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Sociology of Law in a Digital Society. A Tweet from Global Bukowina

Is it possible to determine *the Facebook Gemeinschaft* or *the living law of the global file-sharing community*? What are *the social facts of twitter* or *the intuitive law of Chinese microbloggers*? This paper argues that digitisation of society, the reliance on digital networks, protocol, algorithms and completely new sets of organisational structures for social communities, have vast implications for core interests within socio-legal research. This, I argue, should therefore be seen as potential for a possible revival of socio-legal classical theorists, following from the fact that several of them struggled to grasp the role of law and norms in a society that in many cases were also in a technology-related metamorphosis. This relates to norm pluralism, or possibly an anomic state in which norms fail to describe reality as it is perceived. For example, copyright law does not describe the reality of distribution and reproduction of cultural content as conceptualised by the younger generation, which leads to its decreased legitimacy in society. However, here I suggest two complementary traits. First, the study of how we conceptualise law in relation to reality, I argue, could benefit from using findings in cognitive theory relating to conceptual metaphor theory. Language and legal language are expanding and are renegotiated in relation to the massive need to conceptualise digital phenomena. Secondly, I argue that the inherent preconditions in the technologies themselves are of particular socio-legal relevance. This means that the regulating aspects of (programming) code deserve extra attention when studying the socio-legal aspects of a digital society.¹

Keywords: *Digital society, Norm pluralism, Sociology of Law, Conceptual legal change, Metaphors and Law.*

Introduction – a Programmatic Claim

Many of the texts and theories that we regard as classical in sociology of law were drafted to understand a time of major societal changes in terms of population movements, urbanisation, industrialisation and what may be described as the formation of the modern nation state. For example, Eugen Ehrlich published *Grundlegung der Soziologie des Rechts* in 1913, offering,

¹ Acknowledgements: Although I am the sole author of this article, the ideas can by no means be fully attributed to me. The explicit references may speak for themselves, but I'd like to additionally thank my colleagues at the Department for Sociology of Law at Lund University, and the Cyb norms research group for the discussions we've had, perhaps particularly Måns Svensson, Håkan Hydén and Marcin de Kaminski. The article is loosely based on my presentation at the RCSL conference in Warsaw in October 2012.

for example, the concept of living law, developing the social norms and the ‘inner order of associations’ opposing the more dogmatic approaches to law; Emile Durkheim published *De La Division Du Travail Social* in 1893, *Les Règles de la Méthode Sociologique* in 1895 and *Le Suicide* in 1897, and introduced concepts such as *repressive* and *restitutive law*, related to an *organic* versus *mechanical solidarity* and *anomie*, a type of normative mismatch between individual circumstances and larger social expectations; Ferdinand Tönnies’ first work, *Gemeinschaft und Gesellschaft*, was originally published in 1887 as a response to the “shift from agriculture to industry and the rise of free trade, the modern state, and science” (Deflem 2008, p. 33), and Karl Renner published *Die Rechtsinstitute des Privatrechts und ihre soziale Funktion* in 1904 in which he addressed the changes in *substratum* while the *norms* remained unchanged, in that although society had gone through such a vast transformation in Western Europe during the nineteenth century, the laws of property and contract still retained the same wording. Quite understandingly, though, as Deflem points out, “[t]he development of sociology of law cannot be told simply as it evolved since the sociological classics, for there is, in the case of this sociological specialty, no such history directly emanating from the discipline’s earliest foundations.” The task here, however, is not to tell the story of the development of sociology of law, but to argue that the key ideas in many of the theories may be reused and beneficially reinterpreted in a quickly transforming *digital* society. I aim, however sweepingly, to point out a few details on how this can be done, how it can be complemented and, finally, what detailed essence in the digital artefacts needs addressing in particular. Roger Cotterrell, who has paid extensive attention to the work of Durkheim (for example see Cotterrell, 1999; 2009; 2010), sees the battles of sociology of law as a discipline to be more or less over (Cotterrell 2011). He discusses to what extent the discipline has been ‘routinised’ and argues:

...perhaps it would be good if sociology of law, in the countries where it is well-established institutionally and accepted as part of the world of law-government, could somehow reinforce more of what was once seen as its subversive, oppositional potential; its ‘suspect’ nature; its uneasy non-conformity and inability to fit neat categories of juristic or social scientific knowledge (Cotterrell 2011, pp. 19-20).

