

THE CHALLENGES OF TRANSHUMANISM AND HUMAN RIGHTS REFLECTED IN THE CURRENT ROMANIAN CONSTITUTIONAL PROVISIONS

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Abstract

Mankind is already in the transhuman period as the discoveries from the medical field of the last decades have significantly changed the human body. Starting from the definition of transhumanism, this article has identified the interferences areas between the transhumanist ideas and the protection of the human rights, which are reflected in the present-day Constitution of Romania. We identified various such interferences and we also introduced some new ideas. At the end of the article we also offer a solution to the challenges of transhumanism which is worth taking into account when it comes to the adaption to the new world which lies in front of us.

Keywords: *challenges, transhumanism, human rights, constitution.*

1. INTRODUCTION

We shall start from the definition of Transhumanism. According to Wikipedia it represents "an international and cultural movement which supports the use of the sciences and technologies in order to improve the mental and physical skills of the people as well as everything that it perceives as unwanted and unnecessary aspects of the human condition, such as suffering, illness, ageing and involuntary death. Transhuman thinkers study the development possibilities and consequences and the use for these purposes of the human improvement techniques and of other technologies which are on the verge of appearance. The possible dangers and benefits of the powerful new technologies that might radically change the conditions of human life also represent preoccupations of the transhumanist movement" (WIKIPEDIA, n.d.).

Even though many of us are not yet aware, mankind is already in the transhuman period, as the discoveries from the medical field of the last decades have significantly changed the human body. We can take the example of the

pacemakers, hearing implants, hip prostheses or neurological implants. With their help the human body has regained a series of lost functions or its functionality as a whole has been improved. This idea is in line with the opinion of professor Jamie Susskind, the author of the paper "Future Politics. Digital technology and the society". He states that people perceive time as linear but the technologies that practically change the world develop at an exponential pace. It will not be long until Hi-Tech companies will be regarded as "public utility". This fact disorients us as individuals. When our forerunners died, they left behind a world which was almost similar to that from their first years of life. This does no longer happen in our case (SUSSKIND, 2019).

Transhumanism tends to direct the individual towards the posthuman condition. Transhumanism includes a number of the elements of Humanism, such as: the focus on reason and science, the struggle for progress and the improvement of the human (or transhuman) existence. The differences from Humanism are: the recognition and the anticipation of the fundamental changes of nature and of the possibilities of our lives with the help of the new technologies (WIKIPEDIA, n.d.).

2. INTERFERENCES BETWEEN TRANSHUMANIST IDEAS AND HUMAN RIGHTS FROM THE PERSPECTIVE OF THE ROMANIAN CONSTITUTION

We aim to identify some of the interference areas between the transhumanist ideas and the protection of the human rights as it is reflected in

the present-day Constitution of Romania. The second title from the Constitution of Romania, entitled "Fundamental rights, freedoms and duties" presents the complete set of rights and freedoms.

Petre Roman, the former Romanian prime minister wrote in his Diary, on April 11, 1991, the following: "To protect, to achieve, if possible, the safety of the state, can no longer be done through an investigation targeted against the citizen or the individual. The method of isolating the individual from the society, if suspicions arise on him, represents the most serious breach of the status of the national security instrument in democracy. Stalin's principle according to which the society is wonderful but its individuals are bad and the human personality is harmful triggers the disdain of the state security for the law that protects the citizen". In line with the above-presented ideas, Roman noted on April 22, 1991: "A state apparatus, with numerous and sophisticated means can, at any time, set in motion machines for the destruction of an individual, to compromise and defame him and to reduce him to silence!" (ROMAN, 2019).

We shall present some of the present-day Romanian constitutional provisions (The Constitution of Romania, 2004) and their compatibility or lack of compatibility with the transhumanist ideas. We start from the idea that democracy and upholding human rights enables a stable and happy life (CDEP, 2004).

1. In accordance with Article 22 (1) "the right to life as well as the right to physical and mental integrity of a person are guaranteed". There is a double perspective here. According to transhumanism certain procedures may be used so that the individual becomes a superior one we may use here a bionic hand, for example. Is he still considered an individual with physical integrity? Or will, in the future, the surgeries be performed only by robot-doctors, without any emotional attachment? Is this right? On the other hand, in transhumanism we can prolong our life with the help of the scientific discoveries. But do we still remain humans? Are we still *Homo Deus* according to the Christian perception?
2. Article 23 stipulates the guarantee for the individual freedom and safety of a person. The transhumanist perception emphasises surveillance with the help of video cameras in public spaces. Does it violate individual freedom? We believe it does. On the contrary, the citizens benefit from an increased safety. But when facial recognition will be introduced in public institutions, who will manage this data and what will it do with it?
3. Article 25 establishes the right to free movement. Under the current conditions, of establishing a state of emergency in Romania, due to the spread of the Coronavirus pandemic, the people who come from the countries where there are a lot of cases of illness are forced to quarantine for 14 days, due to suspected illness. The rest of the population, according to the military ordinance, has a very restricted right of movement. Is this a violation of human rights? At the same time, the positive element is represented by an increased sanitary security (PRECINDENCY, 2020).
4. In accordance with Article 28, the secret of phone conversations is guaranteed. If our phones are listened to, it means a violation of this provision. The good part is represented by the improvement of the fight against corruption and an increase in the level of national safety.
5. In accordance with Article 30 (1) "the freedom of expression of thoughts, opinions or beliefs and the freedom of creations of any kind, through writing, images, sound or other means of communication in public, are inviolable". Do social media networks therefore have the right to block our accounts just because someone files a complaint? Do they also have the right to stock information about us or to send it to a third party? In the near future a robot will decide the length of our freedom of expression. Nowadays, in America, there is a heated debate whether Facebook should be regarded as a publishing house or not. Because, if it represented a publishing house, it should have certain rights, but also certain obligations (SUSSKIND, 2019; IAGĂR, 2019).
6. Article 31 informs that people can have access to any information of public interest. Despite this guarantee and transhumanist ideas place

