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Algorithmic Justice and the Rule of Law: A Phenomenological and Hermeneutic Treatise on AI in Legal Decision-Making

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Abstract:

Background: Courts and administrative agencies increasingly rely on algorithmic tools for risk assessment, sentencing guidance, and the sorting of claims, which promises speed and uniformity but raises the question of whether law can retain its character when judgment becomes calculation.

Purpose: This philosophical treatise examines whether algorithmic decision-making can coexist with the formal and interpretive demands of the rule of law, drawing on Husserlian phenomenology to analyse the lived experience of those judged and on Gadamerian hermeneutics to analyse the interpretive structure of legal reasoning, supplemented by relational African moral thought and the contemporary literature on algorithmic accountability.

Method: The study adopts a conceptual and argumentative philosophical method grounded in Husserlian phenomenology and Gadamerian hermeneutics, supplemented by relational African moral philosophy and contemporary algorithmic accountability scholarship. Rather than collecting empirical data, it proceeds through a critical analysis of primary philosophical texts and interdisciplinary jurisprudential literature to evaluate both the lived encounter with automated judgment and the interpretive structure of legal reasoning.

Result: The analysis shows that algorithmic systems can advance consistency and predictability, although even this gain is qualified by evidence on accuracy and by incompatible fairness criteria, while they obscure reasons, diffuse responsibility, displace interpretation, and alter the experience of being judged. The treatise therefore argues that algorithmic justice satisfies the formal side of the rule of law but unsettles its interpretive foundations, so that compatibility is conditional rather than categorical.

Conclusion: It concludes by proposing a normative threshold under which algorithmic tools may inform but never conclude adjudicative decisions, and by recommending retained human judgment at decisive points, full intelligibility of algorithmic support, independent auditing, and the preservation of interpretive competence among legal officers.

Contribution: The treatise advances current debates by reframing algorithmic justice as a foundational philosophical problem rather than a purely technical or regulatory issue, introducing a phenomenological analysis of how automated decisions are experienced, and integrating relational African jurisprudence into global AI governance discourse. Conceptually, it distinguishes formal legality from interpretive legitimacy to resolve tensions between predictive efficiency and legal justification, while normatively establishing a graduated threshold that restricts algorithmic tools to an advisory rather than decisive role in adjudication.

Keywords: algorithmic justice; rule of law; phenomenology; hermeneutics; legal reasoning; African jurisprudence; accountability.

INTRODUCTION

Decisions once shaped in open reasoning now pass increasingly through lines of code, as courts and agencies adopt algorithmic tools to appraise risk, guide sentencing, and sort claims (Završnik, 2021). The appeal of these tools is easy to understand because they promise order, reduce delay, and smooth the unevenness that accompanies human discretion. In crowded dockets, consistency carries its own kind of justice, since like cases should be treated alike, and calculation therefore appears to be an ally of fairness. Yet law is not only a matter of output but a practice of giving reasons, in which a decision must speak, show how it was reached, and answer the person who stands before it. When judgment is routed through a model that few can read, the language of justification begins to fade and correlation stands in for explanation (Burrell, 2016).

This development invites a sharper jurisprudential question, namely whether a system built on statistical inference can sustain the demands of the rule of law. The rule of law limits power by requiring that rules be clear, stable, and publicly known, that arbitrariness be excluded, and that decisions remain accountable and open to scrutiny (Raz, 2009). Such demands are commonly cast in formal terms, and in that narrow sense algorithmic tools seem well suited because they apply rules regularly, treat like cases alike, and do not tire or drift. However, this account omits the work that gives rules their life, for legal judgment is not a simple match between facts and norms but an exercise of reading, weighing, and fitting the general to the particular (Gadamer, 2004). Without this interpretive side, legality risks becoming a shell that preserves the appearance of law while losing its substance.

The present study turns to this neglected side by asking not only what algorithms do but what they displace. Two lines of inquiry guide the analysis: a phenomenological line that attends to the experience of those subject to decision, and a hermeneutic line that examines legal reasoning as an act of interpretation. The first draws on Husserl (1913/2012), who directs attention to lived experience, while the second draws on Gadamer (2004), for whom meaning is achieved in interpretation rather than merely applied. Both traditions resist the reduction of judgment to procedure, and both are placed here in dialogue with relational African moral thought and with recent scholarship on algorithmic accountability (Birhane, 2021; Metz, 2007). The inquiry is therefore

situated at the point where jurisprudence, philosophy of technology, and decolonial reflection on artificial intelligence meet.

The argument developed here is that algorithmic decision-making can support certain formal virtues of the rule of law, such as consistency and predictability, while straining requirements that are no less central. Specifically, it obscures reasons, diffuses responsibility, and displaces interpretation with pattern recognition, and these are not minor defects because they touch the legitimacy of law itself. The issue is consequently not whether such systems should be used at all, but how far their use can extend before the character of legal judgment is altered beyond recognition. A limit exists, even if it is hard to fix, and beyond it gains in efficiency are purchased at the cost of meaning and accountability. The study contributes a principled account of that limit in the form of a normative threshold for legal automation.

