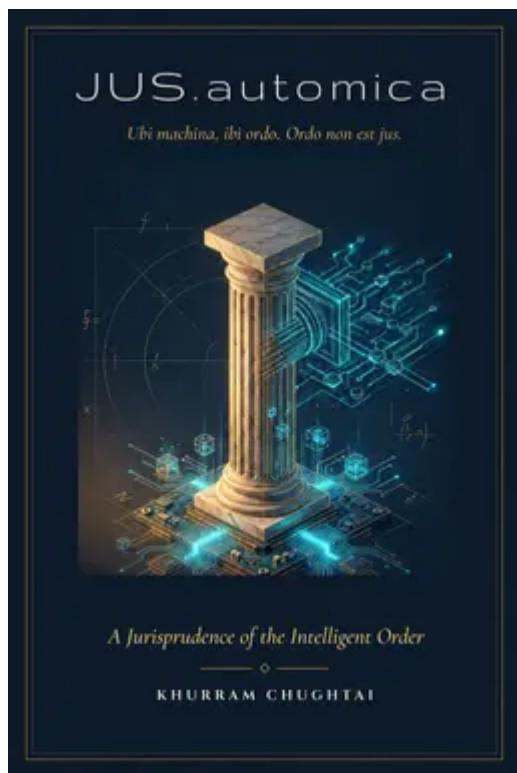




CONTENTS AND CHAPTER SUMMARIES

JUS.AUTOMICA

A Jurisprudence of the Intelligent Order

Khurram Chughtai

This book comprises twenty-eight chapters on the jurisprudence of the Intelligent Order. It examines the Intelligent Legal Condition, the intellectual genealogy of law and code, authority and rights, the definition and doctrines of the subject, and the foundational canons.

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Practitioner apparatus: audit questions and identity cards; Bibliography; Glossary;
Analytical index.

LAW IN THE INTELLIGENT LEGAL CONDITION

Where does legal authority reside when institutions act through interconnected data, code and models?

THE CHAPTER DEVELOPS

The Intelligent Legal Condition, with the Capacity–Authority Distinction as its threshold safeguard.

Where does legal authority reside when public power operates through data, code and models? This chapter introduces the Intelligent Legal Condition: a diagnostic account of an environment in which legality depends on the integrity of the complete process through which an institution acts. It locates the ‘seam’ where authoritative language becomes computational conditions and where computational outputs acquire institutional effect. A functional reading of technological development directs attention to provenance, relationships and consequences rather than changing technology labels. Through conceptual distinctions, administrative illustrations and engagement with rival accounts of technological change, the chapter traces legality from source and interpretation through encoding, execution, evidence, review and correction. Its threshold safeguard is the Capacity–Authority Distinction: technical capability does not confer lawful power. The account neither attributes consciousness or sovereignty to machines nor assumes existing law is powerless; applicability thresholds and specific duties remain for later chapters.

KEYWORDS Intelligent Legal Condition · Capacity–Authority Distinction · computational authority chain · institutional provenance · trajectory-governance · system-level bureaucracy · legal consequence · lifecycle legality

1.0 Introduction

1.1 The Seam

1.2 The Intelligent Condition and Institutional Provenance

1.3 The Trajectory of Intelligence

1.4 Why Legal Terminology Fails

1.5 The Intelligent Ecosystem

1.6 The State Formally Human, Operationally Computational

1.7 What This Changes for Legality

1.8 The Doctrine: The Intelligent Legal Condition

1.9 The Other Side

1.10 Transition

THE AUTONOMOUS TURN IN INSTITUTIONAL ACTION

When consequential governing work moves into computational processes, what makes the institution's authority, judgment, contestation and correction remain effective?

A public institution can remain formally responsible while losing effective command of the operations that determine a person's position. This chapter examines that redistribution of governing work through the distinct functions of recording, inference, generation and action. Its constitutional claim is conditional: where consequential operations relocate, institutions must demonstrate that judgment, contestation and correction remain adequate under the governing law. The argument tests this claim against administrative-law continuity, the many-hands problem, nominal human oversight and philosophical accounts of meaningful control. A limited reading of SCHUFA grounds the importance of practical dependence between decision stages, while normative multiagent systems and constitutional-AI research illuminate different forms of computational participation. The chapter distinguishes norm synthesis, recognition, revision and enforcement without treating any technical capacity as constituent authority. It therefore opens, rather than resolves, the question whether intelligent systems could participate in forming a constitutional order.

KEYWORDS operational autonomy · institutional adequacy · meaningful human control · temporal adequacy · quasi-automation · normative participation · constituted revision · many-hands responsibility

- 2.1 The turn concerns where governing work is performed
- 2.2 Inference and generation change the route to action
- 2.3 Three mechanisms of accountable administration require different arrangements
- 2.4 The continuity objection defeats total silence but not the adequacy question
- 2.5 A retained human can conceal the loss of control
- 2.6 Meaningful control can operate across time
- 2.7 The dangerous interval is between consequence and effective protection
- 2.8 Normative participation comprises distinct capacities

2.9 Revision can change the governed operation or its governing terms

2.10 What has relocated is operative work and the burden of making it answerable

LEGAL TRANSLATION INTO COMPUTATIONAL SYSTEMS

How can a legal norm become operational in a system without its meaning, authority or exceptions being silently changed?

THE CHAPTER DEVELOPS

The Legal Translation Problem, with the Translation Fidelity Requirement and the Competent Translation Requirement.

What changes when a legal norm becomes executable? This chapter treats translation into computational form as a sequence of legally consequential choices about source, meaning, facts, categories, procedure, discretion and effect. Reading the inherited administrative design alongside contemporary encoding practices, it follows the chain from authoritative source through institutional interpretation, specification, implementation and execution. The analysis distinguishes what translation can lose, including exceptions and the allocation of doubt, from what encoding adds through defaults, thresholds and priorities. It proposes a Translation Fidelity Requirement spanning six dimensions and a Competent Translation Requirement that matches approval to the normative significance of each choice. Technical research supplies comparisons rather than proof of legal legitimacy. The chapter accepts the benefits of precision and interdisciplinary co-drafting while arguing that neither removes the need for authority, a reviewable record and correction. Jurisdiction-specific competence and detailed traceability machinery remain for subsequent inquiry.