- emphasize the role of information, many scientific researchers encountered serious difficulties in researching the Archives of the former Security in Romania.
7. The next article guarantees the right to education. But nowadays, in transhumanism, there are many children from the rural areas who cannot continue their studies because they lack the necessary financial means. The state does not ensure them these resources, therefore violating this constitutional provision. Article 32 (1) stipulates that "state education is free, according to the law". Here there are two comments that should be made. State universities also enrol students who pay a tuition fee although the universities receive subsidies from the national budget. We consider that private universities should also receive these subsidies because they are also part of the national education system. The government from this transhumanist period once again violates a constitutional provision.
 8. Regarding the right to protect health and the principles of transhumanism who refer to the training of a superior and healthier individual, we support the draft law in our country according to which the private medical units should also receive funds from the state budget because, based on the above argument, they are part of the national health system.
 9. Transhumanism also supports the preservation of a healthy environment, aspect guaranteed by article 35 from the fundamental law of Romania. Here we offer the example of Iasi, where this right is violated because of the massive outrun of the maximum pollution limit.
 10. Regarding the guarantee for the right to vote, we consider that numerous frauds can take place through the introduction of the electronic vote. On the other side, the idea of introducing the compulsory vote, supported by transhumanism, gains more and more supporters. However, it violates the people's constitutional right to vote or not.
 11. Article 39 guarantees the freedom of meetings and demonstrations. Although transhumanism militates for an increased freedom, it is constrained by the government circles, as it was the case with the August 10, 2018 meeting from Bucharest.
 12. Article 41 is also interesting when it comes to labour and social protection. But transhumanism leads to economic prosperity, by replacing to a great extent the labour of the individual with the labour of machines, the reverse of the medal being represented by the increase of technological unemployment. In this way, the right to work, which is guaranteed by the constitution, is violated. The same article stipulates the fact that "women and men should be paid the same for the same kind of labour". Sometimes this provision is violated in practice. The current discussion in the European Union about the introduction of a European minimum wage is very interesting (EUROSTAT, 2020). Through the transformations that it produces, transhumanism alters the meanings of the term "social right". The state's mission is to ensure social justice.
 13. Another article which is violated is the one that guarantees the citizens a decent living standard to the citizens. In practice we know that the poverty rate is still very high. Transhumanism may play a major role here by increasing economic productivity using, in some cases, machines instead of humans.
 14. Article 48, which regards the protection of the family, raises problems for transhumanism and especially posthumanism from the perspective in which it is estimated that the family may also be formed from bionic partners who want to raise children. It is obvious that we can no longer speak about the traditional family, man and woman, or about a *Homo Deus* and a *Secular Deus*, as professor Nicu Gavriluță points out in his book "The new secular religions" (GAVRILUȚĂ, 2018).

3. CHRISTIANITY AND TRANSUMANISM

An interesting idea refers to the attempts to merge Christianity with transhumanism. For example, we have the representatives of the Transhumanist Christian Association, founded in 2013 in the United States of America, which state that "the intentional use of technology,

together with loyalty towards Christ, allows us to become more human, because of what it means to be creatures in the image of God. We recognize science and technology as expressions of the impulse that God gave to us in order to explore and discover and as a natural consequence of the act of being created in the image of God. Therefore, we are Christian transhumanists" (GAVRILUȚĂ, 2018). These ideas have already triggered numerous criticisms from the representatives of the Christian religions and from various humanist intellectuals.

4. CONCLUSIONS

What would be the solution to these challenges? We find it in the main purpose of transhumanism, to perfect the human mind and body, therefore leading to the development of the human experience. The great danger is represented by the dehumanisation of the individual. We therefore consider that the improvement of the human soul is also necessary.

In our opinion, this process will last at least a few more decades. We state this because the present world is indeed different from how it used to be three decades ago when technology did not play such an important role in our lives. We will therefore have to control the development of technology and to use it to the benefit of all. It is all up to us!

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