me de la gana (incluyendo marihuana, cannabis etc”
Ienca, M., & Andorno, R.. (2017). Towards new human rights in the age of neuroscience and neurotechnology. Life Sciences, Society and Policy

Plain numerical DOI: 10.1186/s40504-017-0050-1
DOI URL
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“Rapid advancements in human neuroscience and neurotechnology open unprecedented possibilities for accessing, collecting, sharing and manipulating information from the human brain. such applications raise important challenges to human rights principles that need to be addressed to prevent unintended consequences. this paper assesses the implications of emerging neurotechnology applications in the context of the human rights framework and suggests that existing human rights may not be sufficient to respond to these emerging issues. after analysing the relationship between neuroscience and human

rights, we identify four new rights that may become of great relevance in the coming decades: the right to cognitive liberty, the right to mental privacy, the right to mental integrity, and the right to psychological continuity."
Shanker, S. G.. (2009). Three concepts of liberty. In After Cognitivism: A Reassessment of Cognitive Science and Philosophy

Plain numerical DOI: 10.1007/978-1-4020-9992-2_13
DOI URL
directSciHub download

Rindermann, H.. (2012). Intellectual classes, technological progress and economic development: The rise of cognitive capitalism. Personality and Individual Differences

Plain numerical DOI: 10.1016/j.paid.2011.07.001
DOI URL
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"Cognitive ability theory claims that peoples' competences are decisive for economic wealth. for a large number of countries lynn and vanhanen (2002) have published data on mean intelligence levels and compared them to wealth and productivity indicators. the correlation between intelligence and wealth was supported by studies done by different authors using different countries and controls. based on their pioneering research two research questions were developed: does intelligence lead to wealth or does wealth lead to intelligence or are other determinants involved? if a nation's intelligence increases wealth, how does intelligence achieve this? to answer them we need longitudinal studies and theoretical attempts, investigating cognitive ability effects at the levels of individuals, institutions and societies and examining factors which lie between intelligence and growth. two studies, using a cross-lagged panel design or latent variables and measuring economic liberty, shares of intellectual classes and indicators of scientific-technological accomplishment, show that cognitive ability leads to higher wealth and that for this process the achievement of high ability groups is important, stimulating growth through scientific-technological progress and by influencing the quality of economic institutions. in modernity, wealth depends on cognitive resources enabling the evolution of cognitive capitalism. © 2011 elsevier ltd."
SENTENTIA, W.. (2006). Neuroethical Considerations: Cognitive Liberty and Converging Technologies for Improving Human Cognition. Annals of the New York Academy of Sciences

Plain numerical DOI: 10.1196/annals.1305.014
DOI URL
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"Developers of nbic (nano-bio-info-cogno) technologies face a multitude of obstacles, not the least of which is navigating the public ethics of their applied research. biotechnologies have received widespread media attention and spawned heated interest in their perceived social implications. now, in view of the rapidly expanding purview of neuroscience and the growing array of technologic

developments capable of affecting or monitoring cognition, the emerging field of neuroethics calls for a consideration of the social and ethical implications of neuroscientific discoveries and trends. to negotiate the complex ethical issues at stake in new and emerging kinds of technologies for improving human cognition, we need to overcome political, disciplinary, and religious sectarianism. we need analytical models that protect values of personhood at the heart of a functional democracy-values that allow, as much as possible, for individual decision-making, despite transformations in our understanding and ability to manipulate cognitive processes. addressing cognitive enhancement from the legal and ethical notion of 'cognitive liberty' provides a powerful tool for assessing and encouraging nbic developments."
Desai, A. C.. (2011). Libertarian Paternalism, Externalities, and the "Spirit of Liberty": How Thaler and Sunstein Are Nudging Us toward an "Overlapping Consensus". Law and Social Inquiry, 36(1), 263–295.

Plain numerical DOI: 10.1111/j.1747-4469.2010.01231.x
DOI URL
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"In their 2008 book nudge: improving decisions about health, wealth, andnhappiness, richard thaler and cass sunstein use research from psychologynand behavioral economics to argue that people suffer from systematicncognitive biases. they propose that policy makers mitigate these biasesnby framing people's choices in ways that help people act in their ownnself-interest. thaler and sunstein call this approach "libertariannpaternalism,{''} and they market it as "the real third way.{''} in thisnessay, i argue that the book is a brilliant contribution to thinkingnabout policy making but that "choice architecture{''} is not just ansolution to the problem of cognitive biases. rather, it is a means ofnapproaching any kind of policy making. i further argue that policynmakers must take externalities into account, even when using choicenarchitecture. finally, i argue that libertarian paternalism can best benseen as motivated by what sunstein has celebrated in his work onnconstitutional theory: a humility about the possibility of policy-makernerror embodied in learned hand's famous aphorism about the "spirit ofnliberty{''} and an attempt to reduce social conflicts by searching fornwhat john rawls called an "overlapping consensus.{''}."
Pustilnik, A. C.. (2012). Neurotechnologies at the intersection of criminal procedure and constitutional law. In The Constitution and the Future of Criminal Justice in America

Plain numerical DOI: 10.1017/CBO9781139108034.011
DOI URL
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"The rapid development of neurotechnologies poses novel constitutional issues for criminal law and criminal procedure. these technologies can identify directly from brain waves whether a person is familiar with a stimulus like a face or a weapon, can model blood flow in the brain to indicate whether a person is lying, and can even interfere with brain processes themselves via high-powered magnets to cause a person to be less likely to lie to an investigator. these technologies implicate the constitutional privilege against compelled, self-incriminating speech under the fifth amendment and the right to be

free of unreasonable search and seizure under the fourth amendment of the united states constitution. law enforcement use of these technologies will not just require extending existing constitutional doctrine to cover new facts but will challenge these doctrines' foundations. this short chapter discusses cognitive privacy and liberty under the fourth and fifth amendments, showing how current jurisprudence under both amendments stumbles on limited and limiting distinctions between the body and the mind, the physical and the informational. brain processes and emanations sit at the juncture of these categories. this chapter proposes a way to transcend these limitations while remaining faithful to precedent, extending these important constitutional protections into a new era of direct access to the brain/mind."

Category

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