Abstract: This paper will analyse the different ways by which law has been mapped, modelled and graphically represented in relation to and within the context of the inter-networked society. Starting with Lawrence Lessig’s illustration of the “pathetic” dot and how it is subject to four modalities of regulation (law, social norms, the market and architecture), the author will go on to examine Andrew Murray’s three-dimensional regulatory matrix and John Griffiths’ representations of law vis-à-vis semi-autonomous social fields. By analysing the various theories and methodologies that underpin the different network-based approaches to mapping law in the information society - namely, systems theory, actor-network theory and legal pluralism - this paper argues that it may be more fruitful for those engaged in socio-techno-legal studies to focus less on what law is but where it is to be found. By studying the plural and ever reconfiguring relations among social actors in the network society, law and information technology research becomes less about discovering the laws of networks but becoming aware that the network is the law.

Good afternoon. I will be speaking about the different ways that law has been mapped in relation to the global inter-networked society.
Overview

I. Introduction

II. Mapping networks
   A. Networks
   B. Maps

III. Mapping law and technology in the information society
   A. Lessig
   B. Murray

IV. Network-based theories and methods
   A. Systems theory
   B. Actor-Network Theory
   C. Legal pluralism

V. Interactive legality
   A. The network is the law
   B. Law in the making
• Field of network theory and analysis has been around for decades
• However, with the ubiquity of the internet and rise of the network society – common place to view world in terms of networks, see networks all around us
• Mapping inherent in the study of networks
• One cannot imagine a network without seeing its basic elements - points and lines
• Value of mapping - people are able to simplify, give order to and make sense of complex phenomena
• Literally, it allows us to draw a clearer picture
• Mapping law and society Santos’ considers legal maps as both a metaphor and a tool to reconceptualise law
• According to Santos, there are 3 mechanisms for map-making – scale, projection and symbolisation
• Laws as maps – guide and code
• Represent and construct legal reality – what law is and ought to be

Image source - http://3dnature.com/images/Longmont.jpg
MAPPING LAW & TECHNOLOGY IN THE INFORMATION SOCIETY
• Analyse different ways ICT legal scholars illustrated law in relation to information society
  - Illustrating the laws of cyberspace, Lessig begins with a pathetic dot who is subject to 4 modalities of regulation (namely, law, social norms, the market and architecture)
  - Using the 3 mechanisms for map-making, Lessig’s map has a macro view, projected to the centre and uses basic symbols
  - This map is presently the dominant theory of ICT legal studies
  - Limitations to Lessig’s map – narrow view of law as and fails to consider the active subject
• Murray builds on Lessig’s model - broader view of law/regulation, includes plural actors and takes note of multiple links
• Murray’s three-dimensional regulatory matrix is more complex and dynamic
• Even though uses basic symbols, much broader, more detailed, covers both centre and periphery
• Different view of the pathetic dot – as active participant
• Various network-based theories and methodologies are crucial to understanding law in relation to the information society
NETWORK-BASED THEORIES AND METHODS

Image sources:
- http://thumbs.dreamstime.com/thumb_373/12366397487kzzk0.jpg found on website www.dreamstime.com/stock-photography-compass-...
• Murray draws on systems theory (ST) or legal autopoiesis
• Law as a social system
• Beyond the scope of this paper to discuss ST in full, but ST concepts and methods may be useful
• Example of cognitive mapping
Like ST, actor-network theory (ANT) is a rich and complex field - beyond scope of this paper to give a full account.

But there are useful ANT concepts and tools.

For one, ANT and ICT legal studies share a common interest in technology and society.

Valuable concept of the “actor-network”

Recommendation to study and be like the engineer.

Consider non-human as actors/actants.

Aim to trace associations and assemblages.

Cartographic methods such as social-technical graphs.

Image source - http://wikiadapt.org/images/2/20/Actor_Network_diagram.jpg from website wikiadapt.org/index.php?title=Actor-network_m...
- Limitations of ST and ANT – generally focused on regulators and neglects ordinary users
- Legal pluralism – generally not considered as applying to networks but it does
- Describe legal pluralism and interlegality
- Graphic as dynamic state of plural normativity
Using legal pluralism as a focal point for the different network-based theories and methods, it becomes possible then to revisit and build on Murray’s three-dimensional regulatory matrix in order to reveal a profound insight on how law can be mapped anew in relation to the inter-networked society. By focusing on both the multiple, heterogeneous links and relations between different actors and the different networks that they form, it becomes apparent that (paraphrasing Callon) the proper object of ICT legal studies is neither society itself nor the so-called social relationships but the very network of plural legal orders that simultaneously gives rise to what I will call interactive legality. The value of studying network theory and analysis is, therefore, not to determine what are the laws of networks (which is what most ICT legal scholars tend to focus on when they start from the premise of code as law) but to observe, describe and understand that “the network is the law”. It should noted however that the network is far from static and is ever reconfiguring. Viewed in this light, this revised legal pluralist map become less of an illustration of the constraining power of regulators and more of a representation of the dynamic participation that is actually taking place at the centres and peripheries of society. The idea of interactive legality goes beyond the typical socio-legal notions of “law in books” and “law in action”. It is about law in the making through the interactions of both actors and networks. This interactive legal map is not about what law is but where it is to be found and who are involved in its constitution. The statement “the network is the law” is not an attempt to define law but it is simply a challenge to describe and explore the interactive network of plural legal orders that we belong to and make up.
This is the end of my presentation. If you have any questions or comments, please let me know.