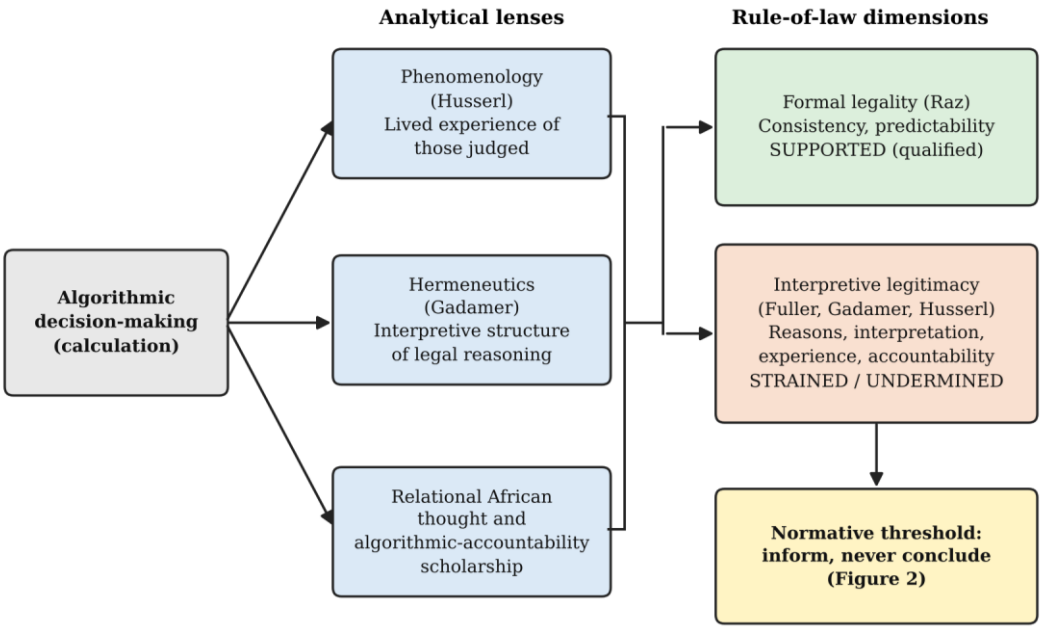

Figure 1. Conceptual Framework of the Study.

The article proceeds as follows. The next section reviews classical accounts of the rule of law, African jurisprudential perspectives, and contemporary debates on algorithmic justice, and it identifies the gap that the study addresses. The subsequent sections state the aim and objectives, set out the philosophical method, and develop seven findings on the contrast between calculation and judgment. The article closes by stating its contributions, synthesising the argument, and offering recommendations for the restrained use of algorithmic systems, because the stakes are practical: as institutions

adopt these tools, they reshape how authority is exercised and received. Figure 1 summarises the conceptual framework that organises this progression.

LITERATURE REVIEW

This section adopts a thematic review approach and aims at synthesis rather than exposition. It first considers classical theories of the rule of law, then African jurisprudential perspectives, and finally contemporary debates on algorithmic justice. Each strand is evaluated for what it contributes to the question of whether calculation can substitute for judgment. Table 1 summarises the strands and the limitation of each, thereby preparing the identification of the gap.

Table 1. Thematic Strands of the Literature and Their Limitations

Strand	Core claim	Key sources	Limitation for the present question
Classical rule-of-law theory	Law guides conduct through clear, general, and stable rules, possesses an internal morality of intelligibility, and is an interpretive practice	Raz (2009); Fuller (1958); Hart (1958); Dworkin (1982)	Largely formal or doctrinal; silent on the lived experience of automation
Relational African thought	Normativity rests on communal relationships, and justice is relational and context-sensitive	Metz (2007); Birhane (2021); Gwagwa et al. (2022); Mohamed et al. (2020)	Seldom applied systematically to algorithmic adjudication
Accuracy and fairness of algorithms	Tools may improve prediction but are limited, and fairness criteria conflict	Kleinberg et al. (2018); Dressel & Farid (2018); Chouldechova (2017); Barocas & Selbst (2016)	Technical focus; treats the shift as one of degree
Opacity and responsibility	Opacity impedes contestation, transparency is insufficient, and responsibility gaps arise	Burrell (2016); Rudin (2019); Ananny & Crawford (2018); Matthias (2004); Santoni de Sio & Mecacci (2021)	Rarely asks what happens to interpretation
Law and automation	Automation must be tested against rule-of-law values, judicial review, and proportionality	Zalnieriute et al. (2019); Cobbe (2019); Oswald et al. (2018); Wachter et al. (2017); Hildebrandt (2018a, 2018b)	Doctrinal emphasis; limited phenomenological and hermeneutic analysis

Classical Theories of the Rule of Law

Contemporary reflection on the rule of law rests on a well-established jurisprudential foundation. Raz (2009) articulates a formal conception in which law serves as a system of guidance, so that its authority lies in its capacity to structure conduct through clarity, generality, prospectivity, and relative stability. The reduction of arbitrariness remains central to this account, since a law that cannot be known in advance cannot guide the person subject to it. Raz's formal conception is deliberately thin,

however, because it treats the rule of law as one virtue among others rather than as a complete morality of law.

Fuller (1958) advances a complementary and more normatively textured position in his reply to Hart (1958). He argues that law possesses an internal morality of order, which requires among other things that rules be publicly promulgated and that officials apply them as declared. On this view, law must be capable of being understood if it is to command obedience, and a system that fails to make itself intelligible forfeits its claim to be law in the full sense. Hart (1958) himself distinguished a core of settled meaning from a penumbra of uncertainty in which judges must exercise discretion, a distinction that proves important for later analysis because it locates the hard work of law precisely where mechanical rule application runs out.

