

## ORIGINAL ARTICLE

# The *Journal of Law and Society* in context: a bibliometric analysis

CHRISTIAN BOULANGER<sup>1</sup> | NAOMI CREUTZFELDT<sup>2</sup> |  
JENNIFER HENDRY<sup>3</sup>

<sup>1</sup>Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main, Frankfurt, Germany

<sup>2</sup>Kent Law School, University of Kent, Canterbury, England

<sup>3</sup>School of Law, University of Leeds, Leeds, England

## Correspondence

Jennifer Hendry, School of Law, University of Leeds, 2.06 Liberty Building, Moorland Road, Woodhouse, Leeds, LS2 9JT, England.  
Email: [J.Hendry@leeds.ac.uk](mailto:J.Hendry@leeds.ac.uk)

## Abstract

On this, the occasion of its 50<sup>th</sup> anniversary, we employ a quantitative analysis of the *Journal of Law and Society (JLS)* to chart empirically the evolution of socio-legal studies in the United Kingdom (UK). By tracing the influence(s) of the *JLS* upon the development of UK socio-legal research, not only do we demonstrate a new mode of exploring knowledge production in the field of socio-legal studies, but we also illustrate how computational methods can augment hermeneutical approaches to mapping socio-legal trends. Through (a blend of) three different analytical approaches – descriptive analyses of bibliographic metadata, text-linguistic analyses of a corpus of full-text articles, and network analyses of citation graphs – we generate comparative information about the *JLS* since its inception in 1974. We then employ this data to interrogate the *JLS*' own narratives; using predictions, ambitions, and statements of intent made by Editor-in-Chief Phil Thomas published either within or regarding the *JLS*, we present a map of the journal's role within, impact upon, and enduring contribution to UK socio-legal studies. Finally, we discuss our results and propose future directions of the field.

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## 1 | INTRODUCTION

The *Journal of Law and Society* (*JLS*) has been, since its inception in 1974, a leading vehicle and driving force for socio-legal studies scholarship in the United Kingdom (UK) and beyond. It is due to this particular prominence that we selected the *JLS* – in the form of its 50-volume aggregation – as the subject of our bibliometric and statistics-based analysis, which aims to map and contextualize the development of the scholarly field that has come to be known as socio-legal studies,<sup>1</sup> and the particular influence(s) that the *JLS* has had upon that development.

Our goal is, using a ‘*Probebohrungen*’ approach,<sup>2</sup> to provide a contextualized picture of the *JLS* – and, by extension, of socio-legal studies – over the past half-century, one that not only depicts notable trends and dynamics but also brings into clear view the effects of *inter alia* the 1990 creation of the Socio-Legal Studies Association (SLSA),<sup>3</sup> the post-1992 expansion in UK higher education,<sup>4</sup> the introduction of the Research Excellence Framework (REF),<sup>5</sup> and socio-legal scholarship’s steady movement from the academic periphery to the centre.<sup>6</sup> Contextualizing the data gleaned from the bibliometrics is crucial; though the data can show us trends and patterns, without being placed in context this information is only indicative.

To that end, not only do we structure our analysis around notable considerations – namely, (1) beginnings, (2) influences, (3) the *JLS*’ contribution to UK socio-legal studies, (4) dominant voices<sup>7</sup> and themes, and (5) methods and theory – we also contextualize these considerations through the lens of predictions, aspirations, and statements of intent made by Phil Thomas, *JLS* Editor-in-Chief (hereafter EiC). These we draw from three discrete sources: (1) our own 2021 semi-structured interview with Thomas,<sup>8</sup> (2) a 2015 interview with Thomas undertaken by Christos Boukalas and Lydia Hayes,<sup>9</sup> and (3) the editorial from the first issue of the *JLS* in 1974, when it was still known as the *British Journal of Law and Society* (*BJLS*).<sup>10</sup> These rich sources not only

<sup>1</sup> This is true in the UK, at least; different jurisdictions favour different names for the study of law in society, but we restrict ourselves to the preferred UK terminology.

<sup>2</sup> This translates as ‘test drilling’, an approach with an experimental quality to ‘probing’ the sample, otherwise known as exploratory quantitative analysis. This approach is one that moves the focus of quantitative scholarship away from statistical significance – which so often dominates political science – and towards patterns, which lead not to answers but rather to questions.

<sup>3</sup> For further details, see SLSA, ‘About the SLSA’ *SLSA*, at <<https://slsa.ac.uk/index.php/what-is-slsa>>.

<sup>4</sup> On post-1992 institutions, see *Wikipedia*, ‘Post-1992 University’ *Wikipedia*, at <[https://en.wikipedia.org/wiki/Post-1992\\_university](https://en.wikipedia.org/wiki/Post-1992_university)>.

<sup>5</sup> The REF was known as the Research Assessment Exercise (RAE) from its inception in 1986 until 2008.

<sup>6</sup> Sally Wheeler explains her preference for the label ‘socio-legal movement’ by virtue of its being ‘a clarion call to the academy to move socio-legal studies from a position of marginality within most law schools to a position of pre-eminence’. S. Wheeler, ‘Socio-Legal Studies in 2020’ (2020) 47 *J. of Law and Society* S209, at S211–212; see also S. Wheeler and P. Thomas, ‘Socio-Legal Studies’ in *Law’s Future(s)*, ed. D. Hayton (2000) 267, at 271.

<sup>7</sup> Consideration of ‘dominant voices’ not only shows who has had access to the journal as a vehicle for publication, but also who has *chosen* the journal as the vehicle to convey their arguments; this combination has contributed to shaping socio-legal studies in the UK.

<sup>8</sup> This interview, held on 12 November 2021, is part of a series of interviews with socio-legal scholars undertaken under the auspices of the project ‘Socio-Legal Trajectories in Germany and the UK’ funded by the Max Planck Institute for Legal History and Legal Theory (mpilhl). Hereafter cited as Interview A.

<sup>9</sup> P. Thomas et al., ‘The *Journal of Law and Society* at 40: History, Work, and Prospects’ (2015), at <[https://onlinelibrary.wiley.com/pb-assets/assets/14676478/jols\\_at\\_40-1509472962000.pdf](https://onlinelibrary.wiley.com/pb-assets/assets/14676478/jols_at_40-1509472962000.pdf)>. Hereafter cited as Interview B.

<sup>10</sup> P. Thomas, ‘Editorial’ (1974) 1 *Brit. J. of Law and Society* 1. Hereafter cited as Editorial C. The 1982 rebrand as the *Journal of Law and Society* was suggested by publisher Blackwell to sound more ‘international’. P. Thomas, personal communication.

allow us to interrogate, through *JLS* bibliometric data, the development of the journal *on its own terms*, but also – through the lens of the *JLS*, and using the journal as a barometer – to chart empirically the evolution of (UK) socio-legal studies.

We use three different types of quantitative analyses: (1) descriptive analyses of bibliographic metadata, (2) text-linguistic analyses of a corpus of full-text articles and, (3) network analyses of citation graphs. These combine to produce a rich dataset on the *JLS*, one that we could effectively interrogate in terms of existing narratives and assumptions. We should acknowledge here that we restrict ourselves only to questions that can be *meaningfully* addressed by the data, which is to say that the salient information is included within the published corpus of the *JLS*. For example, as the journal does not publish author demographic information, we are unable to determine the respective career stages of contributors. Likewise, as the *JLS* does not include article keywords, any bibliometric methods reliant on keyword analysis is precluded. This is also the case for institutional affiliations,<sup>11</sup> incomplete data at source level means that we do not attempt to produce what would necessarily be a skewed representation. Instead, where necessary, we employ statistics produced by Mizzette Ao and Joshua Munyard in March 2021 to show differing patterns in contributor institutions over the years – notably, the changes post-1992.<sup>12</sup>

Similarly, as this is the first study of its kind within the field of socio-legal studies,<sup>13</sup> we are careful not to draw overly broad conclusions, nor to supply statistics or percentages. Our intention is rather to explore those key moments, significant developments, prominent dynamics, clear patterns, and notable trends – identifiable within the *JLS* – that have combined to shape UK socio-legal studies, and to speculate as to the journal's role as a driver of many of those trends. In scrutinizing the social conscience of the *JLS*, moreover, and its key role as a barometer for socio-legal studies in the UK, we draw attention to where there are gaps – overlooked debates, unheard voices, and unseen issues – and use these gaps to propose a potential direction of travel for the *JLS* for the next 50 years. This investigation into 'what is missing' constitutes our final theme.

Our analysis proceeds over four sections. First, we provide a brief contextualized history of the *JLS*, including the circumstances of its launch, the institutional permanence of its home within the School of Law and Politics at Cardiff University, and the (arguably correspondent) stability of its Editorial Board. Next, we explain our bibliometric methods, showing the contributions and limitations of each specific approach and illustrating how we generated our *JLS* dataset; for a detailed account of the methodology, plus visualizations awkward to publish in print, see the accompanying blogposts.<sup>14</sup> Third, under the five themes already identified, we cluster predictions, ambitions, and statements of intent made by the journal's EiC and use these to ask precise questions of our search algorithms. This five-part section sees us consider the *JLS* historically, contemporaneously, relationally, and contextually to create a detailed study that showcases the key contribution of this journal to the development of research and scholarship

<sup>11</sup> The *JLS* corpus data does not include this information either consistently or comprehensively.

<sup>12</sup> See Section 4.4.1 below. The Ao and Munyard statistics are considered 'grey literature'. M. Ao and J. Munyard, 'The *Journal of Law and Society* (Est. 1974): A Review of the Most Recent Twenty-Five Years (1995–2020)' (2021) (document on file with the authors and also with the journal).

<sup>13</sup> Bibliometric literature reviews are common in other areas of research: see for example W. Iqbal et al., 'A Bibliometric Analysis of Publications in Computer Networking Research' (2019) 119 *Scientometrics* 1121; P. M. Hider, 'Three Bibliometric Analyses of Anthropology Literature' (1997) 15 *Behavioral & Social Sciences Librarian* 1.

