ALGORITHMIC RULE BY LAW

With the promise of greater efficiency and effectiveness, public authorities have increasingly turned to algorithmic systems to regulate and govern society. In *Algorithmic Rule By Law*, Nathalie Smuha examines this reliance on algorithmic regulation and shows how it can erode the rule of law. Drawing on extensive research and examples, Smuha argues that outsourcing important administrative decisions to algorithmic systems undermines core principles of democracy. Smuha further demonstrates that this risk is far from hypothetical or one that can be confined to authoritarian regimes, as many of her examples are drawn from public authorities in liberal democracies that are already making use of algorithmic regulation. Focusing on the European Union, Smuha argues that the EU's digital agenda is misaligned with its aim to protect the rule of law. Novel and timely, this book should be read by anyone interested in the intersection of law, technology and government.

Nathalie A. Smuha is a legal scholar and philosopher at the KU Leuven Faculty of Law, where she examines the impact of digital technology on human rights, democracy and the rule of law. She is a member of the Leuven AI Institute and the Digital Society Institute and a member of the board of trustees of the Academy of European Law. She has held visiting positions at the University of Chicago and the University of Birmingham, and she has taken up an Emile Noël Fellowship at NYU School of Law. Previously, she worked at the European Commission and practised law as a member of the Brussels Bar and the New York Bar. Professor Smuha is also editor of *The Cambridge Handbook on the Law, Ethics and Policy of AI*. This title is also available as open access on Cambridge Core.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 13:38:15, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009427500

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 13:38:15, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009427500

Algorithmic Rule By Law

HOW ALGORITHMIC REGULATION IN THE PUBLIC SECTOR ERODES THE RULE OF LAW

NATHALIE A. SMUHA
KU Leuven Faculty of Law

CAMBRIDGE
UNIVERSITY PRESS

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 13:38:15, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009427500

CAMBRIDGE
UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781009427463

DOI: 10.1017/9781009427500

© Nathalie A. Smuha 2025

This work is in copyright. It is subject to statutory exceptions and to the provisions of relevant licensing agreements; with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part of this work may take place without the written permission of Cambridge University Press.

An online version of this work is published at doi.org/10.1017/9781009427500 under a Creative Commons Open Access licence CC-BY-NC-ND 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given. You may not distribute derivative works without permission. To view a copy of this licence, visit https://creativecommons.org/licenses/by-nc-nd/4.0

All versions of this work may contain content reproduced under license from third parties. Permission to reproduce this third-party content must be obtained from these third-parties directly.

When citing this work, please include a reference to the DOI 10.1017/9781009427500

First published 2025

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data
NAMES: Smuha, Nathalie A., author.
TITLE: Algorithmic rule by law : how algorithmic regulation in the public sector erodes the rule of law / Nathalie A. Smuha, KU Leuven Faculty of Law.
DESCRIPTION: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2024. | Includes bibliographical references and index.
IDENTIFIERS: LCCN 2024001824 (print) | LCCN 2024001825 (ebook) | ISBN 9781009427463 (hardback) | ISBN 9781009427470 (paperback) | ISBN 9781009427500 (epub)
SUBJECTS: LCSH: Rule of law. | Rule of law–European Union countries. | Algorithms–Social aspects. | Information technology–Law and legislation.
CLASSIFICATION: LCC K3171 .S66 2024 (print) | LCC K3171 (ebook) | DDC 340/.15181–dc23/eng/20240129
LC record available at https://lccn.loc.gov/2024001824
LC ebook record available at https://lccn.loc.gov/2024001825

ISBN 978-1-009-42746-3 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 13:38:15, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009427500