Cotterrell reassures us that in those conditions we might expect to be “truly surprised by its innovations and radical thinking of the nature of law in society” (2011, pp. 19-20). So, if we accept Cotterrell’s description, and direct socio-legal attention towards digital development and the Internet, in what way may this reinforce sociology of law’s ‘subversive, oppositional potential’?

What is so Digital about Society Anyway?

Although the Internet is young, its development has come a long way, and its impact on society is in many ways massive. It is not only the tech-savvy geeks nor only the youngest generation who are in contact with it; digital technology runs like a backbone in contemporary society, and we are likely far from understanding all of its socio-legal consequences (Larsson 2012a). And this is only the beginning: the effects of digitisation and the Internet on regulation and law in relation to behaviour are an empirical field, and I argue here that it is underdeveloped from a sociology of law perspective. This relates to both legal and social norms; online communities have emerged and will continuously do so, shaped under different preconditions than earlier, non-spatially, non-geographically oriented communities, and new players will strive to become infrastructure in our lives for processes relating to the social, medial, or informational in the sense that Google, Facebook, Twitter and others are now important contemporary players. To some extent, the digital architecture has a role in governing the codes of conduct in the online sphere. It is meaningful to speak of (programming) *code as law* in its ambiguous meaning (Lessig 2006). This creates new – in a sense regulatory – responsibilities for those who construct the infrastructure that we, to a large extent, have come to rely upon. The way Google arranges and organises search results is increasingly controlling how we conceptualise reality. The way in which Facebook draws the line for picture publication in its internal policies defines, in practice, the online publishing of private pictures to a degree that no national policy-making can ever reach. As a result, the authority of the nation state as the ruling government is arguably diminishing; the democratic foundations are reshaping, not without a certain amount of agony to the players relying on the traditional structures of the nation state government. This is likely increasing the plurality and diversity in norms, perhaps sometimes an anomic state of normative mismatches, where law fails to provide meaningful directive for the issues that, for example, individuals face in a digitally networked society. Let me first present some statistics in order to display some sort of impact that the Internet and digital applications have on society, and how interconnected and dependent on it society in many parts of the world increasingly is. For example:

- 2,267,233,742 have access to the Internet (as of 31 December 2012);²
- Over one billion smartphones had been sold by October 2011;³

² According to Internet World Stats, <http://www.internetworldstats.com/stats.htm> [last visited December 1, 2012]

³ According to research firm Strategy Analytics.

- Facebook had reached over one billion monthly active users by September 2012;⁴
- Google: 4,717,000,000 searches per day in 2011 (Google stats);⁵
- English Wikipedia: 8,132,668,203 views per month, with 4,111,670 articles, growing by 877 per day (wiki stats);⁶

However, not all is about knowledge distribution and social updates in a consensus sense of the word. From a political perspective, one can see how technology relating to social media and the Internet is used for supporting revolutionary uprisings, democratisation, as well as governmental surveillance and the mapping of dissidents. For example, regarding the uprisings during what is generally called the Arab Spring in North Africa and the Middle East, one can conclude that “[t]here is no question that social media played a significant role in the political movements in Tunisia and Egypt” (Khondker 2011, p. 678), and that “the consistent narrative arc of the uprisings involves digital media” (Howard and Hussain 2011, p. 46). This should also be compared to how Mubarak completely shut down all Internet traffic in the last week of January 2011, in a desperate attempt to impede the revolutionaries’ communication with each other as well as with the rest of the world (Howard and Hussain 2011, p. 39). The regimes in countries like Tunisia, Egypt and Bahrain have been reported to increase their surveillance measures also by buying expensive know-how and software from western companies (NY Times, 30 August 2012). The trend of seeing the benefits of logging peoples’ online behaviour is also expressed in the EU implementation of the Data Retention Directive, which requires ISPs to store traffic data for between 6 to 24 months. This means that policing, legal enforcement, uprisings, inter-state conflicts and intra-state conflicts are to an increasing extent also being played out via digitised means of communication. If we are to understand these types of conflicts, we have to understand the prerequisites of the technology. In a world that has over two billion internet users and one billion Facebook users, and in countries like Sweden where Internet penetration is 85 percent and about 70 percent of those between 16 and 25 use mobile Internet every day (Findahl, 2012), one can argue that society is changing in a fundamental way.

⁴ According to Facebook’s founder on 4 October 2012.

⁵ <http://www.statisticbrain.com/google-searches/> [last visited 1 December 2012].