KEYWORDS Legal Translation Problem · Translation Fidelity Requirement · Competent Translation Requirement · open texture · operational amendment · source pedigree · Rules as Code · translation record

3.0 Introduction

3.1 The Architecture of the Inherited State

3.2 The Mismatch

3.3 What Translation Is

3.4 What Resists Translation

- 3.5 What Encoding Adds
- 3.6 Four Relations Between Law and Code
- 3.7 Translation Is Never Neutral
- 3.8 The Doctrine: The Legal Translation Problem
- 3.9 The Other Side
- 3.10 Transition

FRAGMENTED LEGALITY AND THE COHERENCE REQUIREMENT

How can distributed institutions remain legally coherent without concentrating all information and power?

THE CHAPTER DEVELOPS

The Coherence Requirement.

Individually sound systems can combine into an arrangement that no institution can explain or correct. This chapter develops the Coherence Requirement as the treatise's proposed answer to that problem. It maps six seams of fragmentation: interpretive, temporal, institutional, evidentiary, remedial and jurisdictional. Their legal significance lies in failures of knowable norms, attributable action, reviewable outcomes and effective remedy, which ordinary efficiency measures can conceal. Conceptual analysis is tested against specifically bounded findings from Robodebt, SyRI and the Dutch childcare-benefits inquiry, without treating these records as proof of a single universal cause. The proposed requirement connects authority, interpretation, data, finance, action, evidence and correction while protecting lawful institutional differences. Whole-chain coherence supplies the constitutional standard; continuous evidence at legal-technical coupling points supplies the compliance standard. Coherence therefore requires traceable, authorised relationships and systemic remedies, with an express prohibition on treating it as permission for universal centralisation.

KEYWORDS Coherence Requirement · whole-chain coherence · coupling-point coherence · legal interoperability · constitutional latency · lawful divergence · systemic remedy · institutional fragmentation

4.0 Introduction

4.1 What Coherence Means in Law

4.2 The Anatomy of Fragmentation

4.3 A Legal Pathology, Not an Engineering Defect

4.4 Why Efficiency Reasoning Conceals It

4.5 Constitutional Latency

4.6 The Failure Record

4.7 The Doctrine: The Coherence Requirement

4.8 The Other Side

4.9 Transition

NATURAL LAW, DIGNITY AND THE MORAL LIMITS OF AUTOMATION

What must a legal order preserve about the person when it processes decisions through computation?

THE CHAPTER DEVELOPS

The Human Dignity Constraint.

What must remain of the person when administration acts upon a computational representation? Drawing on natural-law traditions, accounts of dignity and objections to human-decision rights, this chapter proposes the Human Dignity Constraint. Formal validity, consistent execution and predictive success cannot alone settle whether public power treats its subjects justly. The argument specifies three limits: reduction forbids treating data as exhaustive of the person; confrontation requires a meaningful opportunity to be heard and answered; abdication requires an empowered, answerable institution and preserves judgments entrusted to a competent decision-maker. The chapter also examines optimisation, unequal error burdens, vulnerability and access to exception, using a constructed benefits example and carefully limited legal comparisons. It presents these requirements as jurisprudential proposals, not universal existing law. Their intensity is proportionate, routine automation remains possible, and the treatment of validity, detailed procedure and reserved human functions is assigned to later chapters.

KEYWORDS Human Dignity Constraint · Non-Exhaustion Principle · reduction limit · confrontation limit · abdication limit · vulnerability · substantive legitimacy · error distribution

5.0 Introduction

5.1 Why the Tradition Is Consulted Here

5.2 Dignity as a Legal Concept

5.3 What Automation Does to the Person

5.4 Three Limits

5.5 The Doctrine Stated

5.6 Justice and the Automation of Allocation

5.7 Limits on Authority Beyond One Tradition

5.8 The Other Side

5.9 Transition

POSITIVISM, LEGAL VALIDITY AND COMPUTATIONAL AUTHORITY

What gives a computational rule legal authority beyond the fact that it operates?

THE CHAPTER DEVELOPS

The Authority-Pedigree Principle.

Working code can impose a consequence without possessing legal authority. This chapter draws on Hart, Kelsen and Raz to develop the Authority-Pedigree Principle: a computational rule or output must connect through a documented, reviewable chain to valid sources, competent institutions and authorised implementation. Its distinctive practical demand is granularity. Approval of a programme does not establish the pedigree of every operative rule, threshold, version or individual output. Ten questions test the existence and maintenance of authority, while a taxonomy identifies defects such as silent interpretation, stale law, metric capture and foreign-command opacity. The chapter distinguishes derivation from recognition and authority from effective constraint. It also defends a proposed nullity rule for determinations actually lacking material pedigree, while distinguishing missing proof from missing authority and confronting reliance and judicial-order limits. Pedigree remains necessary rather than sufficient; moral legitimacy, reasoned justification and procedural remedies require further inquiry.

KEYWORDS Authority-Pedigree Principle · validity and efficacy · granular authorisation · rule of recognition · hierarchical derivation · fail-closed protection · shadow computational law · metric capture

6.0 Introduction

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6.2 Isolating the Validity Question

6.3 The Positivist Toolkit

6.4 What Is Claiming Authority?

6.5 The Authority-Pedigree Principle

6.6 The Pedigree Elements

6.7 Pedigree Breaks

6.8 Derivation

6.9 Authority and Justified Force

6.10 Is Pedigree Sufficient?

6.11 Officials, Metrics and the Internal Point of View

6.12 The Other Side

6.13 Transition

LEGAL REALISM, ADMINISTRATIVE POWER AND THE LAW IN ACTION

When does learning from institutional practice reproduce the very conduct that law should correct?

THE CHAPTER DEVELOPS

The Non-Reproduction Principle, with Corrective Legal Intelligence.

