

NETWORK RESEARCH IN LAW: CURRENT SCHOLARSHIP IN REVIEW

Shisong Jiang

Ph.D. Candidate in International Law, Institute of Law, Politics, and Development, Scuola Superiore Sant'Anna (Italy), and Faculty of Law, University of Antwerp (Belgium)

Purpose of the study: The aim of this paper is twofold and while one is more analytically conspicuous, another is rather devised to be more connotatively ambitious. As to the former one, it intends to contribute to the literature on the interdisciplinary collaboration between network science and legal science by comprehensively reviewing and discussing the existing literature as well as the relevant academic activities.

Methodology: To achieve its aims, this study primarily adopts the scoping review methodology to map the extant literature and relevant research activities in this emergent area of research. The data solicited for this study was thus qualitative in nature and mainly generated from journal articles, books, book chapters, and conference proceedings on the topic in question. In addition, Internet sources like blog pages and university websites were involved as well.

Main findings: The comprehensive review conducted by this study recognized that the origin, evolution, and development of network studies of law have been in line with the mainstream of network analysis/science, especially in terms of the historical timeline and scope.

Applications of this study: Given the epistemic and pragmatological significance of integrating network thinkings and methods with legislation, adjudication, and implementation, this study is highly relevant and meaningful for both legal practitioners and (socio-)legal academics who obtain the specific intention of updating the landscape of this field.

Novelty/Originality of this study: Against the general backdrop of the increasing number of studies that apply network theories and methods to legal topics, this study is initially novel in the sense that it attempts to uncover the intellectual trajectory of the network analysis in law by reviewing the existing literature and the relevant activities in the academia.

References

1. Agnoloni, T. (2015). Network Analysis of Italian Constitutional Case Law. In *Semantic Processing of Legal Texts (SPLeT-2014)* (pp. 151-155).
2. Amstutz, M., & Teubner, G. (Eds.). (2009). *Networks: Legal Issues of Multilateral Cooperation*. Portland: Hart Publishing.
3. Augsberg, I., Viellechner, L., & Zumbansen, P. (2009). Introduction to the Special Issue: The Law of the Network Society. A Tribute to Karl-Heinz Ladeur. *German Law Journal*, 10(4), 305-309. <https://doi.org/10.1017/S2071832200001085>
4. Berry, F. S., Brower, R. S., Choi, S. O., Goa, W. X., Jang, H., Kwon, M., & Word, J. (2004). Three traditions of network research: What the public management research agenda can learn from other research communities. *Public Administration Review*, 64(5), 539-552. <https://doi.org/10.1111/j.1540-6210.2004.00402.x>
5. Borgatti, S. P., Mehra, A., Brass, D. J., & Labianca, G. (2009). Network Analysis in the Social Sciences. *Science*, 323(April), 892-896. <https://doi.org/10.1126/science.1165821>

