

Constitutional law Between Ethical Dilemmas and Opportunity to Form an Ever-Closer Perfect Union Through Intelligence Artificial

The modern technology can have positive precedents to the humankind in sectors like such health care, criminal justice among others. However, it triggers new challenges and reflection for the man embedded within “Fourth Industrial Revolution” and constitutional law.

Indeed, one of the challenges is the continuing tension from the modern man as Schaeffer (1968) enlightens saying that since Rousseau the dichotomy between nature and freedom has been established. Nature will come to represent determinism, the machine, with man in the hopeless situation of being absorbed by the machine. (...) we saw man fighting for freedom, without limitations (...) at the same time, he feels the condemnation of be absorbed in the machine. This is the tension of modern man.

In conclusion this paper proposes to return to philosophical discussion about man and nature (machine) as well as the role of the constitutional law in relation to the protection of individual rights and consider this dispute to the field of Artificial Intelligence to understand if some ethics and moral – to be embedded into the constitutional law- can solve the deterministic tension of the man against background of “Fourth Industrial Revolution”. To preserving the human dignity, according to the philosopher Immanuel Kant, as rational human beings, is therefore, essential that they should be treated as an end in themselves and not as a means to something else.

Two points to consider: first, to surpass the dichotomy between man and machine the state must preserve human dignity as an end following Universal Human rights and treaties. And finally, it is the importance of establishing certain ethical relationships as well as accountability between man and machine based on ethical character to offspring a new character of constitutional law.

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