<sup>14</sup> C. Boulanger et al., 'The *Journal of Law and Society* in Context: Our Bibliometric Methodology' (2023) *J. of Law and Society Blog*, at <<https://journaloflawandsociety.co.uk/blog/the-journal-of-law-and-society-in-context-descriptive-analysis-of-metadata/>>.

in UK socio-legal studies. Fourth, we conclude by discussing other potential applications within the field for this kind of blend of computational and hermeneutical methods, and considering potential future directions of travel for socio-legal studies in the UK.

## 2 | HISTORY AND POSITIONING: A BRIEF CHRONICLE OF THE *JLS*

As Roger Cotterrell recently observed, socio-legal studies nowadays tends to be viewed as

a wider reaching-out – beyond the intellectual traditions of sociology of law that are significantly rooted in sociology as a discipline – into many knowledge fields in the social and human sciences and the humanities that can illuminate the nature of law.<sup>15</sup>

He is not alone in this conviction that the strength and potential of socio-legal studies lies in this inclusive, even expansive, quality. Sally Wheeler has also reflected on how the label ‘socio-legal’ – in contrast to ‘law and –’ approaches – is about ‘moving beyond the “and”’,<sup>16</sup> while Jennifer Hendry has noted that the ‘sociological studies umbrella appears not only to extend over a range of approaches and methods, but also serves to encompass a broad interpretation of the “legal”’.<sup>17</sup> Indeed, as we have observed elsewhere, socio-legal studies’ ‘fluid disciplinary contours easily accommodate methodological and theoretical development in both the sociological and the legal fields’.<sup>18</sup>

While this embrative portrayal of socio-legal studies might seem distinctly contemporary, we submit that this ‘reaching-out’ quality has always been key for the *JLS*, which clearly set out to establish itself as a vehicle for intellectually curious scholarship. Consider this statement from Thomas:

I come from an era when there were very few journals in which academics could publish. And the leading journals would have been the *Cambridge Law Journal* and *Law Quarterly [Review]*. I don’t know who reads those journals these days ... And yet they were the dominant journals ... [I]f you are embarking on a different form of scholarship, then the *Cambridge Law Journal* would not be interested in publishing it. Therefore, if you are a serious scholar with a view to getting your ideas out, you need a vehicle. No vehicle, no transport, means you’re static, you’re stuck. And for me the *JLS* was the vehicle which was able to transport the ideas and work of this new generation of scholars.<sup>19</sup>

<sup>15</sup> R. Cotterrell, ‘A Socio-Legal Quest: From Jurisprudence to Sociology of Law and Back Again’ (2023) 50 *J. of Law and Society* 3, at 4.

<sup>16</sup> Wheeler, *op. cit.*, n. 6, p. S216.

<sup>17</sup> J. Hendry, ‘One Umbrella or Two? Comparative (Socio-)Legal Studies in Light of Globalisation’ (2021) 16 *J. of Comparative Law* 552, at 556. On this issue of the scope of socio-legal studies, Thomas has recalled that ‘from the start, the *JLS* carried a restlessness about law – what is law?’ (Interview B, 3), adding that ‘an ongoing challenge of socio-legal studies is that of establishing what it actually is’ (Interview B, 6).

<sup>18</sup> J. Hendry et al., ‘Socio-Legal Studies in Germany and the UK: Theory and Methods’ (2020) 21 *German Law J.* 1309, at 1309; see also N. Creutzfeldt et al. (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (2019).

<sup>19</sup> Interview A. Importantly for our purposes, this statement provides an insight into Thomas’ own conception of his role – that is, as a mediator of the new emerging scholarship.

This *enabling* ambition is evident from the journal's very earliest days. The editorial in the first issue of what was then the *BJLS* articulated the journal's main intellectual objective as being not only to develop 'an understanding of the operation and effect of law in society',<sup>20</sup> but also to facilitate the promotion, to a wider audience, of the nascent body of socio-legal scholarship already in existence at the time. The editorial, moreover, set out the journal's bold goal of 'follow[ing the] tradition of transcending disciplinary boundaries by taking as its focus the subject area of law in society'.<sup>21</sup> While we explore this cornerstone *JLS* ambition to publish boundary-transcending socio-legal scholarship later in the article, it is worth highlighting here how radical it was, in 1974, to open with such a commitment,<sup>22</sup> let alone to maintain it.<sup>23</sup>

It is likely that, with such an unconventional – for the legal academy, at least – opening agenda, the *JLS* was unprepared for the levels of success that it achieved. The *JLS* was originally published by Professional Books Limited for the University College Cardiff, though this was only for the first few years; in 1977, University College Cardiff Press took over the publishing contract, albeit also for a brief period. A period of extended stability began in 1981, however, when publication of the journal was taken on by Oxford-based publishing house Blackwell Publishers, latterly Blackwell Publishing (2001), and since 2007 Wiley-Blackwell.<sup>24</sup> Commencing with just two issues and 215 pages annually, the journal increased to three issues between 1984 and 1987, after which it moved to four issues and close to double its initial print run of 510 pages per year.<sup>25</sup> Currently publishing on the same quarterly basis, the *JLS* now not only runs to over 900 pages annually<sup>26</sup> but also augments these with Special Supplements (formerly Special Issues<sup>27</sup>), a website,<sup>28</sup> and a blog.<sup>29</sup>

The *JLS*' Editorial Board has undergone comparable expansion; the 1974 founding group of Thomas plus four Assistant Editors<sup>30</sup> had by 1994 expanded to number ten in total, while at the time of writing (February 2024) the Editorial Board has 13 members. For anyone wondering, while the first woman joined the Editorial Board in 1985, nine years after the *JLS*' launch, a decade later only three women had served as Assistant Editors, and not always concurrently. The gender

<sup>20</sup> Editorial C, 2.

<sup>21</sup> *Id.*, p. 1.

<sup>22</sup> Thomas has been quoted as saying that the *JLS* and the discipline of socio-legal studies 'were both formed at the same time as a spontaneous alternative to the Law School establishment, its pedagogy and its ideology'. Ao and Munyard, *op. cit.*, n. 12, p. 3.

<sup>23</sup> As Dave Cowan, Linda Mulcahy, and Sally Wheeler point out, 'for half a century [the *JLS*] has been responsible for publishing challenging articles and constantly enriching and disrupting accounts of its perimeters'. See D. Cowan et al., 'Introduction: Celebrating Phil Thomas at 80' (2020) 47 *J. of Law and Society* S187, at S187.

<sup>24</sup> Wiley-Blackwell was 'formed by the merger of John Wiley & Sons Global Scientific, Technical, and Medical business with Blackwell Publishing in 2007'. *Wikipedia*, 'Wiley-Blackwell' *Wikipedia*, at <<https://en.wikipedia.org/wiki/Wiley-Blackwell>>.

<sup>25</sup> J. Wiltshire, '*JLS* at 20' (1995) 1 (document on file with the authors).

<sup>26</sup> Volume 49 (2022) runs to a total of 995 pages, inclusive of the annual Special Supplement.

<sup>27</sup> As Ao and Munyard explain in their history of the *JLS*, '[t]he *Journal of Law and Society* [publishes] an annual special issue addressing salient issues and matters of significance. Additional special issues are published sporadically. These special issues typically [feature] guest editors. Between 1995 and 2020 there have been fifty-three guest editors involved in the production of the journal's special issues. Sixteen of these guest editors [have been] women.' Ao and Munyard, *op. cit.*, n. 12, p. 3.

<sup>28</sup> See <<https://journaloflawandsociety.co.uk/>>.

<sup>29</sup> See <<https://journaloflawandsociety.co.uk/jlsblog/>>.

<sup>30</sup> These were Zenon Bankowski, Gareth Lewis, D. R. Miers, and Geoff Mungham.

balance has improved over the intervening years, however; the composition of the current Editorial Board is approximately one third female, with four women members from the total of 13.

Finally, the demographic arrangement of the *JLS* Editorial Board is underpinned – even determined – by the composition of the School of Law and Politics at Cardiff University,<sup>31</sup> from which the Board has been almost exclusively drawn. Indeed, the *JLS* has a policy of inviting as Assistant Editors socio-legal-minded scholars who are employed at the School of Law and Politics. This necessary Cardiff connection does not extend to the journal's Advisory Board, however, which comprises academics who represent a wide range of disciplines, as well as national and international institutions.<sup>32</sup>

### 3 | BRIEF METHODS OVERVIEW

To generate the data, we apply three different types of analyses: descriptive analyses of bibliographic metadata, text-linguistic analyses of a corpus of full-text articles, and network analyses of citation graphs created using existing and self-generated data. We rely mainly on two datasets. The '*JLS* corpus' is a text corpus of all *BJLS* and *JLS* articles published from 1974 to 2022, extracted from PDFs downloaded from the publisher. The '*JLS* dataset' contains metadata and data on the cited literature of each of these articles, produced by merging bibliographic and bibliometric metadata and data generated from the corpus data using citation-mining techniques.

The descriptive analysis and bibliometric metadata allow us to run basic analysis that detects broad trends in the database, such as the number of articles and the most frequently published authors per year. The text-linguistic analysis (using so-called 'natural language processing' (NLP) methods) further enables us to look at unstructured textual data and thereby to compare frequencies and patterns over time. We are also able to apply this to a more sophisticated query and do 'topic modelling' through an unsupervised machine-learning approach that groups words that appear together in the same document in a statistically significant way. Network analysis of citation graphs – in its most basic application – is then employed to explore the 'reach' of authors; this approach can be further operationalized to expose relationships that would be impossible to plot manually.

### 4 | THE *JLS* AS A BAROMETER FOR SOCIO-LEGAL STUDIES

In this section, we draw on data from the *JLS* to highlight trends and notable themes that we then embed in the wider context of socio-legal studies. As mentioned above, these themes are: (1) beginnings, (2) influences, (3) the *JLS*' contribution to UK socio-legal studies, (4) dominant voices and themes, and (5) methods and theory. A key motivation for our analysis of the *JLS* is the desire to show(case) its evolution over time, and to scrutinize (the narrative of) the journal's key role in the development of UK socio-legal studies. Our first task is to identify significant temporal

<sup>31</sup> 'With the exception of M. Levi, C. May and G. Mungham, who were members of the Department of Sociology and Social Administration in Cardiff, all members have been drawn from and based in Cardiff Law School.' Wiltshire, op. cit., n. 25, pp. 2–3.

