

Constitutional Law, "Faith", and Science

AI, the Attention Economy, and the Constitutional Challenge to Scientific
Reason

PROF. TATSUHIKO YAMAMOTO • KEIO UNIVERSITY LAW SCHOOL

The Dual Crises of Public Reason

1. The Attention Economy

Algorithms treat human attention as a scarce economic resource, prioritizing emotional reflexes over critical scrutiny to maximize corporate profit.

2. AI-Driven Offloading

Generative AI offers frictionless answers. Outsourcing our intellectual processes for sheer convenience erodes our capacity for critical verification.

Hijacking the Cognitive System

System 1 (Reflexive Mode)

Recommendation algorithms bypass the logical neocortex to target the "reptilian brain" (limbic system and brainstem). This exploits rapid, subconscious reflexes optimized for immediate reactions rather than deliberation.

System 2 (Deliberative Mode)

By overstimulating rapid reflexes, AI suppresses the slow mode of thought associated with critical reflection and analytical verification. In this continuous stimulus-response loop, evidence-based reasoning becomes impossible.

Modernity to Neo-Religious Space

17th Century

Scientific Revolution limits religious hegemony through empirical reason.



The State

Hobbes and Locke theorize secular governments to prevent religious wars.



Constitutions

Secular boundaries are established to safeguard public spaces for reason.



The AI Era

Algorithmic environments foster echo chambers, prompting a return to faith.



| Algorithmic Faith and Dogma

”

"Social media is causing a return to faith... The divisions emerging under the attention economy have an aspect of a religious war fueled by algorithms."

— Prof. Tatsuhiko Yamamoto, Keio University

Generative AI: The "Delicious Poison Apple"

Solace & Companionship

The top uses of generative AI are shifting from idea generation to therapy. Seeking personal emotional healing from AI makes empirical verification irrelevant.

Systemic Cognitive Offloading

Humans naturally outsource mental load. Delegating reports and clinical decisions entirely to AI causes a severe atrophy of critical reasoning.

A Constitution for Technology (CFT)



Sovereign Power

Treat Big Tech as global political actors with immense cognitive influence, rather than mere private enterprises.



Transparency

Enforce strict public accountability regarding data structures and algorithmic recommender design.



Separation of Tech

Establish a modern "separation of State and Tech" to block government - platform narrative manipulation.

From "Free Markets" to Legal Support

Failure of the Free Market

The classical theory of counter -speech breaks down in algorithmic structures designed to exploit emotional reflexes instead of logical reasoning.

Metadata as Food Labeling

Similar to nutrition labels, digital content requires robust metadata tags (e.g., origin, AI use) to support rational, self -determined choices.

| Cultivating Informational Health

2.0

Autonomous Individual 2.0

Fostering Societal Immunity

We must redefine the citizen as vulnerable to info - tech, requiring nudge - style institutional support. "Informational Health" focuses on balanced consumption and building societal immunity, rather than implementing broad constitutional state censorship.

Thank You

For your attention and insights.

PROF. TATSUHIKO YAMAMOTO • KEIO UNIVERSITY LAW SCHOOL