

Title:

What Do Lawyers Do With Science? A View from Consumer Protection on Psychology and Neuroscience

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Abstract:

New science often enables new technology, which, in turn, gives rise to new social practices. For instance, the advances of cognitive neuroscience are hailed by some as the key to 'neuromarketing': a new era of marketing based on the knowledge and observation of neural processes. While claims to help businesses find the "buy button" in consumers' brain are overblown, it does remain that some private uses of new technology may need to be regulated. If law ignores science, regulators will be at a cognitive disadvantage in relation to regulatees. In the field of commercial practices, this could result in inadequate consumer protection. Indeed, powerful firms leverage existing knowledge on how people make decisions to develop ever more subtle, clever and effective ways to influence consumers. Effective regulation of such practices needs to be informed by science, but how? In this lecture, Prof. Sibony will offer a general framework for a law and science dialogue. She will discuss the relative relevance various scientific approaches to decision making for consumer protection and illustrate how the law can make sensible use of scientific input to enhance consumer protection.

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