<sup>32</sup> 'Throughout the period spanning 1995 to 2020, there have been forty-eight members of the advisory board. Seventeen of the members of the advisory board [have been] women.' Ao and Munyard, op. cit., n. 12, p. 7. As Thomas has observed, '[t]he quality of the journal has gone up, and also its reach. Our authors and readership spread way beyond the UK – our readership and hopefully relevance is truly international.' Interview A.



junctures, with the aim of getting a sense of the zeitgeist within which the *JLS* was created, including its sense of social conscience. The second task is to identify indicators of change by charting the measurable effects that such critical moments have had upon the *JLS* as illuminated by our data.

## 4.1 | Beginnings

The study of the action of law in society has an old tradition. In the nineteenth century such scholars as Dicey, Durkheim, Maine, Marx, and Weber established this area as crucially important to those who wished to understand society. The aim of the *British Journal of Law and Society* is to follow this tradition of transcending disciplinary boundaries by taking as its focus the subject area of law in society.<sup>33</sup>

If searching for statements of a journal's intent, one need look no further than the inaugural issue's editorial. This includes the aim, quoted above, that the journal follows the 'old tradition' of studying 'the *action* of law in society' so as to better understand society. Taking this published statement from Thomas as our starting point, and with a view to ascertaining the relative import and influence of 'classic' authors, we can search our dataset for the number of times those names quoted have been mentioned in the *JLS* corpus. By way of calibration, to this list of names we can add selected other comparably prominent 'classic' authors<sup>34</sup> from across the social sciences and humanities.

Figure 1 is a scatterplot of mentions of the names of scholars over time, adjusted for corpus size per year. It shows that, for example, while the work of both Karl Marx and Max Weber has been referred to throughout the lifetime of the journal, these show different patterns, with Weber having clusters of mentions while Marx has been mentioned consistently throughout. We can see that Michel Foucault became a steady feature from the 1980s onwards, whereas Pierre Bourdieu started to be cited around 1988 but with only sporadic mentions until a flurry around 2019. Interestingly, though Niklas Luhmann was mentioned in the earliest issues of the journal, subsequent citations were few and far between until the mid-1990s, when they picked up noticeably and then continued in a steady if spasmodic vein. The figure further shows Jürgen Habermas being mentioned at intermittently regular intervals, with a spell of notable prominence between 1992 and 2002.

Though interesting in how it displays the relative prominence in the *JLS* over time of those authors drawn from the Thomas quote, plus others selected as comparably prominent in the field (broadly stated), this figure is of course not representative of overall citations in the journal. To derive the 20 most frequently cited authors from the *JLS* data (Figure 2), we instead generate an aggregated view of authors cited in the *JLS*, which depicts the total number of citations as opposed to their relative clustering over time.

We can still identify clear citation trends. For example, the three most frequently cited scholars have been Foucault, Luhmann, and Gunther Teubner, with other well-known scholars such as Habermas, John Braithwaite, and David Nelken following some distance behind.

<sup>33</sup> Editorial C, 1.

<sup>34</sup> We are painfully aware that these are all white men, but they certainly belong to what is believed to be the sociological canon. For a critical discussion on this canon, see B. Grüning and M. Santoro, 'Is There a Canon in This Class?' (2021) 31 *International Rev. of Sociology* 7.

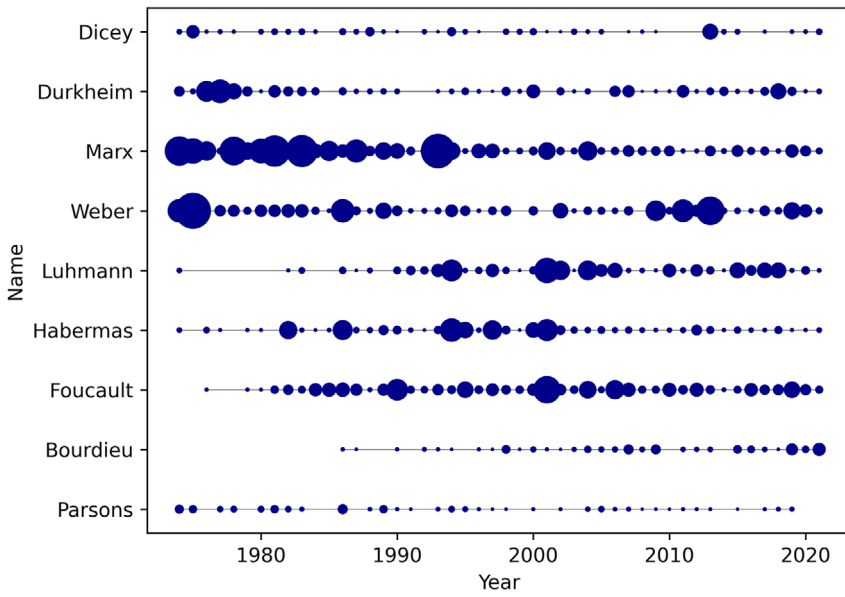


FIGURE 1 Frequency analysis of selected 'classic' authors in the socio-legal tradition. Source: *JLS* corpus, adjusted for corpus size per year

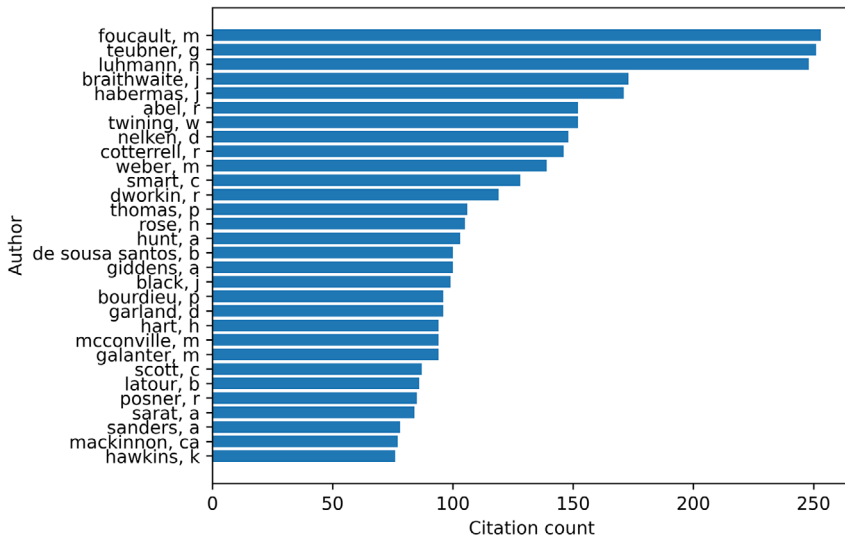


FIGURE 2 Number of citations of authors. Source: *JLS* dataset

### 4.2 | Influences

There were several established, doctrinal journals available, so I was seeking to open up something radically different, a new dynamic that would produce something new. In this sense, you can say that the *JLS* was born out of the spirit of 1968, it was born out



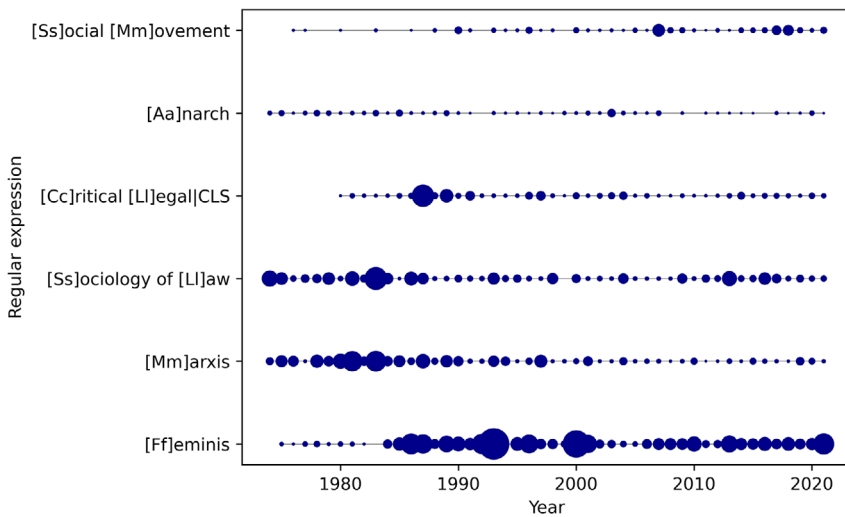


FIGURE 3 Frequency analysis of terms identifying influences. Source: *JLS* corpus, adjusted for corpus size per year

of that feeling ... While a wide range of theoretical influences (Marxism, feminism, sociology of law, critical legal studies, anarchism) and social movements influenced the early period of socio-legal studies and of the *JLS*, the catalyst was the weight of personal experience that a young generation of scholars had gained in the 1960s and their limited capacity to express it in the Law School as it then stood.<sup>35</sup>

The *JLS* came into being to fill a gap, to create a new outlet for progressive academic voices who were, at the time, confined to their law schools and the then-dominant paradigm of doctrinal legal study. In investigating who was cited in the beginnings of the journal, therefore, we are keen to explore the ‘influences’ and the interrelationship with progressive and alternative scholarship. One initial way of gauging how such influences manifested is to look for the terms specifically mentioned by Thomas and to explore the frequency and regularity of their occurrence over time. Searching for the terms ‘social movements’, ‘anarchism’, ‘critical legal studies’, ‘sociology of law’, ‘Marxism’, and ‘feminism’ across five decades generates the findings illustrated in Figure 3.<sup>36</sup>

Figure 3 shows the distribution of the six terms in the dataset. Most apparent from this visualization is how use of the term ‘feminism’ has been effectively continuous from the mid-1980s onwards, if more prominent between 1985 and 2002 and again between 2009 and 2023. The term ‘Marxism’, however, shows the opposite trend; though mentioned regularly throughout the *JLS*’ 50 years, it was more prominent in the first half of the journal’s life (between 1974 and 1998), waning somewhat since the turn of the millennium. A more consistently used term in the *JLS*

<sup>35</sup> Interview B, 2.