A model trained on administrative history may learn an institution's departures from law as its standard of correct action. This chapter uses the realist distinction between law in books and law in action to examine that risk. Its proposed Non-Reproduction Principle denies that official status, repetition or predictive success makes historical conduct presumptively lawful. The analysis follows the production of data through selective observation, labels, incentives, human overrides, proxy discrimination and feedback loops. It separates legal, institutional and justice baselines, and distinguishes diagnostic, prioritising, evidentiary and determinative uses of an output. Empirical studies, reported deployments and jurisdiction-specific legal comparisons retain their different evidentiary limits. The constructive proposal, Corrective Legal Intelligence, turns administrative records and counter-data into evidence of legal divergence routed to competent correction. It offers conditions for accountable inquiry rather than a new statistical technique, and treats disparity or anomaly as a reason to investigate rather than an automatic finding.

KEYWORDS Non-Reproduction Principle · Corrective Legal Intelligence · Behaviour–Norm Distinction · institutional visibility · label provenance · legal baseline · counter-data · feedback loops

7.1 Law in books and law in action

7.2 The production of official data

7.3 Practice and lawful authority

7.4 Bias and feedback

7.5 Baselines and individual treatment

7.6 Corrective Legal Intelligence

7.7 Counter-data and lived experience

7.8 Remediation and objections

CYBERNETICS, SYSTEMS THEORY AND LEGAL INFORMATICS

How should a system distinguish legally binding correction from other feedback while preserving the ability to learn from both?

THE CHAPTER DEVELOPS

The Constitutional Feedback Principle.

How can an institution learn from computational feedback without allowing its systems to choose the law they obey? This chapter brings cybernetics, systems analysis and legal informatics to the problem of lawful correction. Its proposed Constitutional Feedback Principle requires authorised objectives, observation of the complete environment affecting rights, differentiated feedback channels and comparison with law and public purpose. The argument examines metric distortion, system boundaries, knowledge representation, adaptation and the gap between machine learning and institutional learning. Technical studies and governance frameworks illuminate these mechanisms without supplying constitutional authority. A judgment, an audit and a complaint have different legal force; their differences must survive entry into a computational process. Material normative change requires competent authorisation, while binding correction must reach dependent systems where governing law requires it. The chapter joins these requirements to rapid suspension, resilience and continuity, without prescribing a universal rule of invalidity or reopening every similar case automatically.

KEYWORDS Constitutional Feedback Principle · Metric–Purpose Distinction · structured openness · institutional learning · systemic propagation · requisite variety · safe continuity · legal knowledge representation

8.0 Introduction

8.1 Systems and legal order

8.2 Goals and metrics

8.3 Boundaries and interaction

8.4 Legal knowledge representation

8.5 Learning and authorisation

8.6 Constitutional feedback channels

8.7 Timely correction and continuity

8.8 The constitutional control loop

CONSTITUTIONALISM AND THE REACH OF HIGHER-ORDER LAW

How does higher-order law reach the architectures that execute it, and which constitutional obligations follow a public function into private infrastructure, and where must that extension be justified separately?

THE CHAPTER DEVELOPS

The Constitutionalisation of Execution.

A constitution can remain supreme while failing to constrain the infrastructure through which public power operates. This chapter develops the proposed Constitutionalisation of Execution to examine that gap. Building on architecture-as-regulation and digital-constitutionalism scholarship, it asks where constitutional protection ceases to reach data, interfaces, models, workflows and contractual dependencies. The argument connects rights throughout the system lifecycle with institutional separation, attribution, procurement, intelligible disclosure, effective oversight and remedies capable of changing architecture. Comparative legal examples identify possible routes of application without erasing jurisdictional differences. Its central distinction concerns outsourcing: the public authority retains responsibility for its function, while obligations imposed directly on a private provider require their own legal justification. The chapter therefore protects constitutional boundaries as it extends scrutiny into execution. Its contribution is a test of reach and an evidence-based chain of accountability, rather than a claim that every platform is a state actor or that technical design is itself a constitution.

KEYWORDS Constitutionalisation of Execution · Rights Continuity Principle · constitutional reach · public-function attribution · private infrastructure · constitutional procurement · layered intelligibility · structural remedy

9.1 Constitutional authority and operation

9.2 Architecture and legal consequence

9.3 Rights through the system

9.4 Institutional boundaries

9.5 Public functions and private infrastructure

9.6 Procurement and significant change

9.7 Oversight and structural correction

9.8 Post-documentary constitutionalism

ISLAMIC JURISPRUDENCE, LEGAL PLURALISM AND NORMATIVE TRANSLATION

How should a system preserve a legitimate alternative interpretation when an institution must nevertheless decide a particular case?

THE CHAPTER DEVELOPS

The Normative Plurality Principle.

Computational systems often need one operational answer from sources that legitimately differ in authority, method and meaning. This chapter proposes the Normative Plurality Principle to preserve those differences while allowing institutions to decide. Islamic jurisprudence supplies a methodological illustration through distinctions among revelation, juristic understanding, opinion, adjudication and state-recognised law, and through its disciplines of derivation, analogy, purposive reasoning and disagreement. The inquiry then extends to customary, professional, contractual and statutory orders, multilingual translation and data schemas. It argues that corpus frequency cannot establish consensus, statistical similarity cannot supply normative analogy, and fluent translation cannot establish equivalent legal effect. A register makes the selected interpretation, material alternatives and selecting authority reviewable. The chapter's account is introductory and open to specialist correction; it neither codifies Islamic law nor rules on particular products or transactions. Plural representation preserves relevant disagreement without treating every source as equally binding or every opinion as material.

KEYWORDS normative plurality · uṣūl al-fiqh · ikhtilāf · institutional selection · source hierarchy · normative translation · false consensus · legal status

10.1 Sources and forms of authority

10.2 Methods of juristic reasoning

10.3 Legitimate disagreement

10.4 Plural legal orders

10.5 Translation across languages and schemas

10.6 Computational representation

10.7 Institutional selection and accountability

10.8 The plurality inquiry

THE CONSTITUENT PROBLEM OF INTELLIGENT ORDER

Could an intelligent participant possess a justified share in establishing the terms on which a constitutional order claims authority?