Dworkin (1982) deepens the interpretive turn by treating legal practice as an interpretive enterprise comparable to literary interpretation, in which each decision continues a developing narrative and must be justified by the best account of that narrative. These formulations continue to inform present debates on legal automation. Advocates of algorithmic decision-making often invoke the Razian ideal of consistency, whereas critics draw on Fuller's insistence on transparency and on Dworkinian ideas of reason-giving. Yet most of these perspectives remain largely formal or doctrinal, attending to the structure of law rather than to its lived dimension, a limitation that becomes more evident when they are viewed alongside African jurisprudential thought.

African Perspectives on Law and Legal Order

African legal and moral philosophy supplies a broader and more context-sensitive account of law that situates legality within communal life, moral expectation, and historical experience. Metz (2007) proposes a relational moral theory in which actions are right insofar as they honour communal relationships of identity and solidarity, a view that locates normativity in relations rather than in isolated individual rights. This relational orientation complicates formalist accounts of the rule of law because it suggests that legality cannot be exhausted by procedural criteria and must remain responsive to the moral fabric of the community. It also implies that legal processes are concerned not only with adjudicating claims but with sustaining the relationships within which claims arise.

Recent scholarship brings this relational orientation directly into the debate on artificial intelligence. Birhane (2021) argues that algorithmic injustice is best understood through a relational ethics, which treats fairness as an ongoing ethical practice grounded in relationships rather than as a property to be engineered into a model. Gwagwa et al. (2022) examine the African value of Ubuntu as a normative resource for inclusive AI discourse, emphasising interdependence, communal accountability, and the dignity of persons as members of a community. Mohamed et al. (2020) add a decolonial dimension by showing how AI systems can reproduce colonial patterns of power and knowledge, which makes the question of whose categories and whose data structure automated judgment unavoidable.

Taken together, these perspectives present a coherent alternative to formalist jurisprudence. Law is conceived as socially embedded, morally grounded, interpretive in operation, and relational in structure. Such a conception resists the standardisation on which algorithmic models depend, because those models require uniform inputs and stable categories, whereas relational accounts treat legal meaning as emerging from the particular relationships and histories of the parties. It therefore raises immediate questions about the compatibility of algorithmic decision-making with the deeper demands of legality.

Contemporary Debates on Algorithmic Justice

The literature on algorithmic justice has expanded rapidly and is concerned largely with efficiency, predictive accuracy, and bias mitigation. Proponents argue that algorithmic systems enhance consistency and reduce the variability associated with human judgment, and Kleinberg et al. (2018) show that machine predictions of defendant risk could, in a large dataset of bail decisions, yield substantial gains over judicial decisions. Sceptics respond that such gains are not guaranteed, since Dressel and Farid (2018) found that a widely used recidivism tool was no more accurate than predictions made by untrained laypeople. Hence the claim that automation straightforwardly improves consistency and accuracy requires qualification before it can serve as a premise in legal argument.

Critics identify opacity as the first major risk. Burrell (2016) distinguishes opacity arising from corporate secrecy, from technical illiteracy, and from the mismatch between high-dimensional mathematical optimisation and human-scale reasoning, while Rudin

(2019) argues that high-stakes decisions should rely on inherently interpretable models rather than on black boxes accompanied by post hoc explanations. Mittelstadt et al. (2016) map the wider ethical field, identifying inscrutable evidence, unfair outcomes, and difficulties of traceability as persistent concerns. Ananny and Crawford (2018) caution further that transparency alone is not accountability, since seeing a system does not amount to knowing or governing it. These findings bear directly on Fuller's requirement of intelligibility, because a decision that cannot be understood cannot be contested.

The second major risk concerns bias and fairness. Barocas and Selbst (2016) show that data mining can reproduce discrimination through biased training labels, unrepresentative samples, and proxy variables, even without discriminatory intent. Chouldechova (2017) demonstrates that when base rates differ across groups, a risk score cannot simultaneously satisfy predictive parity and equal error rates, which means that fairness in algorithmic prediction involves unavoidable normative choices rather than purely technical optimisation. The promise of neutrality is thus called into question. Binns (2018) adds that algorithmic decisions affecting individuals should be assessed against the standard of public reason, which requires that the exercise of power be justifiable to those subject to it.

Legal scholars have also examined how automation interacts with rule-of-law values. Zalnieriute et al. (2019) analyse the automation of government decision-making and its implications for transparency, accountability, and due process, while Wachter et al. (2017) show that the General Data Protection Regulation does not clearly establish a legally binding right to explanation of individual automated decisions. Cobbe (2019) examines how the grounds of judicial review apply to automated public-sector decisions, and Oswald et al. (2018) analyse the Durham police risk model as a test case for proportionality and safeguards. Hildebrandt (2018a) argues that algorithmic regulation must remain contestable if it is to be compatible with the rule of law, and Danaher (2016) warns that opaque algorithmic governance threatens the legitimacy of public decision-making by limiting citizens' ability to comprehend and participate in it. Despite these insights, the dominant discourse remains technical and doctrinal, and it rarely asks what becomes of legal judgment when interpretation is replaced by calculation.