⁶ <http://stats.wikimedia.org/EN/SummaryEN.htm> [last visited 1 December 2012].

What does this Mean for Theory?

From a socio-legal perspective, one might wonder, much like David Nelken in the article *An e-mail from Global Bukowina* (2007), to what extent the ideas, terminology and theory of classical writers such as Eugen Ehrlich can be used today and to what extent this constitutes a re-interpretation and adoption that in actuality is transforming the original for the purpose of the contemporary interpreter: “later writers give *new* meaning to older authors as they ‘appropriate’ classical texts so as to make them speak to and for present purposes” (Nelken 2007, p. 191). Nelken, however, does not focus specifically on the digital aspects of a globalising society, which the title including the term ‘e-mail’ might suggest. This article is intended to concentrate on these aspects and can therefore be seen as somewhat ‘programmatically’, in the words of Pierre Guibentif, from the conference in Warsaw in October 2012 with the Research Committee on Sociology of Law.

If we, for example, focus on the question of “who/what it is that governs us”, we can approach digitisation and the true policy-makers of the Internet’s infrastructure from a socio-legal perspective with strong support both from theorists like Ehrlich, the American legal scholar Lessig as well as Teubner – notwithstanding such an eclecticism. Teubner sees benefits in how Ehrlich “asks where are norms actually produced and treats politics and social on equal footing” (Teubner 1997, p. 11). Nelken mainly addresses the reuse and (re-) interpretation (and inevitable adoption, in Nelken’s terms) of classical texts such as Ehrlich’s in a contemporary situation, especially in terms of ‘globalisation’, addressed in Teubner’s *Global Bukowina: Legal pluralism in the World Society* (1997). It is however no coincidence that globalisation can be discussed in the same breath as digitisation in the same manner that it is no coincidence that it was a scholar focusing on globalisation who formulated one of the most referenced works on the “rise of the Network society” (Castells, 1996). Today, it is hard to speak of globalisation without including the digital means that it is intertwined with, and, to some extent, vice versa.

Is it, then, possible to determine *the Facebook Gemeinschaft* or *the living law of the global file-sharing community*? What are *the social facts of twitter* or *the intuitive law of Chinese microbloggers*? I am not convinced that it is possible to draw the “fine line between misinterpretation and creative reinterpretation” of classical texts that Nelken discusses in relation to Ehrlich (2007, p. 192). I am not even convinced that such a task is particularly meaningful if the main purpose is to understand contemporary issues in society from a socio-legal perspective. I do, however, see a possible revival of

these types of theorists for understanding how both law and society is changing in relation to digitisation, particularly within networks such as the Internet.

In a recent article, Reza Banakar asks *Who Needs the Classics?* (2012). For example, Banakar lifts up Petrażycki's (Podgórecki 1980) analysis of *intuitive* and official law and concludes that there is undoubtedly a link between perception (attitude, opinions, beliefs) and action (behaviour and conduct) (Banakar 2012, p. 15). This is also something that, for example, Adam Podgórecki and Jacek Kurczewski discuss in relation to their empirical research (Podgórecki 1966; Kurczewski 1971, p. 127). It might seem surprising that the socio-legal classics from the late nineteenth and early twentieth century can actually be useful in the analysis and understanding of a highly digitised society. However, to a large extent, they observed and responded to immense social change and the role of law within it that one can argue has parallels today. Durkheim distinguished between an *organic* and a *mechanical solidarity*, between *repressive* (penal) and *restitutive* (co-operative) law in order to theorise and understand the transition from a feudal to an industrialised society in the early twentieth century. He saw a transition from the repressive to the restitutive regulatory means as society became industrialised and more differentiated (Durkheim, 1997). Durkheim's classification of law has been described as 'grossly oversimplified' but may still provide an input in the studies of the character of law as a social phenomenon (Cotterrell 2009). Eugen Ehrlich was a professor of Roman law in the city of Czernowitz, in the province of Bukowina, at the outskirts of the Austro-Hungarian Empire and is often considered the founder of sociology of law (Nelken 2007). Nelken (2007) discusses what it means to re-interpret his text and ideas in a new context and uses the example of how Roscoe Pound (1910) altered and reworked the concept of living law in terms of law in action. Nelken displays this interesting commentary by Pound who "in a retrospective towards the end of his career admitted that he had (as he put it) 'developed' living law into the somewhat different concept of 'law in action' (Pound 1938)" (Nelken 2007, p. 193). There is probably always a re-interpretation at hand when contemporary scholars use, for example, Ehrlich's concept of 'living law', but still, it signifies a socio-legal core that has by no means ceased to be relevant; the search for contemporary 'associations', communities, the norms that control them, will draw the preconditions for state law to interact and (attempt to) regulate. Karl Renner (1949), for example, witnessed a shift from a feudal to an industrialised Western Europe and asked how it was possible that the laws of property and contract could remain unrevised yet still regulate a society that had gone through tremendous changes. To some extent, the changes 'within' law, even when the letter

of the law remains unchanged, have been studied in relation to digitisation, too (Larsson 2011; 2013b).