<sup>36</sup> To be more precise, the search is for ‘anarchis’, ‘Marxis’, and ‘feminis’ rather than ‘anarchism’, ‘Marxism’, and ‘feminism’ so as to also capture references to ‘anarchist’, ‘Marxist’, and ‘feminist’. The figures contain search terms known as ‘regular expressions’, which have a unique syntax used to describe and find patterns in text. Even though it makes reading more difficult, these expressions are included in the graphs to precisely document the search criteria. In this case, we are utilizing two specific features of regular expressions: the interchangeability of letters within square brackets and the use of the pipe character (‘|’) to indicate alternative words.

has been ‘sociology of law’, which shows a steady pattern of author mentions. The term ‘critical legal studies’ started being mentioned in the 1980s, with a short spike in 1988 that was almost certainly attributable to that year’s Special Supplement on ‘Law, Democracy and Justice’, followed by regular if intermittent mentions that have appeared almost cyclically. By contrast, the term ‘anarchy’/‘anarchism’ has been mentioned only sporadically throughout the five decades of the *JLS*.

### 4.3 | The *JLS*’ contribution to UK socio-legal studies

I think [it’s] a challenge for the contemporary scholar, especially in these times of crisis and social upheaval, to say: should I be writing about this, or should I contextualize what I’m writing so that it connects with broader social issues and interests? It comes back to the question of engagement and commitment. Similarly, with the *JLS* I would like to think that there is a direction of the journal, but I’m continually restless about it. I would like to see ever more critical bite in its content. I would like the *JLS* to continue to be a vehicle for scholarship which has something special to say about the issues of the moment or the emerging issues.<sup>37</sup>

When considering the role and contribution of the *JLS* after 40 years of the journal’s existence, the questions that the EiC asked himself had clearly evolved from seeing the journal as filling a gap and providing socio-legal voices with an outlet, to considering the journal’s position and role as a vehicle for broader social engagement: how can and should the *JLS* encourage and support cutting-edge, exciting, and engaged socio-legal work?

The *JLS*’ current website proclaims an enduring fidelity to innovative, important, and potentially impactful socio-legal scholarship (quoting Thomas):

I would like the *JLS* to continue to be a vehicle for scholarship which has something special to say about the issues of the moment or the emerging issues ... I would like the *JLS* to publish socio-legal work that addresses contemporary pressing matters.<sup>38</sup>

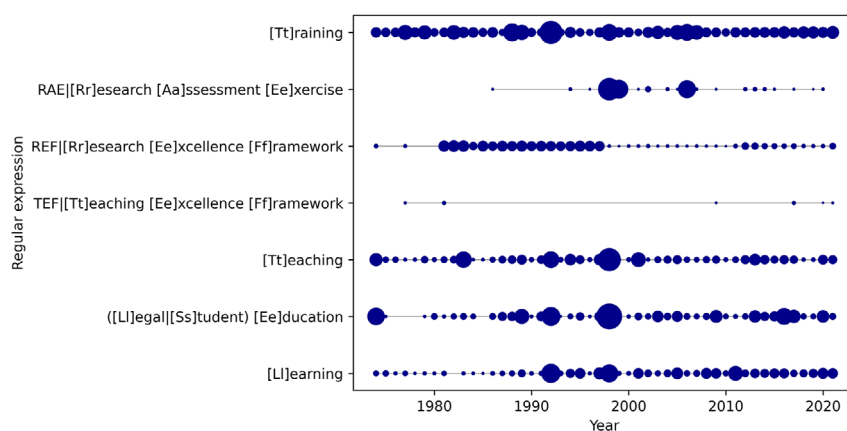
This is very clearly a key institutional goal, the commitment to which can be traced back to the 1974 inaugural issue:

We consider that the publication of this journal is especially valuable at a time when the legal profession in England and Wales is undergoing changes which could produce a broadening of its perspectives. Notably, the profession is moving towards an increasing reliance upon institutions of higher education for its formal training. We hope that this will result in teaching programmes orientated towards providing both an interest in, and an understanding of, those processes whereby laws operate in society. *The journal will contribute to the achievement of this goal by helping to establish a sound theoretical basis for the study of law in society.*<sup>39</sup>

<sup>37</sup> Interview B, 6.

<sup>38</sup> Id.

<sup>39</sup> Editorial C, 1, emphasis added.



**FIGURE 4** Frequency analysis of terms of terms related to teaching, training, and research evaluation. Source: *JLS* corpus, adjusted for corpus size per year

In terms of timeliness and topicality, we are keen to explore how selected important moments, both political and academic, are reflected in the *JLS* dataset. To do this, we can look for key phrases around research and innovation (R&I), knowledge exchange, impact, and esteem (KEI), and student education (SE) indicators that have become tools by and through which institutional success and funding in UK academia is measured and assessed.

Figure 4 shows the distribution of mentions of ‘learning’, ‘legal education’/‘student education’, ‘teaching’, ‘Teaching Excellence Framework’/‘TEF’, ‘Research Excellence Framework’/‘REF’, ‘Research Assessment Exercise’/‘RAE’, and ‘training’. As an indicator of a continued interest, this figure shows that there is mention of most of the terms in the *JLS* data, with ‘learning’, ‘legal education’/‘student education’,<sup>40</sup> and ‘teaching’ all being topics regularly discussed within the journal. We are of the view that this relates to changes in UK legal education in 1992 – something that we consider in the next section – and, to a lesser extent, the introduction of the RAE and subsequently the REF.<sup>41</sup> Another consideration is that from the early 1990s onwards, the newly minted SLSA was starting to exert an influence relative to its stated aim:

for the public benefit to advance education and learning in the field of socio legal studies and to promote research, the useful results of which shall be published for the public benefit, teaching and the dissemination of knowledge in the field.<sup>42</sup>

The overall developments that we trace in Figure 4 had a significant influence on socio-legal studies in the UK. In relation to research, the RAE and the REF brought with them increased pressures on individual research outputs, introduced impact as an essential element of the academic profession, encouraged interdisciplinarity, and established a clear expectation to publish. Universities were tasked with evidencing how their research culture facilitates high-quality and

<sup>40</sup> We initially included within these search terms ‘Teaching Excellence Framework’, or ‘TEF’, but no results were returned.

<sup>41</sup> The first RAE was undertaken in 1986, with subsequent exercises held in 1989, 1992, 1996, 2001, and 2008. The REF first took place in 2014, then in 2021, with the next one planned, as recently announced, for 2029.

<sup>42</sup> SLSA, op. cit., n. 3.

impactful research that in turn contributes to societal and policy change.<sup>43</sup> Moreover, in relation to teaching, changes in higher education have had an impact on socio-legal studies in the UK. These changes have been driven by technological advances, government policies, and shifts in pedagogical approaches.<sup>44</sup>

#### 4.4 | Dominant voices and themes

Having considered selected systemic issues, in this part we ask of our data the question: whose are the dominant voices in the *JLS*, and how have these shaped the respective development of the journal and of UK socio-legal studies? We start by looking at datapoints concerning locations and institutions, then survey quantitatively who has been most frequently published and most frequently cited in the journal. We also consider the influence of gendered factors, as well as looking to identify the most popular research themes throughout the lifetime of the *JLS* thus far. We bring these in connection with the wider field of socio-legal studies in each section.

##### 4.4.1 | Institutions and geography

Attitudes have been conditioned hitherto by the boundaries of academic disciplines rather than subject matter. Thus, we see as the principal function of the journal the task of focusing intellectual interest upon a subject area which, although neglected in the recent past in the United Kingdom, is now undergoing a renaissance, particularly in departments of law and sociology at several universities and polytechnics.<sup>45</sup>

Following on from this quote from the inaugural issue of the journal, and in view of the post-1992 developments in UK higher education mentioned above, we think it worth investigating where authors' institutional homes were at the time of their publishing articles in the *JLS*. The data collected by Ao and Munyard<sup>46</sup> shows the spread of *JLS* authors based at old and new universities respectively; perhaps unsurprisingly, we can see that most authors came from old universities, and indeed still do, with a very small number coming from post-1992 institutions.

Thomas has claimed that

[t]he quality of the journal has gone up, and also its reach. Our authors and readership spread way beyond the UK – our readership and hopefully relevance is truly international.<sup>47</sup>

<sup>43</sup> H. Khazragui and J. Hudson, 'Measuring the Benefits of University Research: Impact and the REF in the UK' (2015) 24 *Research Evaluation* 51; J. Conaghan, 'Legal Research and the Public Good: The Current Landscape' (2023) *Legal Studies* 1.

<sup>44</sup> R. Deem et al., *Knowledge, Higher Education, and the New Managerialism: The Changing Management of UK Universities* (2007); A. Bradney et al., *How to Study Law* (2017, 8<sup>th</sup> edn); F. Cownie, *Legal Academics: Culture and Identities* (2004).

<sup>45</sup> Editorial C, 1.

<sup>46</sup> Ao and Munyard, op. cit., n. 12. We employ this data since there is no reliable information on the institutions and geographical origins of the authors to be gleaned from our own dataset.

<sup>47</sup> Interview B, 4.

Ao and Munyard manually collected data on the origin of authors for the period from 1995 to 2020, and ranked tables of author locations correspondent to continents. While the data does not really allow for definitive statements in this regard, we can say that most contributors have come from Europe, alongside a small yet steady number of authors in North America and Oceania, with the former waning slightly since the late 1990s and the latter increasing by much the same relative extent.

The post-1992 institutions, on the one hand, have enriched the landscape of socio-legal studies through educating – in comparison to older institutions – a more diverse student body with non-traditional backgrounds, often with strong ties to local communities with outreach initiatives. Older institutions, on the other hand, have a long history of legal education and research, carry a certain reputation, and have greater access to resources. These institutional factors play a role in the evolution of socio-legal studies, which can be seen in the data that Ao and Munyard collected.