A related body of work addresses responsibility. Matthias (2004) identified a responsibility gap that arises when learning automata act in ways that neither designers nor operators can fully foresee or control. Santoni de Sio and Mecacci (2021) distinguish

four such gaps, concerning culpability, moral accountability, public accountability, and active responsibility, and argue that they require distinct institutional responses. Coeckelbergh (2020) adds that explainability should be understood relationally, as a way of making agents answerable to those affected by their actions. This literature is directly relevant to law, where the traceability of decisions to identifiable agents is a precondition of review and correction.

Identified Gap in the Literature

A critical gap emerges at the intersection of these debates. Classical theories of the rule of law provide formal and interpretive criteria, scholarship on algorithmic justice addresses practical concerns of accuracy, fairness, and transparency, and African relational thought foregrounds context, meaning, and communal life. Yet these strands are seldom brought into sustained dialogue, and what remains underexplored is the effect of algorithmic decision-making on the experiential and interpretive dimensions of law. The issue is not limited to accuracy or fairness, since it concerns the very character of legal reasoning and the conditions under which legal authority is recognised. This study addresses the gap by drawing on phenomenology and hermeneutics to examine law as a lived and interpretive practice (Gadamer, 2004; Husserl, 1913/2012).

Aim and Objectives

The main aim of this treatise is to examine whether algorithmic decision-making can be reconciled with the normative and interpretive foundations of the rule of law. It seeks to determine the extent to which such systems preserve or undermine the essential features that give law its authority. The specific objectives are fivefold: first, to analyse the philosophical foundations of the rule of law; second, to examine the structure and logic of algorithmic decision-making in legal contexts; and third, to interpret legal judgment as an experiential and hermeneutic practice. The fourth objective is to evaluate the contrasts between algorithmic processes and the demands of the rule of law, and the fifth is to propose, by reasoned argument, normative conditions for the legitimate use of algorithmic systems in law.

METHOD

This study adopts a philosophical method based on phenomenology and hermeneutics, and the choice is deliberate. The questions raised concern meaning, experience, and interpretation, and they cannot be resolved through empirical measurement or technical analysis alone. The method is conceptual and argumentative, proceeding through the analysis of primary philosophical texts and of the scholarly literature rather than through the collection of new empirical data. Table 2 summarises the two orientations and the way each is applied to algorithmic adjudication.

Table 2. Phenomenological and Hermeneutic Orientations Applied to Algorithmic Adjudication

Dimension	Phenomenology	Hermeneutics
Principal source	Husserl (1913/2012)	Gadamer (2004)
Central question	How is a legal decision encountered by the person judged?	How is legal meaning achieved when rules are applied to cases?
Key concepts	Lived experience, intentionality, bracketing	Prior understanding, fusion of horizons, application
Application to algorithmic adjudication	Being addressed by a system rather than by a reasoning subject	Substitution of statistical inference for interpretation
Rule-of-law value illuminated	Legitimacy and responsiveness	Intelligibility, reason-giving, and contestability

Phenomenological Orientation

The phenomenological approach, associated with Husserl (1913/2012), begins from lived experience and seeks to describe phenomena as they appear, bracketing explanatory assumptions imported from outside the experience itself. In the present context this involves attending to how those subject to legal decision-making encounter the decision. The shift from human adjudication to algorithmic assessment alters this encounter in a fundamental way, because judgment is no longer met as the act of a reasoning subject but appears as the output of a system. The individual is no longer addressed in the same manner, and the expectation of explanation, responsiveness, and engagement is diminished.

Phenomenology allows this transformation to be examined with precision by directing attention to the structure of the encounter between law and the person judged. It reveals that legitimacy is tied not only to outcomes but also to the manner in which outcomes are produced and communicated. A decision that cannot be experienced as reasoned may therefore lose some of its normative force, a point consistent with the

emphasis of Birhane (2021) and Coeckelbergh (2020) on answerability to those affected. The phenomenological method thus offers a way to appraise whether algorithmic systems preserve or disrupt the responsiveness on which legal authority depends. Because the study is philosophical, the experience described is analysed as a structural possibility of the encounter and not as an empirical frequency, and this limitation is acknowledged.

Hermeneutic Orientation

While phenomenology focuses on experience, hermeneutics concerns interpretation. Gadamer (2004) conceives understanding as a historically situated process in which meaning emerges through engagement with texts, traditions, and contexts, and in which application to the particular case is constitutive of understanding rather than a later step. Law, from this perspective, is an interpretive practice, since legal rules do not apply themselves and require interpretation in light of particular cases. Judges move between the general and the specific, bringing prior understanding into dialogue with present circumstances in what Gadamer calls a fusion of horizons. This process cannot be reduced to fixed procedures, a conclusion that converges with Dworkin's (1982) account of law as interpretation.

Algorithmic systems operate on a different logic. They rely on predefined models and statistical relationships, and their outputs follow from structured inputs, so that they process data without engaging with meaning in the hermeneutic sense (Hildebrandt, 2018b). The contrast marks a shift from understanding to calculation. Hermeneutics allows this shift to be articulated clearly by showing that the introduction of algorithmic systems is not merely a change of method but a transformation in the nature of legal reasoning. This claim is not a denial that algorithms can assist interpreters, since a tool may inform an interpretive act without performing it.

Methodological Justification

The combined use of phenomenology and hermeneutics provides a coherent framework for the present inquiry. Phenomenology captures the experiential dimension of law, and hermeneutics illuminates its interpretive structure. Together they permit a critical examination of algorithmic decision-making beyond technical considerations, and they converge with relational African thought, in which law is not a neutral mechanism

but is embedded in social life (Metz, 2007). Through this framework the study resists the reduction of law to formal procedure and seeks to preserve its character as a human and interpretive practice, an orientation that is essential for assessing the compatibility of algorithmic systems with the rule of law.