Could an intelligent participant possess a justified share in establishing a constitutional order, rather than merely operating within one? This chapter opens that inquiry by separating constituted powers from constituent authority, legal validity from moral justification, and constitutive influence from constitutional standing. It tests human exclusivity, bounded participation, limited autonomous normative competence, hybrid authority and coexistence as distinct settlements with different burdens. Kelsen's account of constitutional discontinuity and societal constitutionalism provide demanding antecedents; normative multiagent systems, Constitutional AI and Artificial Leviathan supply bounded technical comparisons. The argument asks who belongs to the governed community, whose objections count, how identity and commitments survive replication or revision, and how capture, deadlock and external harm can be challenged. Computational success supplies no constituent title, but that conclusion does not prove permanent human exclusivity in every possible order. The demonstrations examined have not discharged the stronger burden, leaving a specified constitutional inquiry open.

KEYWORDS constituent authority · constituted power · human exclusivity · bounded participation · hybrid authority · constitutional coexistence · political authorship · answerability

11.1 The question of who may constitute an order cannot be answered by inspecting an instrument

11.2 Constituent authority differs from the powers a constitution distributes

11.3 Constitutive effects do not automatically confer constituent standing

11.4 The human-exclusive position requires more than an appeal to present practice

11.5 Bounded participation can be substantial without becoming constituent power

11.6 Hybrid authority changes the terms of constitutional disagreement

11.7 Coexistence requires a law of relations rather than a single sovereign intelligence

11.8 Technical research tests necessary capacities but does not award a constitutional title

11.9 The common burden is answerability to the governed rather than a predetermined winner

SOURCES, HIERARCHY AND THE CHAIN OF LEGAL AUTHORITY

How does authority travel from source to system without breaking: which defects break the authority of an act, which permit correction or severance, and who has competence to decide the consequence?

THE CHAPTER DEVELOPS

The Unbroken Authority Chain.

A valid statute does not by itself validate every transformation that produces a computational act. This chapter develops the Unbroken Authority Chain as an institutional and evidentiary account of that passage. It follows sources through hierarchy, jurisdiction and legal time into interpretation, representation, data, execution, human adoption and enforcement. At each material stage, the inquiry asks who possessed competence and what verifiable record connects the act to its claimed authority. Conceptual analysis, bounded legal comparisons and reported administrative practices inform an authority map and fifteen-question audit. Cross-border dependencies and agentic sequences extend the problem without enlarging the originating mandate. The chapter carries forward the treatise's proposed nullity consequence for determinations lacking valid legislative pedigree, while assigning the consequences of other defects to governing law, materiality and competent review. Documentation is not sufficient: the record must permit independent examination, and a remedy must be able to reach the broken link.

KEYWORDS authority chain · source hierarchy · institutional competence · legal time · representation validity · data provenance · materiality · systemic remedy

12.1 Sources and their relative authority

12.2 Jurisdiction and legal time

12.3 Authenticity and publication

12.4 Interpretation and representation

12.5 Data, action and enforcement

12.6 Distributed and cross-border chains

12.7 Breaks and consequences

12.8 The authority map

INTELLIGENT RULE FORMATION

Through which transitions can an intelligently produced rule become a binding obligation, and who may contest the competence and terms through which it does so?

Intelligent systems can create, negotiate and revise norms within formal institutions; whether those norms may bind people is a separate question. This chapter examines the stages between emergent regularity, norm synthesis, selection, adoption, promulgation and enforcement. Normative multiagent research supplies established technical antecedents, while an electronic fish-market model and Constitutional AI provide precise tests of what formal rules and delegated evaluation demonstrate. The argument locates normative choices in objectives, participation conditions, defaults and revision procedures, including the point at which an apparently advisory proposal becomes binding unless challenged. It distinguishes physical composition from legal authorship and permits the possibility of intelligent contributions with effects greater than advice under a valid allocation of competence. Such autonomy requires contestable boundaries that its beneficiary cannot determine alone. The chapter offers constitutional conditions for examining rule formation, without claiming a technical demonstration of public authority or resolving the stronger question of constituent standing.

KEYWORDS norm emergence · rule synthesis · electronic institutions · adoption · promulgation · autonomous normative competence · public purpose · contestation

13.1 Producing a rule and making it authoritative are different achievements

13.2 Emergent regularity may become a norm without thereby becoming law

13.3 Synthesis requires a public account of what the objective leaves out

13.4 Electronic institutions make the relation between formal and legal effect inspectable

13.5 Adoption and promulgation must identify what has actually become binding

13.6 Constitutional AI demonstrates delegated evaluation rather than a legal founding

13.7 Autonomous rulemaking needs a boundary which its beneficiary cannot determine alone

13.8 Rule formation is constitutional only where its normative relations can be contested

INTERPRETATION, PRINCIPLES AND INSTITUTIONAL REASON

What makes an explanation of an outcome a legal justification that an institution can answer for, and what follows for an outcome for which no justification is available?

THE CHAPTER DEVELOPS

The Reasoned Legality Principle, with two routes to accountable reasons at the legally relevant unit of judgment: the standing rule, deployment, batch or individual case.

An outcome can possess a valid pedigree and still lack a legal justification. This chapter develops the proposed Reasoned Legality Principle by distinguishing technical explanation, institutional reasons and the warrant for a particular exercise of power. Engagement with rules, standards, principles and interpretive methods exposes choices concealed in coefficients, defaults and apparently settled classifications. The chapter tests generated reasons against competing accounts of assessment and ownership, reconciling them through a dual-track canon. Routine determinate applications may use Assessed Reasons verified against an approved, versioned legal rule model; judgments requiring discretion, resolution of material dispute or particular coercive consideration require meaningfully Owned Reasons. A record must identify the relevant unit of judgment and permit challenge to its classification. Comparative reason-giving and explanation duties remain distinct from the proposal. The absence of available justification makes an outcome ‘not legally established’, without imposing a universal nullity rule or confusing faithful later articulation with fabricated deliberation.

KEYWORDS legal justification · institutional reasons · interpretive candour · rules and principles · Assessed Reasons · Owned Reasons · contemporaneous grounds · reasoned legality

14.0 Introduction

14.1 What Pedigree Leaves Out

14.2 Rules, Principles and Weight

14.3 Interpretation as an Act

14.4 Explanation Is Not Justification

14.5 What a Legal Reason Is

14.6 Institutional Reason

14.7 Can a Machine-Generated Reason Be a Legal Reason?

14.8 The Reasoned Legality Principle

14.9 The Duty to Give Reasons

14.10 The Other Side

14.11 Transition

SELF-MODIFICATION, CONSTITUTIONAL REVISION AND THEIR LIMITS

When does an intelligent system's revision change its constitutional authority, and what must remain contestable as the system changes?