Already, in the early twentieth century, Sumner (1906) claimed that legislation had little or no independent influence on behaviour, and he emphasised the social norms as the important regulator. He claimed that if the laws were abided by, it was due to the fact that they corresponded to, or possibly originated in and were at least supported by, pre-existing norms. Sumner ascribed little reformatory influence to laws, which he stated: “[v]ain attempts have been made to control the new order by legislation. The only result is the proof that legislation cannot make mores” (Sumner 1906, p. 77). Not only is this a statement that addresses the relevance of Ehrlich’s perspective, it also addresses the importance of understanding the non-formal norms that control our actions – also in a digital society, I would argue.

A way to address contemporary socio-legal issues from a digitally mediated context is to use the example of a much-challenged copyright regulation and the example of file sharing or ‘online piracy.’ This can be used as an example of a re-use and re-interpretation of classical ideas in a similarly ‘revolutionary’ context. It is a fact that the sharing of movies and music, etc., which is a common but often illegal practice, provides us with an example of when a socio-legal perspective might prove useful (Larsson 2011; Svensson and Larsson 2012; Svensson et al. 2014). There have been a number of studies addressing online piracy from a norm perspective in order to understand more of how the norms in this community relate – or do not relate – to law. The (Cyber)norms research group I am part of has used Robert Merton’s terminology of *functions and dysfunctions* and *manifest and latent* consequences in order to display how the increased use of encryption to increase anonymity and decrease online traceability – a fact that we state to be a ‘latent dysfunction’ of the implementation of IPRED in Sweden in 2009 (Larsson and Svensson 2010) – and Merton’s *strain theory* which bears heritage from Durkheim, to analyse a similar follow-up survey (Larsson et al 2012a). Durkheim’s concept of *social facts* is also a clear contributor to the definition of norms that Måns Svensson has developed (2008; 2013), partly drawing from the work of Håkan Hydén (Hydén and Svensson 2008). These are all examples of how classical theories can be used in relation to a multitude of issues relating to law and a digital society.

The Complement

The importance of perception, mentioned in relation to Petrażycki above, is also what has guided Måns Svensson in his conceptualisation and definition of the norm as a theoretical concept in sociology of law (Svensson 2008;

see also Hydén and Svensson 2008). Svensson, like Ehrlich and Luhmann, focuses on expectations rather than sanctions (compare, Nelken 2007, p. 194), and does this by bringing in social psychological theory in conjunction with both Durkheim and Kelsen (see also de Kaminski et al. 2013). This concept of norms has been used to measure the strength (or weakness, in fact) of social norms corresponding to copyright in a digital context (Svensson and Larsson 2012) and has guided the analysis of online anonymity practices in a global file-sharing community (Larsson et al. 2012b), as well as the community's overall relation to intellectual property law (Svensson et al., 2014), and thus further develops this concept. The cognitive aspects of law, how it is perceived and understood in relation to reality and society, can also arguably be complemented by recent findings in the cognitive sciences.