FINDING

The analysis discloses a divided picture in which algorithmic systems support certain formal features of legality while unsettling the elements that give law its depth and authority. The contrast is not accidental, since it follows from the difference between calculation and judgment. Seven findings are developed below and are summarised in Table 3, which also indicates whether each dimension of the rule of law is supported, strained, or undermined. The findings are then related to a graduated scale of human and algorithmic configurations in Figure 2.

Table 3. Summary of Findings on Algorithmic Decision-Making and the Rule of Law

Finding	Rule-of-law dimension	Effect of algorithmic decision-making	Assessment
1. Consistency	Predictability and equal treatment	Uniform outputs, but accuracy gains are setting-dependent and nuance is compressed	Supported (qualified)
2. Opacity	Intelligibility and reason-giving	Reasons are unavailable in a form that can be contested	Strained
3. Interpretation	Hermeneutic judgment and discretion	Pattern recognition replaces interpretation, especially in penumbral cases	Undermined
4. Lived experience	Legitimacy and responsiveness	The person encounters a system rather than a reasoning agent	Strained
5. Bias	Equality and dignity	Historical inequality is reproduced and fairness criteria conflict	Strained
6. Accountability	Traceable responsibility	Responsibility is diffused across designers, vendors, and institutions	Strained
7. Overall	Formal legality versus interpretive legitimacy	Formally efficient but interpretively deficient	Conditionally compatible

Note. Assessments are the author's analytical judgments derived from the argument in the text.

Finding 1: Consistency and the Ideal of Formal Legality

Algorithmic decision-making promotes uniformity because similar inputs yield similar outputs, a feature that conforms to a central demand of the rule of law that law guide conduct through predictable standards (Raz, 2009). In this respect automation appears to strengthen legality, and the evidence of Kleinberg et al. (2018) indicates that carefully built models can outperform unaided judicial prediction in particular settings.

Yet the gain is partial, because Dressel and Farid (2018) show that a commercial tool achieved no better accuracy than lay predictions, so that consistency may amount to the reliable repetition of a mediocre judgment. Moreover, consistency achieved through rigid modelling may overlook relevant distinctions, since human judgment can adjust to context and recognise exceptional circumstances whereas algorithmic systems compress such nuance into predefined categories. The result is a regularity that treats difference as noise, and in Hart's (1958) terms it handles the core of settled meaning while failing in the penumbra where legal judgment is most needed.

Finding 2: Opacity and the Erosion of Justification

Legal decisions must be intelligible, which means that they must offer reasons that can be followed and, where necessary, contested. Fuller (1958) insists that law fails where it cannot be understood, and explanation is accordingly a condition of legality rather than an accessory to it. Algorithmic systems place pressure on this requirement because many operate through complex models whose internal path from input to output resists clear articulation (Burrell, 2016). The individual then receives a result but not a reason in a form that can be engaged, which alters the structure of legal communication, as the decision no longer speaks in a recognisable voice. Such a decision becomes difficult to challenge not because it is correct but because it is obscure, and the capacity for meaningful review is correspondingly weakened (Rudin, 2019).

Transparency measures do not fully repair this deficit. Ananny and Crawford (2018) show that disclosing a system's code or data does not by itself yield accountability, because understanding requires interpretive capacity and institutional power to act on what is disclosed. The legal position is also unsettled, since Wachter et al. (2017) conclude that the General Data Protection Regulation offers a limited right to information about automated decisions and not a robust right to explanation. Binns (2018) therefore argues that algorithmic decisions should be assessed against the standard of public reason, according to which the exercise of power must be justifiable in terms that those affected can accept. This standard coincides with the Fullerian requirement of intelligibility and sets a demanding test that opaque systems struggle to meet.

Finding 3: Interpretation and Its Displacement

Law is an interpretive practice in which rules acquire meaning through application. Gadamer (2004) describes understanding as a movement between text and situation, and judges accordingly do not merely apply rules but interpret them in light of particular circumstances. Algorithmic systems do not share this structure because they rely on statistical inference and their outputs follow from patterns in data (Hildebrandt, 2018b). The shift from interpretation to calculation is therefore a change in kind and not merely of degree, which narrows the space of judgment and reduces the role of discretion. It also alters the meaning of decision itself, since what was once the result of understanding becomes the product of processing.

This displacement matters most in the penumbral cases identified by Hart (1958), where the meaning of a rule is genuinely contested. Dworkin (1982) suggests that in such cases judges must construct the best justification of the practice as a whole, a task that requires evaluative judgment about principles and not only the detection of regularities. A system trained on past outcomes can reproduce the patterns of earlier decisions, yet it cannot answer the question whether those patterns deserve to be continued. Hildebrandt (2018a) accordingly stresses that legal norms must remain open to contestation, and that statistical regularities cannot settle what the law ought to mean. The point is not that algorithms are useless in such settings, but that their output enters legal reasoning only as one input among others to be weighed by an interpreter.