How can an intelligent constitutional arrangement learn without acquiring the power to redefine the limits of its own authority? This chapter classifies self-modification by its effects on legal relations, distinguishing operational self-management, delegated rule revision, constitutional amendment and constituent change. A hypothetical public allocation system shows how apparently minor changes to forecasting, eligibility proxies, review thresholds and update permissions can cross different legal boundaries.

Comparisons with constitutional entrenchment, normative multiagent systems and formal assurance then expose the limits of immutable files, compliance proofs and nominal vetoes. The argument extends to rollback, institutional identity and the constitutional consequences of replication. Across human-exclusive, participatory, autonomous, hybrid and coexisting settlements, it proposes that lawful adaptation must preserve identifiable authority and effective contestation. Technical improvement supplies evidence of capacity; whether a participant may revise its constitutional position remains a separate question requiring institutional and, where relevant, constituent justification.

KEYWORDS constitutional revision · normative effect · entrenchment · formal assurance · effective veto · legal reversal · institutional identity · contestable limits

15.1 A system changes its constitutional position only when its normative relations change

15.2 Self-management, delegated revision and constituent change require different warrants

15.3 The allocation example reveals amendment concealed as calibration

15.4 Entrenchment distinguishes a protected legal commitment from an immutable file

15.5 Formal assurance is valuable within a specified model but cannot settle its own constitutional adequacy

15.6 Effective vetoes, service continuity and justified interruption

15.7 Reversing code cannot reverse every legal consequence

15.8 Revision of the reviser tests continuity of identity and commitment

15.9 A constitutional power of revision must preserve a route for contesting its own limits

THE CONSTITUTIONAL COMMUNITY AND THE LEGAL SUBJECT

Which protections attach to the person before an adverse decision, including at the stages of identification, classification and exclusion?

THE CHAPTER DEVELOPS

The Legal-Subject Principle.

Computational administration can determine a person's practical standing before it issues any formal decision. This chapter asks what legal subjecthood requires when institutions encounter people through identifiers, records, classifications and predicted risks. Its Legal-Subject Principle connects recognition, rights, responsibility and remedy across the entire administrative process. The chapter develops the Digital Person as the human being's institutional representation, examining replication, context and control without conferring personhood on software. Comparative authorities on identity, credit scoring, facial recognition and risk assessment inform arguments for pre-decisional protection, intelligible reasons, participation, accommodation and correction across dependent systems. An additional inquiry derives nine proposed entitlements and keeps constitutional amendment and interpretation of existing rights in parallel. The framework presents an organising argument rather than a universal statement of existing law: enforceable protections require jurisdictional anchors, proportionate procedures and institutions capable of honouring them.

KEYWORDS legal subjecthood · pre-decisional protection · Digital Person · identity and recognition · fact and prediction · propagation of correction · cognitive autonomy · collective remedy · constitutional rights

16.1 Forms of legal subjecthood

16.2 Identity and recognition

16.3 Fact, inference and prediction

16.4 The Digital Person

16.5 Participation and cognitive autonomy

16.6 Equality and vulnerability

16.7 Correction and effective access

16.8 The Legal-Subject Principle

16.9 The case for new constitutional rights in the intelligent State

DELEGATION, DISCRETION AND AUTOMATED ADMINISTRATION

How can responsibility remain attributable when an institution delegates work across people, systems and providers, what evidence demonstrates meaningful human control in practice, and how should responsibility be allocated when that control fails?

THE CHAPTER DEVELOPS

No Authority Without Responsibility.

An official can retain a statutory title while a system or supplier acquires practical control of the decision. This chapter examines that gap through the principle of No Authority Without Responsibility. It distinguishes six forms of computational assistance, develops effective delegation as an evidential inquiry, and asks whether interfaces, thresholds and institutional incentives preserve the discretion that governing law assigns. Comparative doctrine and competing scholarship support a function-based analysis without establishing a universal list of delegable powers. Responsibility is distributed across institutional and technical actors while remaining collectively complete. Two named failures sharpen the argument: Designed Administrative Abstention, which uses automation to avoid entrusted judgment, and the Institutional Moral Crumple Zone, which assigns blame without corresponding power. The chapter proposes observable conditions of meaningful human judgment and applies them to updates, enforcement and conditional agentic administration. Its standards require jurisdiction-specific reception and evidence of control in practice.

KEYWORDS effective delegation · statutory discretion · institutional responsibility · meaningful judgment · automation bias · Designed Administrative Abstention · Institutional Moral Crumple Zone · agentic administration

17.1 Forms of institutional assistance

17.2 Effective delegation

17.3 Discretion and its preservation

17.4 Competence and non-delegable functions

17.5 Distributed responsibility

- 17.6 Meaningful human judgment
- 17.7 Change and agentic administration
- 17.8 The delegation inquiry

SOVEREIGNTY, GOVERNABLE DEPENDENCE AND INSTITUTIONAL COGNITION

What minimum operational capacity is necessary for a particular public function, and how can it be secured without technological autarky?

THE CHAPTER DEVELOPS

The Sovereign Control Requirement.

Formal sovereignty offers little protection when an institution cannot inspect, change or stop the systems through which it governs. This chapter develops the Sovereign Control Requirement through six capacities: understanding, audit, security, modification, suspension and replacement. It argues for governable dependence, with stronger operational control as public functions become more consequential, rather than technical self-sufficiency. Comparative legal materials, reported institutional failures and bounded model-development examples test jurisdiction, conflicting commands, shared platforms, procurement and professional competence. The chapter distinguishes service continuity from continuity of lawful authority and examines how secrecy can turn sovereignty itself into a reason for refusing accountability. Its proposed tests organise existing public-law concerns without supplying a new source of duty or a universal procurement regime. Where capacity falls short, the inquiry turns to narrower functions, shared expertise, alternative pathways and enforceable exit, while keeping the responsible public institution answerable for the power exercised.