#### 4.4.2 | Dominant voices/most frequently cited

The *JLS*' contributing authors have been, if not exclusively, then at least predominantly drawn from the UK's own older institutions. But who are these authors, and – more importantly – how can we determine the *JLS*' 'most dominant voices' from our own dataset? In undertaking this task, we make use of two metrics: first, who has published most frequently as an author or co-author) in the journal and, second, who has been most frequently cited across *JLS* articles.<sup>48</sup> As our data covers the period from 1974 to 2022, we are able to pose both questions over the whole time, which we do in ten-year periods starting from 1974, with a view to generating results that can then be compared. This approach has the drawback of potentially diluting trends in the data that do not align with the observation windows (known as 'boundary problems');<sup>49</sup> however, by enabling a diachronic observation, the strategy significantly improves upon a static analysis of the entire dataset. As they cannot be meaningfully reproduced in print, the resulting graphs can be found and explored in detail online, and we narrate them here.

Figure 5 shows an example of a network graph that results from a search for those authors who have been cited by the 20 most frequently published authors. The interactive visualization published online<sup>50</sup> illuminates trends and changes across different decades. It also allows us to see the names of the authors, something not possible in Figure 5, which has been reduced to the graph-topology – that is, the particularly distinctive way in which the nodes and edges are connected.

Figure 5 shows some overlap in the literature used by these most frequently published authors, but what is most interesting is how the topology (mostly radial structures with few connecting nodes) shows those overlaps as being quite small. This tells us that the literature used by the 20 most frequently published authors in the *JLS* in each period has been extremely diverse and, importantly, does not orbit around any established canon. Something else worth noting is

<sup>48</sup> We are aware that this privileges older scholars who have been academically active over a longer period.

<sup>49</sup> This problem typically arises when temporal or spatial data points are separated into more or less arbitrary slices, or 'windows', and then aggregated. Dividing the data in different ways might lead to very different observations. Furthermore, the artificial cut-off introduced by looking only at the 'top x' scholars may obscure those who are ranked lower in ways that may be completely due to noise in the data. On boundary problems, see for example J. M. Box-Steffensmeier et al., *Time Series Analysis for the Social Sciences* (2014) 13.

<sup>50</sup> See <<https://cboulanger.github.io/jls-bibliometry/article-fig-05-nav-1984-1993.html>>.

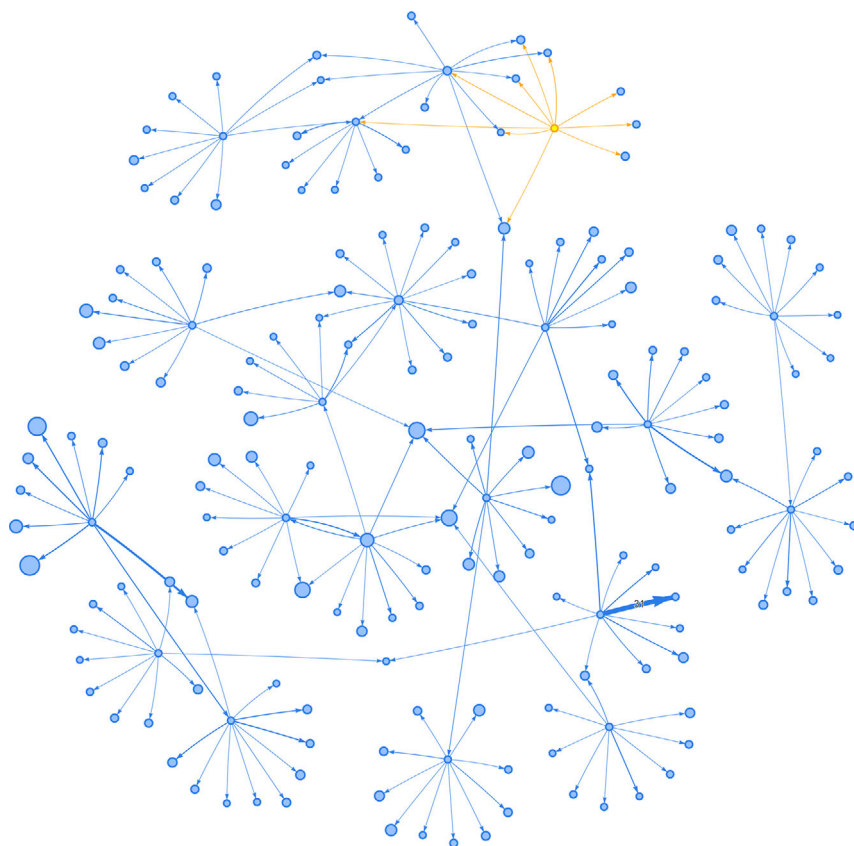


FIGURE 5 Aggregated citation network of the most frequently published authors with the most frequently cited authors, 1994–2003. Source: *JLS* dataset

how, while there was obvious overrepresentation of male authors at the beginning, from the journal's earliest days women have been among the *JLS*' most frequently published authors (see, for example, Joanne Conaghan and Carol Smart for the period from 1984 to 1993).

Looking at the most frequently cited authors gives us another perspective. We can generate a visualization of the ten most frequently cited authors of each decade together with the ten authors who have most frequently cited their works.<sup>51</sup> In the period from 1974 to 1983, Marxist authors such as E. P. Thompson were clearly dominant, but by the 1980s and early 1990s the theoretical landscape had diversified, with systems theorists Luhmann and Teubner leading the field – a trend that would continue in later decades. Legal theory, broadly understood, was present with Habermas, H. L. A. Hart, and Ronald Dworkin, while social and sociological theory was represented by Anthony Giddens. Criminologist Braithwaite had a strong citation presence, as did feminist scholars Smart and Catherine MacKinnon, while Rick Abel and Marc Galanter represented United States law and society scholarship. These citation patterns broadly continued into the second half of the 1990s and early 2000s. In the next decade, from 2004 to 2013, Bourdieu and Bruno Latour both appeared on the scene, alongside socio-legal scholars such as Julia Black and Colin Scott. We also see an upsurge in citations of the scholarship of Max Weber. Finally, in the period from

<sup>51</sup> See <<https://cboulanger.github.io/jls-bibliometry/jls-most-cited-with-most-citing-1974-1983.html>>.



2014 to 2023, the works of William Twining and *JLS* EiC Thomas were among the top ten most frequently cited.

The charted changes in the *JLS* indicate that it is possible to interrogate more broadly the nature of the questions asked and the scholarship pursued in socio-legal studies. We argue that this reflects the demands upon the UK academy during any given REF cycle: to be engaged with topical and theoretically informed research, to explore social problems, and to employ innovative empirical approaches.

#### 4.4.3 | Gender

[The journal] was originally dominated by men ... So what I'm recollecting is that we started to have a number of book reviews coming in from women and then papers coming in from women. Not necessarily about gender-based topics, not necessarily. And then today, I don't know what the split is today, but I think we have more female authors than male. I think ... Yeah, and ... this is not by choice. This is all based upon the quality of the work that comes in. I mean, one of the things to add to that is that we would love to see more work coming from the Global South. But we don't get it. We don't have it because the quality is not there. We've decided not to be positively discriminatory in order to produce stuff from the Global South. So, if it's not good enough, it's not good enough. But we are hugely international now.<sup>52</sup>

Another interesting indicator of the journal's development is gender. Ao and Munyard's data for the period from 1995 to 2020, which was manually coded for gender for the first time, shows a development from a male-dominated authorship to an almost gender-balanced distribution.<sup>53</sup> To extend the observation period to the beginnings of the *JLS* in 1974, we would need additional data, but manually categorizing those early articles is neither practical nor feasible. Instead, we employ an algorithm that automatically classifies contributors' first names to give us a better, if incomplete, picture.<sup>54</sup> This visualization (Figure 6) shows that the proportion of female contributors has indeed increased, from approximately 20 per cent in 1982 to almost 50 per cent in 2016.

When we look at the field of socio-legal studies in the UK with a focus on gender, however, the publishing trajectories identified in the *JLS* do not match the developments of the field overall. Gender disparities in academia have always been a subject of concern and interrogation;<sup>55</sup> indeed, a growing body of literature helps us to see how gender reflects changes in academia.<sup>56</sup> Increased

<sup>52</sup> Interview A.

<sup>53</sup> Ao and Munyard, *op. cit.*, n. 12.

<sup>54</sup> It should be noted that automatic gender classification is a highly problematic process that can only be used at a scale where misclassifications will cancel each other out. It also ignores non-binary gender classifications. K. Stanczak and I. Augenstein, 'A Survey on Gender Bias in Natural Language Processing' (2021) *arXiv* 2112.14168, at <<http://arxiv.org/abs/2112.14168>>.

<sup>55</sup> R. Collier, 'The Changing University and the (Legal) Academic Career: Rethinking the Relationship between Women, Men and the "Private Life" of the Law School' (2002) 22 *Legal Studies* 1; C. Westoby et al., 'What Are the Barriers and Facilitators to Success for Female Academics in UK HEIs? A Narrative Review' (2021) 33 *Gender and Education* 1033.