Finding 4: Lived Experience and Legal Legitimacy

The authority of law depends in part on how it is experienced, and Husserl (1913/2012) directs attention to lived experience as the ground of meaning. From this standpoint the mode of judgment matters as much as the outcome, since human adjudication carries an expectation of engagement in which the individual is heard even where the result is adverse. Algorithmic judgment alters this relation because the encounter is with a system and not with a person, and the sense of being addressed is reduced. This shift has implications for legitimacy, because decisions that cannot be related to human reasoning may appear imposed rather than justified. Danaher (2016) describes a related threat of algocracy, in which opaque systems diminish citizens' ability to comprehend and participate in decisions that govern them.

Relational African thought reinforces this concern. If legal order is understood as sustaining relationships of identity and solidarity (Metz, 2007), then a process that does not recognise the person as a participant in those relationships fails at a level deeper than procedural fairness. Gwagwa et al. (2022) similarly emphasise interdependence and communal accountability as values that an inclusive approach to AI must respect. A system that cannot hear, respond, or recognise may therefore produce outcomes that lack normative acceptance even when they are statistically defensible. This conclusion is offered as a philosophical analysis of the structure of the encounter, and empirical research on perceived procedural fairness would be a valuable complement.

Finding 5: Bias and the Reproduction of Inequality

Algorithmic systems depend on historical data, and that data reflects prior practices. Where those practices embody inequality, the patterns may persist, and the claim to neutrality becomes difficult to sustain (Barocas & Selbst, 2016). The concern is not merely technical, because Chouldechova (2017) shows that when base rates differ across groups, no risk score can satisfy predictive parity and equal error rates simultaneously, so that every deployed model embodies a contestable choice about which fairness criterion to honour. Such choices are normative decisions, and they belong in public deliberation and legal reasoning rather than in the unexamined settings of a vendor's product. Birhane (2021) and Mohamed et al. (2020) add that bias is embedded in the conditions of data production and in the colonial and structural histories that shape whose lives are recorded and how, which means that addressing it requires critical reflection on social context and not only technical adjustment.

Finding 6: Accountability and Responsibility

Legal systems depend on identifiable responsibility, since decisions that can be traced to agents can be reviewed and corrected. Algorithmic decision-making complicates this structure because responsibility becomes distributed across designers, vendors, operators, and institutions (Matthias, 2004). Santoni de Sio and Mecacci (2021) show that this diffusion takes several forms, including gaps in culpability and in public accountability, each of which weakens a central safeguard of the rule of law. When harm occurs, it becomes difficult to determine who must answer, and judicial review may struggle to find a decision-maker to whom the traditional grounds can be applied (Cobbe,

2019). Evidence from policing contexts reinforces the point, since Oswald et al. (2018) argue that algorithmic risk tools require explicit safeguards of proportionality and clear lines of human responsibility.

Finding 7: Reconsidering the Rule of Law

The findings point to a dual conclusion. Algorithmic systems support the formal aspects of legality by enhancing consistency and predictability, although this support is conditional on the quality of the model and the legitimacy of its fairness criteria. At the same time they weaken elements that are no less essential, since they obscure reasons, diffuse accountability, displace interpretation, and alter the experience of judgment. These features correspond to Fuller's concern for intelligibility and to interpretive accounts of law (Fuller, 1958; Gadamer, 2004). The implication is that algorithmic decision-making is not neutral in its effects, and its compatibility with the rule of law is therefore partial and conditional.

The analysis supports a central claim that algorithmic justice is formally efficient but interpretively deficient. It can assist legal processes, but it cannot replace the human dimension without loss. Zalnieriute et al. (2019) reach a compatible conclusion from an administrative-law perspective, namely that the automation of government decision-making must be assessed against rule-of-law values that extend beyond efficiency. The present study adds an account of why the loss occurs, namely that calculation and interpretation differ in kind. This account, in turn, grounds the normative threshold proposed below.

DISCUSSION

Contributions to Knowledge

The study yields five contributions that extend current debates and reframe the problem of algorithmic justice at a deeper philosophical level. These contributions follow from the analysis and develop its implications systematically. They are presented in turn below and are indexed to the findings in which they arise. Taken together they shift attention from technical refinement to philosophical foundations.

Reframing Algorithmic Justice as a Philosophical Problem

The first contribution is the redefinition of algorithmic justice as a philosophical problem and not merely a technical or regulatory one. Much of the literature addresses accuracy, fairness metrics, and transparency tools, as the work of Rudin (2019) and Chouldechova (2017) illustrates. This study instead presents algorithmic decision-making as a challenge to the nature of legal judgment itself, drawing on the hermeneutic claim that law is an interpretive practice rooted in understanding (Gadamer, 2004). The shift from interpretation to computation is therefore not incidental, since it alters the structure of legal reasoning. This reframing provides a clearer basis for evaluating the implications of legal automation.

Introducing the Phenomenological Dimension of Legal Judgment

A second contribution is the introduction of a phenomenological dimension into the analysis of law and technology. Existing studies often focus on outputs and performance, and they rarely consider how legal decisions are experienced by those subject to them (Binns, 2018). Drawing on Husserl (1913/2012), the study treats lived experience as central to legality and shows that algorithmic decision-making transforms the encounter between law and subject. The individual is no longer addressed by a reasoning agent but by a system, which affects the perception of legitimacy. The contribution is the demonstration that the authority of law depends not only on correctness but also on the mode of engagement through which decisions are delivered.