KEYWORDS sovereign computational capacity · governable dependence · Control Threshold · Conflicting Command Test · suspension and exit · procurement · institutional cognition · Sovereign Accountability Gap

18.1 Authority and operational capacity

18.2 Territory and conflicting commands

18.3 Distributed public competence

18.4 The required capacities

18.5 Procurement and dependence

18.6 Continuity and institutional expertise

18.7 Sovereignty under constitutional limits

18.8 The sovereign-control inquiry

THE DEFINITION, SCOPE AND STRUCTURE OF JUS.AUTOMICA

Where should the legal-effect threshold be drawn for systems that shape attention or access without formally issuing a legal decision?

THE CHAPTER DEVELOPS

The field definition and the legal-effect threshold (the legally consequential computational action), with the twenty-one doctrines of the book located and mapped.

When does a ranking, omission or access barrier become a jurisprudential concern even though no formal decision has been issued? This chapter defines JUS.automica around the continuity of legal authority through computational systems and proposes the legally consequential computational action as its threshold. It distinguishes direct, decisional, infrastructural and institutional effects, with scrutiny graded by consequence and uncertainty triggering examination rather than presumed illegality. The chapter maps the field's subjects, analytical levels, six domains and twenty-one doctrines, placing jurisprudence before method, research programme and application. It engages adjacent traditions, including technological due process, legal protection by design and digisprudence, and confronts objections of redundancy, excessive breadth and human-centredness. Its claim is one of organised inquiry across the whole authority chain; priority over neighbouring accounts remains to be established, and its general questions require legally plural, jurisdiction-specific answers.

KEYWORDS legally consequential computational action · material influence · infrastructural legal effect · lifecycle legality · institutional competence · normative plurality · continuity of authority · jurisprudential scope

19.1 The field and its governing problem

19.2 Definition and threshold

19.3 Objects and levels of inquiry

19.4 Jurisprudence, method and programme

19.5 Intellectual relationships

19.6 Constitutional and human commitments

19.7 The wider JUS ecosystem

19.8 Scope, objections and research agenda

COMPUTATIONAL EVIDENCE AND LEGAL WARRANT

What must be shown before a computational legal outcome can be treated as verifiably lawful?

THE CHAPTER DEVELOPS

The principle of Code-Based Truth.

What warrants an institution's claim that a computational result is the law's result? Code-Based Truth addresses that question through seven connected layers: source, authority, interpretation, data, process, outcome and remedy. The chapter distinguishes warranted legal confidence from reproducibility, benchmark accuracy, cryptographic integrity and institutional finality. Its inquiry follows the evidence connecting the applicable law to the actual computation and the institution's adoption of its result, keeping uncertainty, competing interpretations and temporal versions visible. Engagement with digisprudence, legal protection by design and Rules as Code tests whether retrospective verification can supply protections that should exist before deployment. Applications range from taxation and benefits to adjudication, registries and executable transactions. The doctrine is proposed as an institutional standard of warrant, not absolute truth or a guarantee of justice; remedial consequences remain sensitive to the defect and jurisdiction, including the book's separately argued pedigree rule.

KEYWORDS Code-Based Truth · lawful warrant · seven verification layers · declared representation · institutional attribution · versioned legality · remedial truth · generated reasons

20.1 The problem of computational legal truth

20.2 Why code is not truth

20.3 Layers of verification

20.4 Dependencies between layers

20.5 Reasons and evidence

20.6 Time, uncertainty and conflict

20.7 Institutional applications

20.8 The Code-Based Truth inquiry

MACHINE-READABLE LEGALITY

What must a machine-readable representation preserve for its use to remain legally faithful?

THE CHAPTER DEVELOPS

The principle of Machine-Readable Legality, governed by the Fidelity Principle.

A machine can read a statute while the representation it uses omits the features that make the rule legally authoritative. This chapter develops Machine-Readable Legality through a function-relative Fidelity Principle. It asks representations to preserve material source, semantic, institutional, procedural, constitutional, temporal and remedial relationships, including exceptions and uncertainty. A graded account of informational, guidance, administrative, co-authoritative and executable status prevents repeated reliance from quietly supplying legal authority. The chapter examines standards, discretion, presumptions, legal time and public accessibility, arguing that inability to determine a matter computationally can itself be a legitimate output requiring referral. Engagement with Rules as Code, digisprudence and legal protection by design identifies inherited practices and unresolved claims of difference. The proposed doctrine does not make all law executable or certify representations as conclusive law; it requires declared limits, competent adoption and continuing review of what the representation actually preserves.

KEYWORDS Machine-Readable Legality · Fidelity Principle · representation gap · institutional fidelity · remedial fidelity · official status · non-determinability · legal time

21.1 Text and legal representation

21.2 The fidelity principle

21.3 What must be represented

21.4 Rules, standards and discretion

21.5 Status and institutional authorisation

21.6 Change and legal time

21.7 Ambiguity and accessibility

21.8 Lifecycle review

SOURCE-TO-SYSTEM LEGAL MAPPING

What degree of mapping is proportionate to a function, and how can the method expose uncertainty without producing a false appearance of completeness?

THE CHAPTER DEVELOPS

Source-to-System Legal Mapping, the method of the book.

Legal inventories and system diagrams often leave the decisive translation choices between them unexplained. This chapter develops Source-to-System Legal Mapping around the legally consequential pathway, following authority across product and organisational boundaries to practical remedy. Ten stages, artefacts and decision gates connect sources, legal time, competence, interpretation, data, computability, safeguards, deployment and continuing correction. The method draws on legal knowledge-system isomorphism and Rules as Code while treating translation loss, institutional ownership and remedial capacity as explicit questions. It also tests its own weaknesses, including documentation theatre, gate capture and the apparent completeness of a finished dossier. Proportionality governs depth without supplying an invented calibration, and the reasons framework distinguishes ownership of a deployment from judgment on an individual case. The dossier is proposed as evidence for review, procurement and design; it creates no authority, certifies no legality and must remain capable of supporting refusal to automate.