<sup>56</sup> C. Morris et al., 'Gender back on the Agenda in Higher Education: Perspectives of Academic Staff in a Contemporary UK Case Study' (2022) 31 *J. of Gender Studies* 101; G. Santos and S. Dang Van Phu, 'Gender and Academic Rank in the

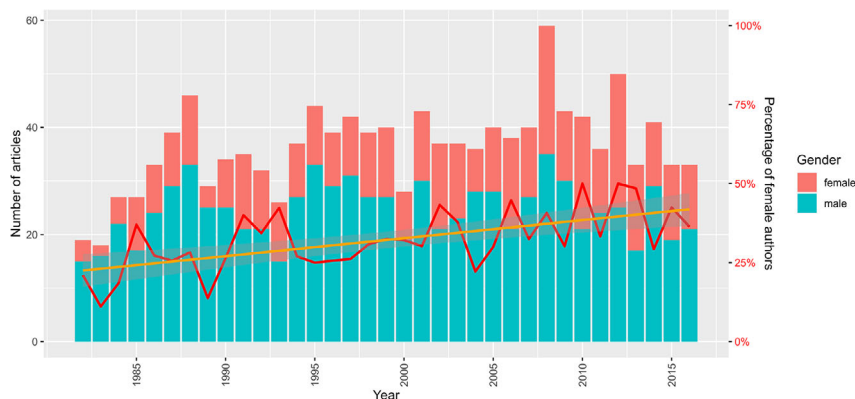


FIGURE 6 Authorship of articles published in the *JLS* by gender. Source: crossref.org

gender diversity is evident across in the field, but gender disparities nonetheless remain; indeed, Liz Duff and Lisa Webley suggest that ‘the continued disparity in male–female promotion trajectories is, at least in part, a function of the way in which talent, merit, or excellence is understood and operationalised in the academy more widely’.<sup>57</sup>

#### 4.4.4 | Themes

As mentioned earlier, to analyse the development of journal article themes and topics *quantitatively*, researchers usually rely on keywords extracted from databases.<sup>58</sup> Since *JLS* articles do not have keywords as metadata, we have to find a different way of identifying *JLS* articles’ topics. One option is topic modelling, which ‘seeks to automatically discover thematically coherent “topics” within a large collection of texts’<sup>59</sup> or, in layman’s terms, is a way to discover within texts topics that are not explicitly stated. We use BERTopic,<sup>60</sup> an advanced topic modelling library that not only looks at tokens of text but also uses so-called ‘word embeddings’ that are able to connect words with similar meanings.

Table 1 is a generated list of topics, accompanied by the most frequently occurring keywords defining each topic, and the number of publications within which this topic has been identified. Perhaps unsurprisingly, at the very top of the list (Topic 1) we find ‘socio-legal studies’, followed by

UK’ (2019) 11 *Sustainability* 3171; L. Duff and L. Webley, ‘Gender and the Legal Academy in the UK: A Product of Proxies and Hiring and Promotion Practices’ in *Gender and Careers in the Legal Academy*, eds R. S. Auchmuty et al. (2021) 63; C. Ashford, ‘Socio-Legal Perspectives on Gender, Sexuality and Law’ (2010) 31 *Liverpool Law Rev.* 1; R. Hunter, ‘The Gendered “Socio” of Socio-Legal Studies’ in *Exploring the ‘Socio’ of Socio-Legal Studies*, ed. D. Feenan (2013) 205; C. Menkel-Meadow, ‘Uses and Abuses of Socio-Legal Studies’ in *Routledge Handbook of Socio-Legal Theory and Methods*, eds N. Creutzfeldt et al. (2019) 35.

<sup>57</sup> Duff and Webley, id., pp. 94–95.

<sup>58</sup> See for example D. Maltseva and V. Batagelj, ‘Towards a Systematic Description of the Field Using Keywords Analysis: Main Topics in Social Networks’ (2020) 123 *Scientometrics* 357.

<sup>59</sup> G. Brookes and T. McEnery, ‘The Utility of Topic Modelling for Discourse Studies: A Critical Evaluation’ (2019) 21 *Discourse Studies* 3, at 4.

<sup>60</sup> M. Grootendorst, ‘BERTopic: Neural Topic Modeling with a Class-Based TF-IDF Procedure’ (2022) *arXiv* 2203.05794, at <<https://arxiv.org/abs/2203.05794>>.

**TABLE 1** *JLS* themes computed via BERTopic topic modelling. Source: *JLS* corpus

Topic	KW1	KW2	KW3	KW4	Number of publications
1	law	legal	social	sociology	163
2	children	family	child	parents	67
3	court	judges	judicial	judge	60
4	education	students	law	legal	59
5	police	evidence	criminal	officers	40
6	women	feminist	gender	law	37
7	ireland	northern	irish	political	33
8	housing	local	property	law	33
9	sex	prostitution	sexual	workers	30
10	environmental	pollution	water	waste	30
11	rights	human	right	development	25
12	corporate	governance	shareholders	directors	25
13	economic	law	economics	weber	24
14	aid	legal	lawyers	cases	24
15	safety	regulatory	regulation	health	23
16	rape	sexual	justice	violence	21
17	south	african	africa	rights	20
18	information	government	data	assembly	20
19	women	affirmative	discrimination	equal	20
20	constitutional	constitutionalism	european	political	18
21	legal	subject	sat	police	18
22	labour	employment	workers	industrial	18
23	contract	contracts	parties	law	18
24	welfare	benefit	social	security	17
25	medical	doctors	negligence	patients	17
26	mental	patients	patient	health	16
27	police	miners	strike	coal	15
28	marx	law	class	legal	15
29	sentencing	offenders	process	criminal	15
30	french	droit	law	legal	14
31	social	crime	justice	hamilton	13
32	corruption	political	brazilian	anticorruption	13
33	private	regulation	regulatory	international	12
34	film	films	courtroom	trial	12
35	religious	jews	religion	jewish	12
36	abortion	foetus	women	pregnancy	11
37	violence	war	law	iraq	10

'family law' (Topic 2), 'court and judges' (Topic 3), 'legal education' (Topic 4), 'police and crime' (Topic 5), and 'feminism and law' (Topic 6). Further topics identified by the algorithm can be loosely sorted into more general themes such as 'sex work', 'sexual violence', and 'pregnancy' (Topics 9, 16, and 36 respectively), 'the environment' (Topic 10), 'human rights and development' (Topic 11), 'capitalism', 'economy', and 'labour' (Topics 12, 13, and 22 respectively), 'health and safety regulation' and 'medical treatment' (Topics 15 and 25 respectively), and 'the welfare state' (Topic 24). Prominent political, constitutional, and international issues also feature in this list of topics: 'Northern Ireland' is high up (Topic 7), while 'South Africa' (Topic 17), 'Europe' (Topic 20), and 'Iraq' (Topic 37) also appear.

While Table 1 provides an interesting, if largely descriptive, overview of the themes that have been discussed in the *JLS* during its lifetime, a longitudinal analysis is needed to provide more in-depth insights, though this requires extended visualizations and narrations far beyond the scope of this article.<sup>61</sup> What we can say about the trends in Table 1 is that they show us how the *JLS* has provided a platform for (the discussion of) pressing social issues and addressing problems of the time, while remaining firmly grounded in theoretical debates.

## 4.5 | Methods and theory

Having generated this list of *JLS* topics computationally, we now turn our attention to exploring the journal's content beyond those base topics – specifically, the methods, theories, and disciplines drawn upon by contributing authors. Within the data available, we want to investigate the respective prominence of theory and methods, not least because – as Thomas states in the quote below – theoretical engagement is a key consideration for the *JLS* Editorial Board.

### 4.5.1 | Mentions of methods and theory

As for what today's Editorial Board is looking to publish, well, we are open to articles from around the world, addressing all areas of law, and taking a wide range of theoretical approaches. However, we are looking for work that is theoretically engaged. We are happy to have empirical material within it, but data alone won't do. *An article has to be theoretically based.*<sup>62</sup>

We ran a search of the *JLS* corpus to discover how often the following terms have been mentioned: 'multidisciplinarity', 'interdisciplinarity', 'perspectives'/'lens', 'concept', 'theory', 'method', 'qualitative', and 'quantitative'.

Figure 7 shows that, while the use of 'theory' and 'method' has been consistent throughout the journal's lifespan, it is noticeable that 'theory' has been mentioned far more than 'method'; indeed, 'concept' has also been used regularly over the past five decades of *JLS* publications. To provide more fine-grained detail, as a sub-division of 'method', we can look at the use of the terms 'qualitative' and 'quantitative', both of which had been mentioned since the early days of the journal, albeit

<sup>61</sup> For probes into longitudinal analyses, see Boulanger et al., op. cit., n. 14. The blog post also contains a link to an interactive online version in which you can manipulate the visibility of clusters to see how they relate to each other.

<sup>62</sup> Interview B, 4, emphasis added.

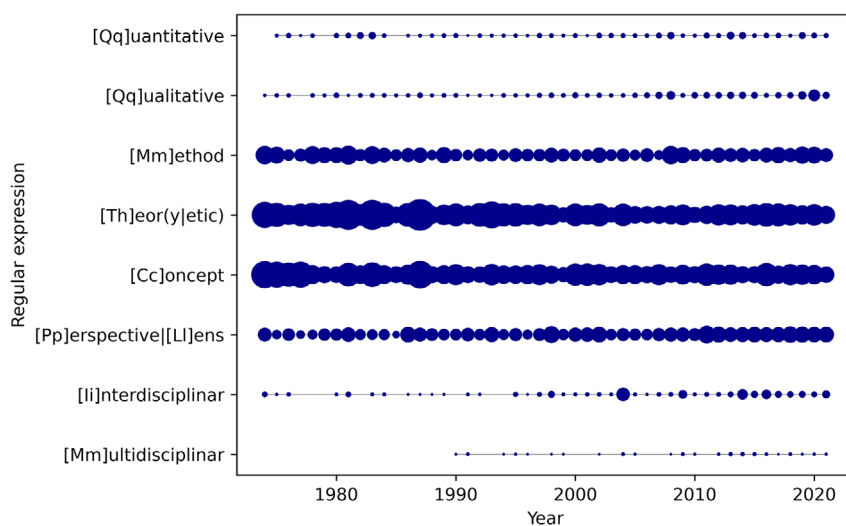


FIGURE 7 Frequency analysis of terms related to disciplinarity and theory/method. Source: *JLS* corpus, adjusted for corpus size per year

sporadically. This changed early in the new millennium, however, where the numbers noticeably trended upwards, not equally across the two; indeed, and while the marked escalation in mentions of ‘qualitative’ can be largely attributed to *JLS* Special Supplements, it is noteworthy that, by comparison, the term ‘quantitative’ has been mentioned far less often. In terms of statements concerning the disciplinary contours of socio-legal studies, we can see that the use of ‘interdisciplinary’ has also been growing since the 2000s, whereas ‘multidisciplinary’ has remained at the margins; we consider this disjunction further in the next section.