6. Buxbaum, R. M. (1993). Is "Network" a Legal Concept? *Journal of Institutional and Theoretical Economics*, 149(4), 698-705.
7. Castells, M. (2000). Materials for an Exploratory Theory of the Network Society. *The British Journal of Sociology*, 51(1), 5-24. <https://doi.org/10.1080/000713100358408>
8. Chané, A.-L., & Sharma, A. (2017). Social Network Analysis in Human Rights Research. In B. A. Andreassen, H.-O. Sano, & S. McInerney-Lankford (Eds.), *Research Methods in Human Rights: A Handbook* (pp. 354-378). Cheltenham: Edward Elgar Publishing Limited. <https://doi.org/10.4337/9781785367793.00023>
9. Christakis, N. A., & Fowler, J. H. (2011). *Connected: The Surprising Power of Our Social Networks and How They Shape Our Lives*. New York: Little, Brown.
10. Cotterrell, R. (2008). Community as a Legal Concept? Some Uses of a Law-And-Community Approach in Legal Theory. In R. Cotterrell (Ed.), *Living Law: Studies in Legal and Social Theory* (pp. 17-28). Farnham: Ashgate.
11. Dallara, C., & Amato, R. (2012). Judicial and Legal Expert Networks. New Actors for a EU Area of Justice? In *National Courts vis-a-vis EU Law: New Issues, Theories & Methods*, European University Institute (pp. 1-3).
12. de Visser, M., & Claes, M. (2013). Judicial Networks. In P. Larouche & P. Cserne (Eds.), *National Legal Systems and Globalization* (pp. 345-370). The Hague: Springer. https://doi.org/10.1007/978-90-6704-885-9_13
13. Dothan, S. (2018). Social Networks and the Enforcement of International Law. In M. Hirsch & A. Lang (Eds.), *Research Handbook on the Sociology of International Law* (pp. 333-346). Edward Elgar Publishing. <https://doi.org/10.4337/9781783474493.00023>
14. Druey, J. N. (2009). The Path to the Law - The Difficult Legal Access of Networks. In M. Amstutz & G. Teubner (Eds.), *Networks: Legal Issues of Multilateral Co-operation* (pp. 87-102). Portland: Hart Publishing.
15. Druzin, B. (2009). Buying Commercial Law: Choice of Law, Choice of Forum, and Network Externalities. *Tulane Journal of International & Comparative Law*, 18, 131.
16. Economides, N. (1996). The Economics of Networks. *International Journal of Industrial Organization*, 14(September 1994), 673-699. [https://doi.org/10.1016/0167-7187\(96\)01015-6](https://doi.org/10.1016/0167-7187(96)01015-6)
17. Erickson, M. (2012). Network as Metaphor. *International Journal of Criminology and Sociological Theory*, 5(2), 912-921.
18. Freeman, L. (2011). The Development of Social Network Analysis - With an Emphasis on Recent Events. *The Sage Handbook of Social Network Analysis*, 26-54. <https://doi.org/10.1016/j.socnet.2005.01.010>
19. Gallagher, J. J., & Anderson, C. W. (1999). Designing, implementing, and reporting research: The significant role of literature review. *Journal of Research in Science Teaching*, 36(6), 619-620. [https://doi.org/10.1002/\(SICI\)1098-2736\(199908\)36:6<619::AID-TEA2>3.0.CO;2-B](https://doi.org/10.1002/(SICI)1098-2736(199908)36:6<619::AID-TEA2>3.0.CO;2-B)
20. Hafner-Burton, E. M., Kahler, M., & Montgomery, A. H. (2009). Network Analysis for International Relations. *International Organization*, 63(3), 559-592. <https://doi.org/10.1017/S0020818309090195>
21. Harris, P. (1982). Structural Change in the Communication of Precedent among State Supreme Courts, 1870-1970. *Social Networks*, 4, 201-212. [https://doi.org/10.1016/0378-8733\(82\)90021-1](https://doi.org/10.1016/0378-8733(82)90021-1)
22. Katz, D. M., & Stafford, D. K. (2010). Hustle and Flow: A Social Network Analysis of the American Federal Judiciary. *Ohio State Law Journal*, 71(3), 457-507.
23. Kemmerer, A. (2009). The Normative Knot 2.0: Metaphorological Explorations in the Net of Networks. *German Law Journal*, 10(4), 439-462. <https://doi.org/10.1017/S2071832200001152>
24. Kjaer, P. F. (2009). Embeddedness through Network: A Critical Appraisal of the Network Concept in the Oeuvre of Karl-Heinz Ladeur. *German Law Journal*, 10(4), 483-500. <https://doi.org/10.1017/S2071832200001176>
25. Knox, H., Savage, M., & Harvey, P. (2006). Social networks and the study of relations: networks as method, metaphor and form. *Economy and Society*, 35(1), 113-140. <https://doi.org/10.1080/03085140500465899>

