

***Should the State Prohibit Healthy People's Use of Medical Cognitive Enhancers? A Critical Discussion of the Argument from Coercion and the Argument from Individualization***

Thomas Søbirk Petersen (University of Roskilde)

It is a fact that some healthy people (e.g. university students, researchers, business people) use prescription cognitive stimulants, or 'medical cognitive enhancers' (MCEs), sometimes called 'study drugs', 'smart drugs'. Another fact is that MCEs for undiagnosed people are prohibited by law in most countries. However, if MCEs are effective and safe to use (which is still an open question) it is obvious, at least from a liberal perspective, that their use by healthy people should not be prohibited. In the bioethical literature, several arguments in support of the current legal position on MCEs which have nothing to do with effectiveness or safety have been presented.

In this paper, I critically discuss two of these arguments. I have selected them because they have received surprisingly little careful analysis in the neuro-ethical literature, given how often they are mentioned there and how important they are in the liberal case for legalizing MCEs. The first argument is based on the worry that lifting the current ban on MCEs will compromise autonomy by coercing, or in other morally problematic ways pressuring, non-users to use MCEs. I want to show that on standard definitions of coercion the removal of the ban on MCEs for healthy people will not lead to coercion – quite the contrary. I will also argue that the other kinds of problematic pressure, such as peer-pressure and pressure exerted by raised expectations among employers are usually not morally wrong and therefore provide us with no reason to retain the current legislation.

The second argument claims, roughly, that the use of MCEs by healthy people is morally wrong because it individualizes existing problems in connection with, for example, learning and education (e.g. lack of resources to include disadvantaged but healthy students) that are caused by social and political structures. This is alleged to be troubling because these problems should and can be solved primarily collectively or politically. I will argue that this argument, in the version I consider, is problematic for the following reasons: if it is not realistic to change the problematic social or political structures, individual problem-solving is better than nothing; and individual handling of problems can go hand-in-hand with, or even support, social and political changes for the better.