Contents

List	t of Figures	page vii
List	t of Contributors	viii
Ack	enowledgements	X
	Introduction	1
1	Constitutional Law in the Algorithmic Society Oreste Pollicino and Giovanni De Gregorio	3
	PART I ALGORITHMS, FREEDOM, AND FUNDAMENTAL RIGHTS	
2	Fundamental Rights and the Rule of Law in the Algorithmic Society Andrea Simoncini and Erik Longo	27
3	Inalienable Due Process in an Age of AI: Limiting the Contractua Creep toward Automated Adjudication Frank Pasquale	l 42
4	Constitutional Challenges in the Emotional AI Era Peggy Valcke, Damian Clifford, and Vilté Kristina Dessers	57
5	Algorithmic Law: Law Production by Data or Data Production by Law? Mariavittoria Catanzariti	78
6	Human Rights and Algorithmic Impact Assessment for Predictive Policing Céline Castets-Renard	93

vi Contents

7	Law Enforcement and Data-Driven Predictions at the National and EU Level: A Challenge to the Presumption of Innocence and Reasonable Suspicion? Francesca Galli	111
	PART II REGULATION AND POLICY	
8	Algorithms and Regulation Amnon Reichman and Giovanni Sartor	131
9	AI, Governance and Ethics: Global Perspectives Angela Daly, Thilo Hagendorff, Li Hui, Monique Mann, Vidushi Marda, Ben Wagner, and Wayne Wei Wang	182
10	EU By-Design Regulation in the Algorithmic Society: A Promising Way Forward or Constitutional Nightmare in the Making? Pieter Van Cleynenbreugel	202
11	What's in the Box? The Legal Requirement of Explainability in Computationally Aided Decision-Making in Public Administration Henrik Palmer Olsen, Jacob Livingston Slosser, and Thomas Troels Hildebrandt	219
12	International Race for Regulating Crypto-Finance Risks: A Comprehensive Regulatory Framework Proposal Yaiza Cabedo	236
	PART III ROLES AND RESPONSIBILITIES OF PRIVATE ACTORS	
13	Responsibilities of Companies in the Algorithmic Society Hans-W. Micklitz and Aurélie Anne Villanueva	263
14	Consumer Law as a Tool to Regulate Artificial Intelligence Serge Gijrath	281
15	When the Algorithm Is Not Fully Reliable: The Collaboration between Technology and Humans in the Fight against Hate Speech Federica Casarosa	298
16	Smart Contracts and Automation of Private Relationships Pietro Sirena and Francesco Paolo Patti	315