26. Koniaris, M., Anagnostopoulos, I., & Vassiliou, Y. (2014). Legislation as a Complex Network: Modeling and Analysis of European Union Legal Sources. In R. Hoekstra (Ed.), *Legal Knowledge and Information Systems* (Vol. 5, pp. 143-143-). IOS Press.
27. Ladeur, K.-H. (1997). Towards a Legal Theory of Supranationality - The Viability of the Network Concept. *European Law Journal*, 3(1), 33-54.
<https://doi.org/10.1111/1468-0386.00018>
28. Ladeur, K.-H. (2007). The Role of Contracts and Networks in Public Governance: The Importance of the Social Epistemology" of Decision Making. *Indiana Journal of Global Legal Studies*, 14(2), 329-351. <https://doi.org/10.2979/gls.2007.14.2.329>
29. Latour, B. (2011). Networks, Societies, Spheres: Reflections of an Actor- Network Theorist. *International Journal of Communication*, 5(February), 796-810.
30. Levi, R., & Valverde, M. (2008). Studying Law by Association: Bruno Latour Goes to the Conseil d'État. *Law & Social Inquiry*, 33(3), 805-825.
<https://doi.org/10.1111/j.1747-4469.2008.00122.x>
31. Lewis, T. G. (2009). *Network Science: Theory and Practice*. Wiley Publishing.
<https://doi.org/10.1002/9780470400791>
32. Ogus, A. (2011). Legal Systems as Networks. In M. Faure & J. Smits (Eds.), *Does Law Matter?: On Law and Economic Growth* (pp. 165-177). Cambridge: Intersentia.
33. Petersen, N., & Towfigh, E. V. (2017). Network Analysis and Legal Scholarship. *German Law Journal*, 18(3). <https://doi.org/10.1017/S2071832200022124>
34. Puig, S. (2018). Network Analysis and the Sociology of International Law. In M. Hirsch & A. Lang (Eds.), *Research Handbook on the Sociology of International Law* (pp. 319-332). Edward Elgar Publishing. <https://doi.org/10.4337/9781783474493.00022>
35. Slaughter, A.-M. (2003). A Global Community of Courts. *Harvard International Law Journal*, 44(1), 191-219.
36. Smith, T. A. C. (2005). The web of law. *San Diego Legal Studies Research Paper*, 6(11), 1-39. <https://doi.org/10.2139/ssrn.642863>
37. Tam Cho, W. K., & Fowler, J. H. (2010). Legislative Success in a Small World: Social Network Analysis and the Dynamics of Congressional Legislation. *Journal of Politics*, 72(1), 124-135. <https://doi.org/10.1017/S002238160999051X>
38. Teubner, G. (2009a). And if I by Beelzebub Cast out Devils,...": An Essay on the Diabolics of Network Failure. *German Law Journal*, 10(4), 395-416.
<https://doi.org/10.1017/S2071832200001139>
39. Teubner, G. (2009b). Coincidentia Oppositorum: Hybrid Networks Beyond Contract and Organisation. In M. Amstutz & G. Teubner (Eds.), *Networks: Legal Issues of Multilateral Cooperation* (pp. 3-30). Portland: Hart Publishing.
40. Victor, J. N., Ringe, N., & Haptonstahl, S. (2013). Multiplex Legislative Networks and the Power of Caucuses to Alleviate Partisan Polarization. *Working Papers* 69.
https://opensiuc.lib.siu.edu/pn_wp/69
41. Watts, D. J. (2004). The "New" Science of Networks. *Annual Review of Sociology*, 30(1), 243-270. <https://doi.org/10.1146/annurev.soc.30.020404.104342>
42. Whalen, R. (2016). Legal Networks: The Promises and Challenges of Legal Network Analysis. *Michigan State Law Review*, 539-565.
43. Winkels, R., & Lettieri, N. (Eds.). (2014). 2nd International Workshop on "Network Analysis in Law." Retrieved from <http://www.leibnizcenter.org/~winkels/NAiL2014-pre-proceedings.pdf>