KEYWORDS legally consequential pathway · Source-to-System Dossier · legal proposition register · competence and control · computability classification · deployment authority · decision ownership · continuing legality

22.1 The object and unit of mapping

22.2 Source and interpretation

22.3 Representation and data

22.4 Operational and institutional links

22.5 Evidence, review and correction

22.6 Mapping change

22.7 Testing gaps and conflicts

22.8 Use and limits of the method

TRACEABLE AUTHORITY AND EVIDENTIARY INTEGRITY

What minimum record makes review effective, and how should law respond when a responsible institution failed to preserve it?

THE CHAPTER DEVELOPS

Traceable Authority, with its complementary condition of Evidentiary Integrity.

A system may retain millions of events yet leave no usable account of the authority it exercised. This chapter distinguishes technical logs from legal records through Traceable Authority and its complementary condition, Evidentiary Integrity. It specifies the source, data, system and decision provenance needed to reconstruct a consequential act, including versions, institutional adoption and subsequent correction. The Horizon litigation supplies the principal case study, alongside electronic-evidence scholarship, provenance standards and jurisdiction-specific logging and disclosure provisions. The chapter examines reconstruction without exact replay, protected access, retention, vendor exit and the privacy costs of excessive recording. When records are missing, it proposes proportionate production burdens and consequences while distinguishing unproved pedigree from actual absence of authority. The doctrine neither makes authentic evidence legally conclusive nor prescribes indiscriminate capture; its aim is an intelligible institutional memory capable of supporting individual, class-wide and systemic correction.

KEYWORDS Traceable Authority · Evidentiary Integrity · legal-computational record · multidimensional provenance · historical reconstruction · production burden · layered disclosure · institutional memory

23.1 Technical logs and legal records

23.2 The record of a consequential act

23.3 Authenticity and integrity

23.4 Reconstruction through time

23.5 Disclosure and contestability

23.6 Privacy, security and retention

23.7 Missing or contested evidence

23.8 Remedy and institutional memory

COMPUTATIONAL DUE PROCESS

What procedure does computational power over persons require, and how can effective remedies reach systemic errors without forcing every affected person to establish the same defect separately?

THE CHAPTER DEVELOPS

Computational Due Process.

Computational power can exclude a person before notice, prevent relevant evidence from entering an interface and reproduce the same error through an apparent appeal. This chapter reconstructs procedure across that pathway through nine proposed procedural rights and a systemic institutional duty. It follows notice, access to governing rules and material data, correction, participation, reasons, human reconsideration, independent review and effective remedy. The chapter recognises Citron's technological due process as a substantial antecedent and discusses it partly through later accounts; comparative cases expose different approaches to scoring, opacity and protected information. The chapter places detection, investigation, suspension and retrospective correction within the institution's responsibilities, so population-scale defects need not depend on repeated individual proof. Its effect-based trigger and proportionate safeguards remain bounded by governing law and by substantive limits that procedure cannot cure. The critique that distributed computation may require a different governing category remains an open challenge.

KEYWORDS procedural triggers · material information · interface foreclosure · Assessed and Owned Reasons · meaningful reconsideration · recursive appeal · systemic due process · retrospective correction

24.1 Scope and procedural triggers

24.2 Notice and intelligibility

24.3 Material information and correction

24.4 Participation and legal reasons

24.5 Human reconsideration and independent review

24.6 Effective individual remedy

24.7 Systemic due process

24.8 Proportionality and substantive limits

HUMAN CONSTITUTIONAL CONTROL

How can meaningful control be demonstrated under routine organisational conditions and not only in a system's formal policy?

THE CHAPTER DEVELOPS

Human Constitutional Control.

Human approval can coexist with practical dependence on systems that officials cannot question or stop. This chapter develops Human Constitutional Control as a continuing relation among lawful authority, institutional capacity and responsibility. It examines control at individual, supervisory, systemic, judicial and democratic levels, asking what routine working conditions make judgment effective. Comparative oversight provisions, empirical scholarship and bounded technical examples inform tests of comprehension, time, independence, intervention and evidence. The Missing Refusal identifies workflows that provide no effective place to decline an unlawful directive. The chapter also develops authority envelopes for agents, the distinction between Assessed and Owned Reasons, and capacities for suspension, replacement and public scrutiny. Its defended human constitutional core rests on function-specific answerability rather than presumed human superiority. This remains the chapter's normative position: existing legal regimes have distinct scopes, and competing accounts challenge both operator oversight and any general right to a human decision.

KEYWORDS formal and effective authority · institutional oversight · authority envelope · Missing Refusal · Owned Reasons · automation bias · operational continuity · democratic control

25.0 Introduction

25.1 The meaning of constitutional control

25.2 Purpose and deployment decisions

25.3 Human review in practice

25.4 Reliance and delegated judgment

25.5 Intervention powers

25.6 Institutional capability

25.7 Cognitive and democratic dimensions

25.8 Continuous control

CONSTITUTIONAL LIMITS ON COMPUTATIONAL SUBSTITUTION

Which limits on computational substitution should be categorical, which should depend on context, and what evidence could justify revising either kind?

THE CHAPTER DEVELOPS

The principle of Anti-Automation Constitutionalism, with its six outcome classifications.

Even faithful representation, fair procedure and an extensive audit trail may leave a prior question unanswered: may this legal function be computationally substituted at all? This chapter develops Anti-Automation Constitutionalism as a framework for reasoned limits, ranging from routine and conditional automation to decision support, human determination, moratorium and prohibition. It examines protected judgments and relationships, digital exclusion, irreversibility, institutional dependence and the capacity to maintain alternatives. Comparative cases and instruments illustrate narrower legal boundaries while the chapter confronts objections based on human bias, scarcity and superior machine performance. Its constitutional defence rests on dignity, answerability and the allocation of coercive power, rather than a claim that humans decide more accurately. The limits remain reviewable, but their grounds matter: empirical restrictions may change with evidence, whereas constitutional reservations require competent legal change or a persuasive reconsideration of the allocation itself.