This interplay between the journal’s strong theoretical focus and the consistent presence of methodological research considerations is worth further investigation, not least because Thomas’ position on this is clear:

Socio-legal studies does depend upon data. So as far as the *JLS* is concerned, I’ve always looked for material which is data based upon theory. Data itself for me is meaningless. Theory and data make sense for the sort of scholarship which I would like to see published in the journal. I like radical scholarship. It’s hard to get – there’s not a lot of radical scholarship, let’s be honest about that. But even scholarship which is a mixture of theory and quality data pushes us forward. It advances our awareness, our policies, and a lot of SLSA stuff is about policy. How can we get a better policy as a consequence of the information that we have gathered?<sup>63</sup>

Figure 8 visualizes mentions of ‘regression’/‘correlation’, ‘interview’, ‘survey’, ‘data’, ‘empirical’, ‘methodological approach’, and ‘methodology’ in the *JLS*. Here we can see a clear trend of growth in mentions of ‘interview’, ‘data’, and ‘empirical’, as well as ‘survey’, which was mentioned more or less consistently until this thickened somewhat in 2002. A visible increase of mentions of ‘data’ and ‘interview’ also occurred between 2016 and 2019; we initially thought to attribute this spike to

<sup>63</sup> Interview A.

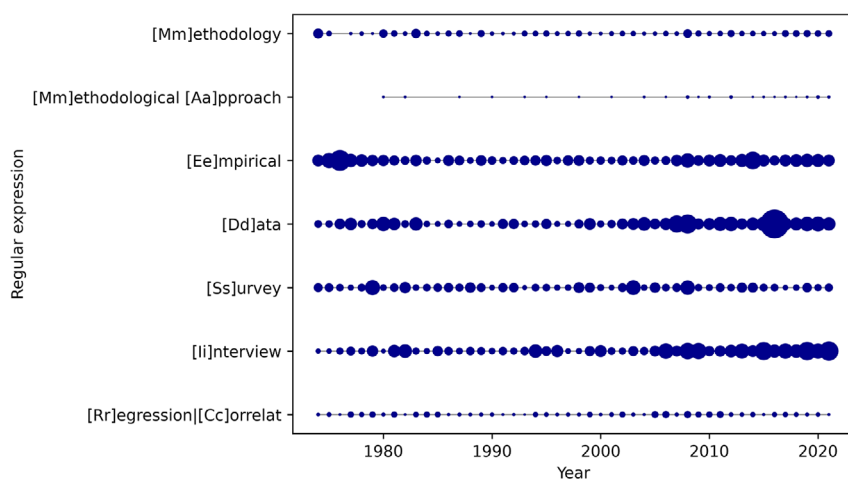


FIGURE 8 Frequency analysis of terms related to data-driven and empirical approaches. Source. *JLS* corpus, adjusted for corpus size per year

Special Supplements during that period,<sup>64</sup> but, on closer investigation, that proved not to be the case.

Research methods have been integral to the development of socio-legal studies in the UK since its inception.<sup>65</sup> A commitment to empirical analysis and interdisciplinary approaches has grown and developed over time. Contrary to what we found in the *JLS*, the field has been continuously engaging in a conversation about research methods. One of the drivers for this has been the introduction by the Economic & Social Research Council (ESRC) of their Doctoral Training Partnerships<sup>66</sup> and methods-focused training via funded Masters (MA) programmes prior to studentship-supported doctoral study. There is a clear impetus here towards a solid methods grounding for the next generation of socio-legal scholars – both qualitative and quantitative methods training that provides doctoral candidates with the skills to conduct high-quality research.

#### 4.5.2 | Disciplines

With interdisciplinarity being a consistent trend, what then are the disciplines that have been mentioned in the *JLS*? The data in Figure 9 shows us that, over the past 50 years, terms such as ‘jurisprudence’, ‘sociology’, ‘criminology’, ‘economics’, and ‘psychology’ have all had regular mentions, albeit in different waves. ‘Sociology’ has received the most total mentions, while ‘jurisprudence’/‘doctrine’ was mentioned most at the outset of the journal yet has maintained a steady presence ever since. ‘Anthropology’ had the most mentions between 1980 and 1982, largely driven by the prominence of discussions on legal pluralism and unofficial law. Similarly, ‘psychology’ featured frequently in the early days but has been mentioned only intermittently since 1980.

<sup>64</sup> Specifically, the Special Supplement entitled ‘Main Currents in Contemporary Sociology of Law’ published in October 2017: (2017) 44 *J. of Law and Society* S1.

<sup>65</sup> Creutzfeldt et al., op. cit., n. 18.

<sup>66</sup> See UK Research & Innovation, ‘Doctoral Training Partnerships’ *UK Research & Innovation*, at <<https://www.ukri.org/what-we-do/developing-people-and-skills/esrc/doctoral-training-partnerships/>>.



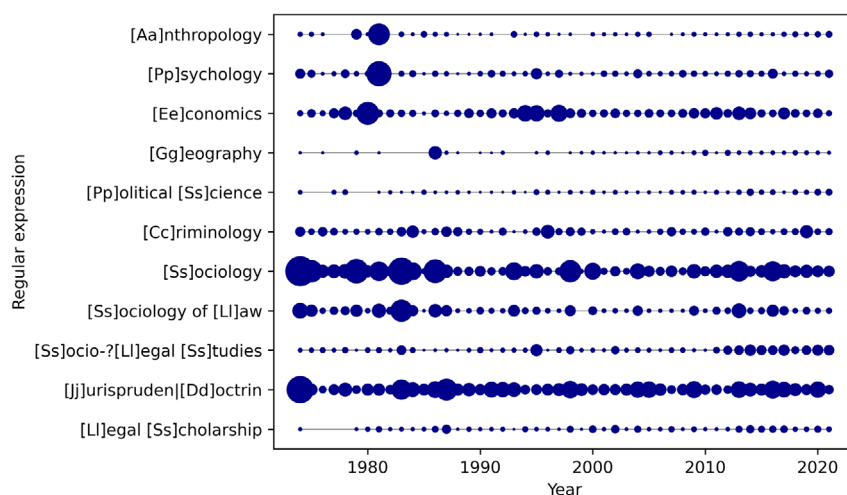


FIGURE 9 Frequency analysis of terms related to disciplines. Source: *JLS* corpus, adjusted for corpus size per year

This figure not only demonstrates that the *JLS* has always been open to publishing research from different disciplines, but also that the field of socio-legal studies can be considered – empirically – as a broad church.<sup>67</sup>

The field of socio-legal studies can be described as interdisciplinary, so this is something that we are keen to scrutinize within the *JLS* corpus. The findings, shown in Figure 9, are interesting; despite a clear propensity towards sociology, the *JLS* corpus shows that interdisciplinarity has not extended so far beyond the fields of criminology and law and economics. Those fields are notable for having been mentioned but relatively rarely compared to the self-identifying legal-social-scientific research published, while another interesting observation is that political science, though mentioned on a regular basis, has not been prominent compared to the other disciplines for which we searched.<sup>68</sup>

The disciplinary self-identification of the field itself is another question to which our data might add some perspective. With reference to a widely cited 1976 article by C. M. Campbell and Paul Wiles,<sup>69</sup> in 2001, Max Travers described the empirical study of law as a struggle between the camps of ‘sociology of law’ and ‘socio-legal research’, the former being theoretically interested and the latter having a largely atheoretical and policy-oriented research agenda.<sup>70</sup> Contrary to those who argued that the sociology of law and socio-legal studies had already merged by then, Travers was of the view that there were ‘still too few theoretically informed empirical studies’ and that the ‘sociology of law has virtually disappeared as an academic subject in Britain’.<sup>71</sup> While our data shows that the term ‘sociology of law’ has clearly been less prevalent in recent decades compared to the 1970s and 1980s, and that ‘socio-legal studies’ has been mentioned more often since the mid-2010s, ‘sociology of law’ is still present in socio-legal scholarship. In the previous section, we found

<sup>67</sup> Hendry, *op. cit.*, n. 17.

<sup>68</sup> For further evidence in this regard, see Boulanger et al., *op. cit.*, n. 14.

<sup>69</sup> C. M. Campbell and P. Wiles, ‘The Study of Law in Society in Britain’ (1976) 10 *Law & Society Rev.* 547.

<sup>70</sup> M. Travers, ‘Sociology of Law in Britain’ (2001) 32 *The Am. Sociologist* 26, at 26.

<sup>71</sup> *Id.*

that theory and methods play an important role in the *JLS*; this could suggest that socio-legal studies – as mirrored in the *JLS* – has embraced the theoretical ambitions of the sociology of law.

Looking beyond this corpus, a good indicator of the prominence of interdisciplinarity within socio-legal studies in the UK is the SLSA Annual Conference and its streams (consistent across conferences) and current topics (dynamic and changing annually), which reflect well the evolving interests and topical concerns within the field at any given point.<sup>72</sup> Once more, and in line with our findings, this highlights a general propensity for UK socio-legal studies to employ theoretical perspectives and social-scientific methods but not to engage explicitly with other academic disciplines beyond law, criminology, and sociology. This is not to say that there are not instances of interdisciplinary scholarship, but rather that these are neither prominent nor consistent across the field.