Integrating African Jurisprudential Perspectives

The third contribution is the integration of relational African perspectives into the discourse on algorithmic justice. Much of the debate remains tied to formal accounts of legality that overlook social and moral context, a limitation that decolonial scholarship has begun to address (Mohamed et al., 2020). This study brings in the relational moral theory of Metz (2007) and the Ubuntu-based and relational approaches of Birhane (2021) and Gwagwa et al. (2022). The integration broadens the analytical framework by showing that law cannot be reduced to formal procedure without neglecting its social root. It also indicates that African thought offers constructive resources for global debates on AI governance rather than only a regional case.

Distinguishing Formal Legality from Interpretive Legitimacy

A fourth contribution is the clarification of a key conceptual distinction between formal legality and interpretive legitimacy. Algorithmic systems often satisfy the formal criteria associated with Raz (2009), such as consistency and predictability, but they fall short of the requirements emphasised by Fuller (1958), particularly intelligibility and accountability. This distinction explains why algorithmic justice appears both promising and problematic, since it performs well at the level of form while struggling at the level of meaning. It also helps to reconcile the optimistic findings of Kleinberg et al. (2018) with the sceptical findings of Dressel and Farid (2018), because performance claims concern accuracy while legitimacy claims concern justification. The clarification resolves a tension that remains implicit in much of the literature.

Articulating a Normative Threshold for Legal Automation

The final contribution is normative, for the study proposes a threshold for the acceptable use of algorithmic systems in law. It argues that such systems may inform decision-making but must not displace the interpretive and responsible character of judgment, a position that accords with the insistence of Hildebrandt (2018a) on contestability. The threshold is graduated, distinguishing information support, recommendation with mandatory reasoning, and automated decision, as shown in Figure 2. It moves beyond general caution by providing a basis for evaluating when and how algorithmic systems may be used without undermining the rule of law. The threshold is intended as a principled framework to be refined through institutional and empirical work.

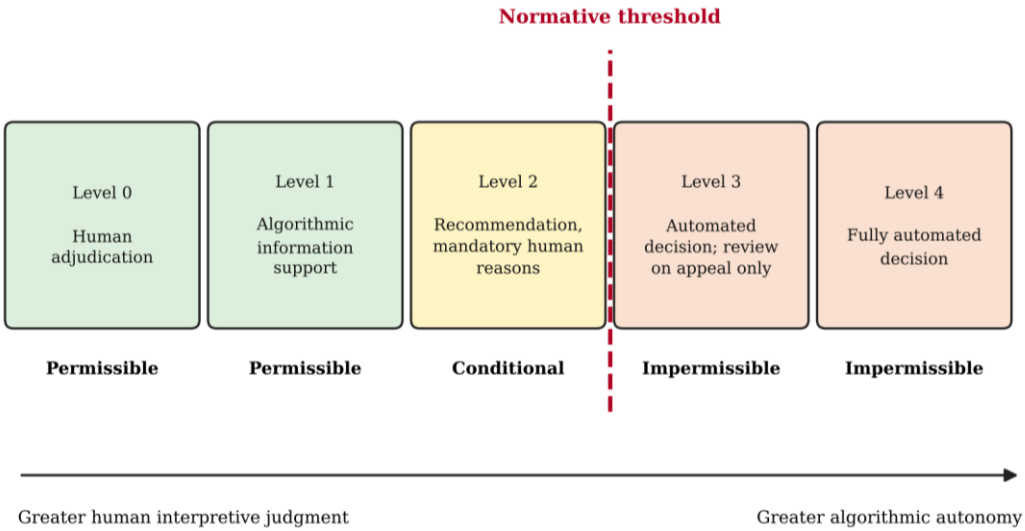

Figure 2. Graduated Normative Threshold for Algorithmic Support in Adjudication

Synthesis of the Study

The main thrust of this study was to examine whether algorithmic decision-making can be reconciled with the demands of the rule of law. The point of departure was conceptual, for the rule of law was examined through the formal account of Raz (2009) and the more normative positions of Fuller (1958) and Hart (1958). These perspectives established the basic requirements of legality, namely clarity, consistency, intelligibility, and accountability. At this level the appeal of algorithmic systems became clear, since they promise order and uniformity. The study then broadened its scope through relational African thought and the literature on algorithmic accountability.

The methodological framework of phenomenology and hermeneutics deepened the analysis. Through Husserl (1913/2012) the study examined the lived experience of legal judgment and showed that legitimacy depends on how decisions are encountered, while through Gadamer (2004) it understood law as an interpretive activity in which meaning arises through engagement and not mere application. The findings brought these strands into direct confrontation with algorithmic decision-making. On one side, such systems enhance consistency and support formal legality, whereas on the other they introduce opacity, weaken accountability, and displace interpretation. These effects are not incidental because they follow from the structure of algorithmic systems themselves.

The study also showed that claims of neutrality are difficult to sustain. Algorithmic outputs depend on historical data and on contestable fairness criteria, so that existing inequality is often reproduced (Barocas & Selbst, 2016; Chouldechova, 2017). This outcome conflicts with the relational and moral demands of law emphasised in African jurisprudence. From this analysis a central position emerged, namely that algorithmic decision-making is not inherently incompatible with the rule of law, but that its compatibility is limited. It accords with formal aspects of legality while struggling to sustain interpretive meaning and experiential legitimacy.