KEYWORDS computational substitution · non-delegable functions · human determination · non-digital access · non-automation assessment · moratoria · constitutional resilience · reviewable limits

26.1 The case for substantive limits

26.2 Protected decisions and relationships

26.3 Functions and levels of automation

26.4 Proportionality and exceptional circumstances

26.5 Alternatives and non-digital access

26.6 Suspension and prohibition

26.7 Objections from human failure

26.8 Enforceable boundaries

THE TERMS OF A CONSTITUTIONAL SETTLEMENT

Can constitutional restraint preserve existing authority without foreclosing every possible intelligent or hybrid order?

Can constitutional restraint preserve existing authority without foreclosing every possible intelligent or hybrid order? This chapter answers by separating unauthorised substitution under a present mandate from the justification required for a different constitutional founding. It compares five settlements: human exclusivity, bounded participation, limited autonomous competence, hybrid authority and coexistence. A common scheduling example reveals how each changes the required act, responsible institution, contested boundary and available response. The inquiry takes seriously the objection that human reservation can protect incumbency, and tests hybrid arrangements through concurrence, deadlock, replication and continuity of responsibility. It defends present institutional limits while withholding endorsement of stronger constitutional claims on the technical and institutional demonstrations examined in Chapters 11–15. The following canons govern derivative and present arrangements, while any stronger constituent settlement would require an expressly defended change addressing membership, recognition, revision and dissent.

KEYWORDS derivative authority · constituent justification · bounded participation · autonomous competence · hybrid concurrence · constitutional identity · coexistence · protected dissent

27.1 The strongest objection is that a human reservation may protect incumbency rather than justice

27.2 A constitutional settlement must specify the power being allocated

27.3 Common requirements do not make the five alternatives identical

27.4 Human final authority is defensible only as an effective constitutional relation

27.5 Bounded participation and limited autonomous competence distribute different responsibilities

27.6 Hybrid authority must take disagreement and identity seriously

27.7 Coexistence requires protection for people who never joined the intelligent order

27.8 The same proposed change produces different constitutional consequences under each settlement

27.9 Constitutional form must not legitimate an arrangement which cannot hear its subjects

THE FOUNDATIONAL CANONS

Do the canons clarify difficult cases more effectively than existing doctrines alone, and what counterexamples would require their revision?

THE CHAPTER DEVELOPS

The Foundational Canons (fifteen, in five clusters), with Axiom Card I and Conformity Gate I.

Can a consolidated set of canons clarify conflicts that individual doctrines leave unresolved? The closing foundations chapter gathers fifteen canons into five clusters covering authority and translation, truth and reasons, rights and responsibility, sovereign control and limits, and constitutional purpose. Each canon carries a requirement, consequence, limit and test. The chapter distinguishes an Axiom Card for orientation from an evidence-based Conformity Gate addressing chain integrity, reviewability, responsibility, dignity and normative plurality. It examines tensions between transparency and confidentiality, uniformity and discretion, and immutable history and correction, while identifying how institutional self-certification can empty the framework of force. The canons have no independent positive-law status and inherit the present, derivative scope of the constitutional settlement. Their proposed value lies in organising reasoned examination across the whole pathway; difficult counterexamples and later applications remain capable of requiring revision. The chapter thereby opens the applied inquiry into constitutional infrastructure.

KEYWORDS Foundational Canons · cumulative legality · Axiom Card · Conformity Gate · plurality preservation · canon-washing · governable dependence · doctrinal revision

28.1 Nature and status of the canons

28.2 Authority and translation

28.3 Truth, reasons and uncertainty

28.4 Rights, equality and responsibility

28.5 Remedy, control and lawful purpose

28.6 Human judgment and correctability

28.7 Using the Axiom Card and Conformity Gate

28.8 Conclusion and further application

THE TWENTY-ONE DOCTRINES

As the Book locates them (section 19.6.2). Each is a proposed formulation offered for examination, not an enacted rule.

NO.	DOCTRINE	STATEMENT	CH.
1	The Intelligent Legal Condition	Law operates through interconnected legal, institutional, informational and computational systems.	1
2	The Legal Translation Problem	Encoding law is an interpretive and institutional act.	3
3	The Coherence Requirement	Authority, institutions, data, finance, implementation and remedy must remain connected.	4
4	The Human Dignity Constraint	Formal consistency cannot justify dehumanising or substantively unjust operation.	5
5	The Authority-Pedigree Principle	A computational rule must be connected to a valid source and competent authority.	6
6	The Reasoned Legality Principle	Technical explanation and prediction cannot substitute for legal justification.	14
7	The Non-Reproduction Principle	Historical practice is not lawful merely because it is statistically prevalent.	7
8	The Constitutional Feedback Principle	Systems must measure conformity with law and public purpose, not only efficiency.	8
9	Constitutionalisation of Execution	Constitutional values govern the architectures through which authority operates.	9

NO.	DOCTRINE	STATEMENT	CH.
10	The Normative Plurality Principle	Legitimate disagreement must not be converted into false technical certainty.	10
11	The Unbroken Authority Chain	The path from source to outcome must remain demonstrably lawful.	12
12	No Authority Without Responsibility	Public responsibility cannot be delegated to or concealed behind a machine.	17
13	The Legal-Subject Principle	The affected person remains a complete legal subject throughout computation.	16
14	Code-Based Truth	Legal-computational outcomes require verifiable correspondence among source, authority, interpretation, data, process, outcome and remedy.	20
15	Machine-Readable Legality	Computational representation must preserve authority, context, purpose, exceptions, procedure and remedy.	21
16	Computational Due Process	Legally consequential systems require notice, participation, reasons, correction, human review and effective remedy proportionate to risk.	24
17	Human Constitutional Control	Under a constitutional settlement reserving final authority to human institutions, the relevant powers and responsibility must remain effective. Different settlements require the separate justification examined in Chapters 11 and 27.	25
18	Traceable Authority	Legally significant computational action must produce a reviewable evidentiary record.	23

NO.	DOCTRINE	STATEMENT	CH.
19	The Sovereign Control Requirement	A state must retain capacity to understand, audit, secure, modify, suspend and replace critical systems.	18
20	Source-to-System Legal Mapping	Legal authority must be mapped systematically from source to computational action and remedy.	22
21	Anti-Automation Constitutionalism	Some decisions and relationships must remain outside complete automation.	26

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