Theoretically, how should we grasp law in a changing society in relation to digitisation? To some extent, as mentioned, this is the task of Karl Renner all over again, but in a broader field than contract and property. How is it that an unrevised legal setting can regulate a greatly changing (digital) society? My theoretical suggestion originates from the aforementioned norm perspective on law and society, i.e. the study of social and legal norms in order to understand and depict the normative pluralism that the Internet and digitisation has unlocked or at least contributes to (Larsson et al. 2012a; 2012b; Larsson and Svensson 2010), but also increasingly from the focus on conceptual change in terms of metaphors and 'embodiment' – that is, the contextual interdependence for conceptual meaning-making adopted from cognitive sciences. This is a way to study and explain how we constantly need to conceptualise the abstractions in both law and the digital environment by borrowing concepts from a physical, spatial and social domain (Andersson and Larsson 2013b; Larsson 2011; 2012a; 2012b; 2012c; 2013a; Larsson and Hydén 2010). We 'break' the law, sign 'binding' contracts and see member state law in 'the light of' EU law. Similarly, we host web pages on 'platforms', use search 'engines', 'stream' videos, download 'files' and 'browse' the 'web' (Larsson 2013b). For example, to what extent do we regulate e-books in the same manner as books, and why? Why do we protect the reproduction and distribution of digital copies in the same manner as we did the physical? Under what assumptions and for which reason? How are these underlying conceptions challenged in a digital context, and to what extent are they rightfully so? To what extent is 'property' in intellectual property treated as if it regarded tangible goods – or, rather, how are we conceptualising intangible 'goods'? Herman (2008) claims that the same conceptualisation is used by the copyright industry in order to enable a strong claim of rights connected to copyright, *as if* it were property. Following this claim,

it becomes more meaningful to speak of ‘theft’, ‘trespassing’, ‘piracy’ and ‘breaking in’ – that is, very much an embodied language referring to the spatial relations of physical objects – when dealing with copying digital files (Larsson 2011). This, of course, is beneficial to the party holding the copyrights. From a socio-legal perspective, it can be addressed in the same manner as Karl Renner did concerning unrevised law to rule a profoundly changing society and be wedded with contemporary findings in cognitive theory on conceptual metaphors and embodiment, in order to understand the digital society. This also relates to the re-interpretation of classical texts, in agreement with Nelken, that “[e]ven if we were set out only to repeat exactly what Ehrlich is thought to have said, introducing his ideas can have different ‘meaning’ depending on the changing context in which he is quoted” (2007, p. 191). When learning from the findings of cognitive sciences in conceptual metaphors, we see that meaning is both different in different cultures and may likely change over time as society and cultures change (Kövecses 2006; Larsson 2011; Yu 2008), which may complement the detailed studies and understanding of law in a (digital) society.

The Code (as Law)

Banakar (2012) merges the ‘living law’ of Ehrlich, the ‘intuitive law’ of Petrażycki and the ‘social law’ of Tönnies into the collective term ‘community law’ (2012, pp. 22-30). He does this in order to discuss this particular perspective and notion of law that is broader than state law. This notion of ‘community law’ can probably lend itself to any analysis of communities which are also digitally mediated. However, as we focus on these, the technological aspects or preconditions themselves probably deserve extra attention. One way to do so is to speak of the programming code as ‘law’ in the sense that it (too) regulates the actions taken within the digitally mediated networks or communities. When the Internet was still in its adolescence, although publicly accessible in the 1990s, it was considered by many to be impossible to regulate. Lawrence Lessig formulated a widely known critique of this cyber-anarchistic approach in terms of ‘code as law’ (Lessig 1999; 2006).⁷ An example of when code works as law – coded norms – as a means for directing action can be exemplified by the BitTorrent protocol for file sharing. It displays, for instance, inherent normativity in its architecture – if you download using the BitTorrent protocol (as with The Pirate Bay), you

⁷ One could here speak of *code norms* as a parallel object for research to, for instance, social and legal norms (Larsson, 2011, pp. 133-134).

also upload – that could be claimed to represent an underlying conception stemming from its creator (programmer) regarding the efficiency in communal dissemination over a network of limited capacity. This means that in a digital society, the perspective of a dynamic interplay between law and social norms from the perspective of sociology of law may be complemented with (at least) the entity of coded architecture, as mentioned above in relation to the example of the uprisings during the Arab Spring. The Internet can be regulated and in the code-sense of the word, the Internet *is by necessity* regulated. And it is a *regulation by design* rather than a *regulation by policy*. This means that the particular methods or practices of regulation are here particularly technology-dependent. This demands that the disciplinary studies of these regulatory practices be knowledgeable of the detailed technological functions.

Google has already proved that a combination of geo-data and search statistics beats any traditional means of tracking how influenza is spreading. By using search trends, one can track influenza in ‘near real time’. These types of massive datasets that fluctuates in real time can be used for studying socio-legally relevant phenomena too. Another example could be when American researchers recently quantitatively categorised tweets (from twitter) regarding the presidential election in terms of racist expressions.⁸ They collected all the geo-coded tweets from the week around the election (beginning 1 November, 2012) with racist terms that also referenced the election in order to understand how these everyday acts of explicit racism are spatially distributed. This resulted in a map visualising findings that support that there is some fairly strong clustering of ‘hate tweets’ centered in the southeastern U.S. which has a much higher rate than the national average. This tells us that these digital tools are a new and powerful means to track and trace how people express different opinions that can be of great relevance for a socio-legal research approach. On the one hand, one has to ask to what extent these tweets actually represent something, and on the other, they can direct attention to what kind of effects the quick and unreflective medium itself produces in terms of mob-like behaviour, etcetera. What does it mean for norms, law and behaviour? That is a task for contemporary sociologists of law to interpret.