## 5 | OUTLOOK AND CONCLUSION

Socio-legal studies was always oppositional, you could almost define it as something that is not doctrinal – as something that isn't, the 'other', rather than something that is. So, one of the ongoing challenges of socio-legal studies is what is it? Are we talking about society or sociology of law? Is it interdisciplinary/multidisciplinary? Is it a new discipline? Does it represent a paradigmatic shift? Is it something which is breaking a mould? There's a lot written about this, and I think different people understand different things – it's a floppy term. It is not clearly defined so as it's become more popular, more commonplace, and more accepted, it's also become less visible. I think there's a real issue about its function and boundaries. I don't have the answer but neither do I lose sleep over it.<sup>73</sup>

Five decades of the *JLS* have overseen significant developments in UK socio-legal studies, but none more so than its shift from the academic periphery to its mainstream. One need only look at the expansion in the *JLS* itself to see the increased demand for such a vehicle, for such scholarship, but we can also point to other indicators: the existence of other journals and blogs, for one, alongside the growth of the SLSA, and the increase in both the number of attendees and the variety of streams at its Annual Conferences. Socio-legal studies is in rude health in the UK; indeed, it could even currently be said to be experiencing an unprecedented level of prosperity and appeal. While this is not the case across the continent, and further work is required to elucidate such divergence across jurisdictions,<sup>74</sup> some drivers of this success can be readily noted in the UK: the escalating REF impact agenda, for example, but also the embrave nature of the discipline. The extent to which this accommodative breadth might lead to disciplinary dilution is yet to be seen, but for now it can be regarded as both a feature and a strength.

<sup>72</sup> See SLSA, 'Streams and Current Topics 2024' SLSA, at <<https://www.slsa.ac.uk/index.php/streams-and-themes>>.

<sup>73</sup> Interview B, 5–6.

<sup>74</sup> We explore this in a bi-national project at the Max Planck Institute for Legal History and Legal Theory, in which we compare the histories and current states of socio-legal studies in Germany and the UK, and in which we make heavy use of comparative bibliometrics. See Max Planck Institute for Legal History and Legal Theory, 'Socio-Legal Trajectories in Germany and the UK: Cultures, Actors and Institutions' *Max Planck Institute for Legal History and Legal Theory*, at <<https://www.lhlt.mpg.de/2512903/socio-legal-trajectories>>.

The *JLS* is one of the leading socio-legal outlets in the UK, and an important forum for socio-legal voices both national and international, especially as socio-legal scholarship evolves in other jurisdictions. In light of our discussions above, and informed by Thomas' ambitions and aims for the *JLS*, we now reflect on what it is that might be *missing* from the picture. We engage with this in two steps, focusing first on the *JLS* bibliometrics, then on the journal's key role in terms of UK socio-legal studies.

By utilizing bibliometric and other quantitative methods, we have showcased the extent of knowledge that can be extracted regarding the *JLS*.<sup>75</sup> However, as socio-legal scholars rather than bibliometricians, it is crucial for us to understand the implications of these analyses for the field of socio-legal studies itself. We believe there to be good reasons to extend this line of inquiry beyond looking at individual journals, and furthermore that these methods have potential uses beyond their traditional purpose – that is, for generating 'impact' metrics. Socio-legal studies is no longer the plucky upstart, no longer either as niche or as peripheral as it was when the *JLS* first took on the task of providing it with a vehicle, with the result that even experts find it challenging to survey the publication landscape and to identify topical trends. Bibliometric methods can help with this task, as well as with giving doctoral and early-career researchers useful information as to where their own research might fit, where potential connections could be forged, and where their networks and audiences might be situated.

Not only are bibliometrics able to highlight those areas where socio-legal research has not yet paid sufficient attention, and which additional perspectives might enrich the literature and give a more complete picture of the role of law in society, but they can also add a much-needed empirical and comparative dimension to the intellectual and social history of socio-legal studies. Indeed, to be able to reflect on how the field should and could progress, it is important to know where it – and we – are coming from, as well as seeking to discover which comparable trajectories have developed in other research communities.<sup>76</sup>

In terms of trajectories, then, we want to conclude our discussion by highlighting three considerations that emerge from our data analysis, and that – we suggest – should inform the next 50 years of both the journal and the field.

## 5.1 | Diversity

As we have seen, female authors and women on the *JLS* Editorial Board were initially a minority. While the latter can be explained by the way in which the *JLS* recruits Board members, in that it limits itself to the academics at the School of Law and Politics at Cardiff University, the female authorship of the *JLS* has grown significantly and now reflects far better the field of socio-legal studies in the UK. Women have played a crucial role in shaping socio-legal studies through their scholarship, activism, leadership, and mentorship, and, as we have illustrated in Figure 6, contributions by female authors have seen steady growth over the years to now being effectively equal with male authors.

<sup>75</sup> We want to reiterate that we use algorithms to ask basic questions of the database to get a better understanding of the pearls of information that we can extract from the data. This is only the beginnings of a much more sophisticated future of bibliometric data analysis.

<sup>76</sup> See our ongoing Socio-Legal Trajectories project (n. 74); see also Hendry et al., *op. cit.*, n. 18 and the rest of the *GLJ* Special Issue in which that article appears, which we edited.

Our data has shown that a broader demographic representation (beyond gender) in the authorship of the journal would be a welcome step. This is true for the field overall; a concerted effort by all of those who identify as social-legal scholars needs to be made to include diverse voices, for example, from the Global South. It is important for the continued vitality of socio-legal thought that additional perspectives find their way into our socio-legal narratives.

Indeed, while diversity of thought is vital, so is diversity within and across the ‘dominant voices’ of UK socio-legal scholarship, and it is here in particular that the *JLS* has a key role to play. For example, it is undeniable that the ‘*JLS* frequent flyers’ – those scholars published in the journal six or seven times in their career – are all prominent and influential figures within UK socio-legal studies. This not only begs the question as to whether publishing frequently in the *JLS* in fact *makes* one a dominant voice, but also highlights the importance of the *vehicle* to the ambition of diversity of authorship.<sup>77</sup> A key consideration for the journal’s next 50 years is the responsibility it has to realize this ambition.

## 5.2 | Quality and inclusivity

Within the *JLS* Editorial Board, there is a clear steer to only accept the highest-quality submissions, which is likely to be a contributing factor to the comparatively limited representation of authors from post-1992 UK institutions and the Global South. The breadth of authorship in the *JLS* clearly lacks geographical cover, but greater inclusivity could be promoted with a view to countering this trend. For example, perspectives could be broadened by actively seeking submissions and working with authors with different backgrounds, methodologies, and lived experiences. Underrepresented voices, now identified, need to be encouraged, with a view to generating a more inclusive body of research and encompassing a greater variety of perspectives. This encouragement could take the form of mentoring programmes, writing workshops, and guidance on navigating the publication process; the *JLS* might also want to provide mentorship for underrepresented scholars.<sup>78</sup> Active engagement and support can help to address systemic and structural barriers, as we should acknowledge collectively that high-quality research can come from a range of perspectives and scholarly backgrounds. The *JLS* can both maintain its own high standards and further contribute to a more inclusive, diverse, vibrant, and impactful scholarly community.

## 5.3 | Strength in both theory and methods

Theory and methods have both been centrally important throughout the lifetime of the *JLS*. While theoretically informed articles have arguably dominated the *JLS* (as per Thomas’ ambitions) over the past decade, methods have recently received more dedicated attention within its pages. Linda Mulcahy and Rachel Cahill-O’Callaghan, for example, have edited two Special Supplements of the *JLS* on methodology, and made it a point in their introduction to challenge some of the assumptions that, they argued, underpin socio-legal empirical research.<sup>79</sup> They emphasized that ‘the

<sup>77</sup> Our thanks to Rachel Cahill-O’Callaghan for this insightful observation.

<sup>78</sup> Collaborative activities in this regard have already commenced: see for example University of Oxford Faculty of Law, ‘Call for Papers: Crafting Socio-Legal Methods: Local Realities and Global Debates – British Academy Workshop 6–8 March 2024, Johannesburg, South Africa’ *University of Oxford Faculty of Law*, 11 October 2023, at <<https://www.law.ox.ac.uk/content/news/call-papers-crafting-socio-legal-methods-local-realities-and-global-debates-british>>.

<sup>79</sup> L. Mulcahy and R. Cahill-O’Callaghan, ‘Introduction: Socio-Legal Methodologies’ (2021) 48 *J. of Law and Society* S1.

socio-legal community in the UK fails new entrants to the field who want to undertake empirical work by our lack of in-depth engagement with, or development of, debates about epistemology, methodology, and method',<sup>80</sup> and made a deliberate effort both to destigmatize quantitative methods and to invite a more generous application of them in socio-legal methodologies. In this regard, they argued that a key concern for socio-legal studies is how those who see themselves as sociologists of law have a tendency to treat theory and empirical observations as distinct<sup>81</sup> – a separation that they contended is both unnecessary and limiting.

This argument is intriguing, not only because of the methodological lack that it identifies, but also because it suggests that the *JLS*' mission to infuse the socio-legal field with ambition in theory and theoretical approaches has been successful. Indeed, as our discussion of influences and dominant voices (Sections 4.2 and 4.4.2) has shown, there is great theoretical diversity within the pages of the *JLS*, and no sense of a canonical socio-legal theoretical approach. This variety of voices and positions is a genuine strength, both of the journal and of the socio-legal field, and – we argue – refutes Travers' turn-of-the-millennium fear of an atheoretical discipline;<sup>82</sup> in our view, his concerns about intellectual stagnation within socio-legal studies have not been realized.

The interaction and intersection of theory, methods, and empirical methodologies within socio-legal studies will and should be the subject of ongoing discussion. Moving forward, for the *JLS* this might mean that a more quantitative focus, or even a mixed-methods approach, be more readily included. Such a development would certainly be welcomed by Mulcahy and Cahill-O'Callaghan, though their key point remains salient; to ascertain high-level methodological rigour in a submitted paper, reviewer expertise must be available, just as the *JLS* has long relied upon for theoretically minded papers. We hope that this opening foray into bibliometrics and socio-legal studies might help to catalyse this trend.

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<sup>80</sup> Id., pp. S1–S2.

<sup>81</sup> Id., p. S2.

<sup>82</sup> 'There are many people who ... present socio-legal research either as a multi-disciplinary subject with sociology along with economics, psychology, and social policy as constituent disciplines or as a policy science that has absorbed sociological ideas and perspectives. *My own view is that there are still too few theoretically-informed empirical studies directed at policy audiences, or which address general questions, to support this optimistic assessment*'. Travers, op. cit., n. 70, p. 26, emphasis added.