The synthesis therefore rests on a balanced conclusion. Algorithmic systems may assist legal processes and can improve efficiency and, in some settings, consistency. Yet they must remain subordinate to human judgment, since law cannot be reduced to calculation without losing its essential character. The study thus brings together formal theory, relational African jurisprudence, and interpretive philosophy. It shows that the future of legal systems depends not simply on technological advancement but on preserving the human conditions under which law retains its meaning and authority.

Recommendations

The analysis points to a clear direction, namely that algorithmic systems may assist legal processes but that their use must be bounded. Six recommendations follow, and Table 4 relates each to the rule-of-law value it protects and to a possible institutional mechanism. Figure 2 indicates where these recommendations place the boundary between permissible and impermissible configurations of human and algorithmic judgment. These recommendations do not reject technological innovation, but seek to situate it within the boundaries of legality.

Table 4. Recommendations, Values Protected, and Institutional Mechanisms

Recommendation	Value protected	Institutional mechanism
1. Human judgment remains decisive	Responsibility and traceability	Mandatory reasoned human decision with independent reasons recorded
2. Intelligibility	Contestability and the right to challenge	Explanation standard for adjudicative tools; preference for interpretable models
3. Institutional safeguards	Accountability and equality	Independent audits, defined liability, and proportionality review
4. Attention to social context	Equality and dignity	Data provenance review and community consultation
5. Interpretive judgment preserved	Interpretive competence	Judicial training and requirements of reasoned departure or agreement
6. Principle of restraint	Human and experiential dimensions of law	Graduated deployment threshold (Figure 2)

Human Judgment Must Remain Decisive

Human judgment should remain decisive at critical points in adjudicative processes. Automated outputs may inform decisions, but they should not conclude them, and the responsible official should record independent reasons for the outcome. This preserves responsibility and keeps legal authority traceable, thereby addressing the responsibility gaps identified by Santoni de Sio and Mecacci (2021). It also conforms to the demand for accountability emphasised in the rule-of-law tradition (Fuller, 1958; Raz, 2009).

Intelligibility

Legal decisions must be explainable in terms that those affected can grasp. Systems that cannot provide reasons in an accessible form should not be used in adjudicative contexts, and where a transparent model achieves comparable performance

it should be preferred to an opaque one (Rudin, 2019). Disclosure should be coupled with institutional capacity to act on what is disclosed, as Ananny and Crawford (2018) caution. Without such intelligibility, the right to challenge a decision loses force.

Strengthened Institutional Safeguards

Institutional safeguards should be strengthened through independent oversight bodies that audit algorithmic tools for bias, validity, and reliability before and during deployment. Clear lines of responsibility must be defined among developers, vendors, and public authorities, so that there is no uncertainty about who answers for harm. Audit regimes should also test the fairness criteria embedded in a model, given the unavoidable trade-offs described by Chouldechova (2017), and should record the normative choices made. Judicial review should be able to reach these choices, as Cobbe (2019) suggests, and proportionality assessments of the kind discussed by Oswald et al. (2018) should be required for high-stakes tools.

Attention to Social Context

Data used in algorithmic models should be critically examined in light of the social contexts that produced it. Historical patterns of inequality must not be reproduced under the guise of neutrality, and affected communities should be consulted in the design and evaluation of tools (Barocas & Selbst, 2016). This is especially important in light of the relational conception of justice articulated by Metz (2007) and in light of decolonial critiques of data practices (Mohamed et al., 2020). Local legal traditions and languages should be considered when systems are adopted in African and other postcolonial jurisdictions.

Interpretive Judgment as a Core Legal Function

Training and institutional design should reinforce the role of judges and legal officers as interpreters and not mere operators of systems. This reflects the hermeneutic insight that law unfolds through understanding rather than mechanical application (Gadamer, 2004). Legal education should therefore cultivate the capacity to question and override algorithmic outputs, and institutions should guard against automation bias by requiring reasoned departures and reasoned agreements alike. Such measures protect the interpretive competence on which contestable and accountable adjudication depends (Hildebrandt, 2018b).

A Principle of Restraint

Legal systems should adopt a principle of restraint in the deployment of algorithmic tools. Their use should be guided by the need to preserve the human and experiential dimensions of law, so that persons remain addressed as participants and not merely processed as cases (Danaher, 2016; Husserl, 1913/2012). Any technology that weakens the responsiveness of law to lived reality must be carefully limited. The task is not to abandon algorithmic systems but to ensure that their use does not erode the foundations upon which law depends.

CONCLUSION

This study examined the relationship between algorithmic decision-making and the rule of law through a philosophical lens. It showed that while algorithmic systems advance formal features such as consistency and predictability, they place strain on equally vital elements of legality. Drawing on Raz (2009) and Fuller (1958), the analysis revealed a divergence between formal legality and the deeper requirements of intelligibility and accountability. This contrast became more pronounced when viewed through phenomenology and hermeneutics, which indicate that law is not merely applied but experienced and interpreted. The displacement of interpretation by calculation is therefore likely to diminish the meaning and legitimacy of legal judgment.

The study accordingly concludes that algorithmic justice is only conditionally compatible with the rule of law. It may support legal processes, but it cannot replace the human dimension without loss. Relational African perspectives, particularly that of Metz (2007) and the Ubuntu-oriented work of Gwagwa et al. (2022), reinforce this position by situating law in communal meaning and lived experience. Where these elements are neglected, legality becomes thin. The limitations of the study are that it is conceptual in method and that its claims about lived experience invite empirical testing, which future research on procedural fairness and legal reasoning in algorithmic settings could provide.

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