Another example might be enlightening: the key novelty that made Google’s success, as a search engine, is the search algorithm that sorts the results by ‘relevancy’. For example, when you search for “Sociology of Law” it is

⁸ <http://www.floatingsheep.org/2012/11/mapping-racist-tweets-in-response-to.html> [last visited 14 June 2013].

very useful that the most highly ranked hits are estimated from how much they are searched for, linked to, and how popular the sites are that link to them. This means that the most popular sites are the most highly ranked, which, as it has turned out, is a very useful way to go about these things. Relevancy, however, is not a neutral concept. It is constantly measured by a number of factors. Those who control the factors that balance them and increase and decrease their importance for the search algorithm has a type of power previously unheard of; it can lead to censorship. After a lot of pressure from the content industry and the American copyright holder's organisation RIAA, in August 2012 Google announced on their official search blog that sites with high numbers of so-called 'copyright removal notices', such as BitTorrent sites, will appear lower in the search results.⁹ This means that sites that have received high numbers of 'copyright removal notices', however popular they may be, are thereby deemed less 'relevant' by the search algorithm. In a sense, the 'relevancy' of search results is far from non-political or neutral. In this case, Google leans towards the interest of the copyright industry, no matter that these sites are very popular throughout the world. This example shows how the coded infrastructure itself, the one we have come to rely on so strongly, is of particular socio-legal relevance.

Conclusion

The argument in this article is based upon the notion that it is no coincidence that so many exciting socio-legal theorists can be found in the days of European industrialisation and nation-state formations in the late nineteenth and early twentieth century. This is then briefly compared to some of the changes that digitisation means for society as a way to argue that the similarities may be a potential to revitalise the classical theorists in a new setting. I argue that considering large parts of society and the world rely so heavily on digital infrastructure and Internet-related applications, it has become the backbone of many of our most important social and legal operations. To some extent, the regulatory logic in a networked, online domain lies in its coded architecture which, therefore, ought to attract some of our socio-legal attention if we are to understand, study or explain internet-related social processes from a regulatory point of view. In addition, I argue for a complementary take on how law and reality is conceptualised through metaphors and embodiment, brought in from findings in cognitive sciences. This means that the methods and theo-

⁹ <http://insidesearch.blogspot.se/2012/08/an-update-to-our-search-algorithms.html> [last visited February 11, 2013].

rising about how law's explicitly lingual expressions change in relation to these changing conceptions may also deserve extra attention. Thus, the point argued for here regards conceptual change in law and society tied to the digital technologies, which is in a sense the Karl Renner approach to law in a changing society, but wedded with conceptual metaphor theory from the cognitive sciences. Humans, corporations and laws are part of a bigger social complex that contributes towards how we think, act and conceptualise our world. This means that neither the hard laws, the architecture of our lives, nor the soft code, the social norms, languages, metaphors and conceptions alone can constitute our reality. It should be borne in mind, in this context, that metaphorical concepts depend for their coherence and persuasiveness on the motivating social contexts that ground meaning, and that therefore legal change, too, is "contingent on, and therefore constrained by, the social practices and forms of life that give law its shape and meaning" (Winter 2007, p. 897).

Finally, in response to the appeal from Cotterrell (2011, p. 20) for sociology of law to construct theory regarding new understandings of law that "treat it not just as a general directive instrument of nation state governments but as a range of often competing regulatory systems", I suggest the digital architecture as one regulatory force still not generally detected by the socio-legal eye and the digitisation of a networked society to be of vast socio-legal relevance. This, I argue, can be done through a revival of some of the classical theorists in sociology of law that on a broad level theorised the massive societal changes relating to both the genesis of the nation state as well as the technology related industrial revolution in nineteenth-century Europe. Today, the technology-related societal transition is much less spatial and tangible, much more cognitive, de-materialised and digital, but perhaps no less revolutionary to the socio-legal understanding of law, promising a 'subversive edge' to the discipline that grasps it.

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