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Mr. Sunstein's Neighborhood: Won't You be Our Co-Author?

Paul H. Edelman & Tracey E. George¹

In *Six Degrees of Cass Sunstein: Collaboration Networks in Legal Scholarship*² we began the study of the collaboration network in legal academia. We concluded that the central figure in the network was Professor Cass Sunstein of Harvard Law School³ and proceeded to catalogue all of his myriad co-authors (so-called Sunstein 1's) and their co-authors (Sunstein 2's). In this small note we update that catalogue as of August 2008 and take the opportunity to reflect on this project and its methodology.

Collaboration networks, which map connections based on pairs of people working together, are one example of the application of network theory to human behavior. Network theory has been applied to any number of human institutions to study links between blogs, judges' citations of other judges, social acquaintances, and so on. The number and patterns of connections can reveal various aspects of the human activity under consideration. Thus, the fact that any single person may be introduced to another person through five or fewer acquaintances may reveal that the world is a smaller place than we otherwise imagined.

A collaboration network seeks to examine the interconnectedness of an occupation, field, or industry such as movies, as in the *Six Degrees of Kevin Bacon* game, or mathematics as in the almost as famous Erdős number. Such networks may tell us something about an individual in the network. For example, the closer a person is to a central figure in an industry – the fewer the degrees of separation between an actor and Bacon or the lower a scholar's Erdős number – arguably the more central that person is to the discipline. A collaboration network may also tell us about the industry itself: The lower the average degrees of separation between people in the industry, the more tightly connected the field.

At the time of our first paper, Sunstein – the legal academy's Erdős -- had co-authored with 73 different people. Those 73 people had 837 co-authors who had not themselves co-authored with Sunstein. As of August 2008, those numbers have risen to 96 (Table 1) and 1632 (Table 2) respectively. The relevant tables are appended to this article. What explains this dramatic increase? We can imagine three possible explanations that we'll consider in turn.

¹ Edelman is Professor of Law and Professor of Mathematics and George is Professor of Law and Professor of Political Science at Vanderbilt University. We thank Yun Chen for valuable research assistance on this project.

² 11 Green Bag 2d 19 (2007); see also Paul H. Edelman & Tracey E. George, *Sunstein 1s and 2s*, in THE GREEN BAG ALMANAC AND READER 473 (Ross Davies ed., 2008).

³ Sunstein, who is the most cited legal scholar and one of the most prolific, joined Harvard as the Felix Frankfurter Professor of Law in 2008. <http://www.law.harvard.edu/faculty/directory/index.html?id=552>. At the time of our first article Sunstein was at the University of Chicago Law School. This raises a number of interesting questions about the effect of collaboration on faculty mobility, but such a study will have to be postponed for a later time.

First, the publication of any network revealing a central figure will create an incentive to work with that person or at least to work with someone who has worked with the central figure. Simply put: Our article explains the dramatic increase. Skeptical? Well, consider that someone auctioned on Ebay the opportunity to be an Erdős 3 – the seller was an Erdős 2 who was willing to give a co-author credit for a fee. Our own experience lends some credence to this theory as well. After posting the original article we received quite a number of e-mails from Sunstein 1's and 2's who mistakenly had been omitted from the original listing. All that being said, we too have doubts that this explanation is compelling, leading us to the next possible explanation.

An alternative – or additional – factor could be that the numbers reflect an outlier publication – one with an unusually large number of co-authors -- that has skewed the results. Collaboration networks define collaboration as working together in the same capacity whether as actors in a movie (Bacon) or co-authors on a published work (Erdős). We define collaboration in our study as being a co-author on any published scholarly work. This requires defining co-authorship and scholarship. To be a co-author, an individual must be listed in the “by” line. Thus, contributors identified in an acknowledgement footnote – even those who offered significant input – are not included.⁴ We also did not include editors of work published in an edited collection because editors typically are not engaged in the collaborative process in the same way.

We admit that individuals not listed as co-authors often are working closely with authors without this credit. However, we chose – as other studies have chosen – to emphasize a comparable role in the creative process. But, not all listed co-authors are actually co-creators. Co-authorship status may be assigned to individuals who were not closely involved in a work because the other authors wanted to grant some credit to a person, such as a graduate student, who provided meaningful assistance to one or all co-authors, or had to give credit to someone who was initially committed to the project but failed ultimately to participate. Of course, we can't know whether listed co-authors were meaningfully involved in the work without being part of that process ourselves. And we need an efficient, relatively effective measure of true collaboration. While a large number of co-authors on a paper might make one suspicious about whether all of them were truly involved, a small number might just as easily underestimate the contribution of an uncredited individual. At the end of the day, we stand by our co-authoring criterion as being the best possible compromise.

A final possible explanation is that there is an underlying intellectual trend that isn't visible to us given the structure of our data. We began collecting data last year, and our data is not organized by year. Thus, we don't know whether this increase is consistent with the rate of increase in recent years. There are reasons to imagine this might be the case. Law has become increasingly interdisciplinary over the past decade, and Sunstein has been a leader in collaboration with scholars in other fields including psychology and economics. While the rate

⁴ It is worth noting that the editors of this fine publication are quite explicit on this subject: “Colleagues who make substantial contributions should share the byline. Colleagues who are helpful in small ways should be recognized in something printed by Hallmark, not the *Green Bag*.” (<http://www.greenbag.org/submissions.php>) We know of no other publication that is as specific in its rules for allocating credit.

of co-authorship in law appears to have stagnated, social science articles are more likely to be authored by multiple individuals. Thus, as Sunstein writes with more psychologists and economists, the resulting work is more likely to be authored by more than two people. And, those social scientists also will be one of several co-authors on their own work.

We sought to evaluate these alternative explanations by focusing on the new Sunstein 1's. There is little doubt that a single article is responsible for much of the increase in Sunstein 1's. Sunstein co-wrote an article with 24 people and 20 of them were first-time co-authors.⁵ If Sunstein worked in high energy physics, this would not be so unusual,⁶ but for a legal academic such an article is highly unusual.

More than unusual, this article is highly problematic for our methodology. Our study is predicated on the assumption that a joint publication is evidence of a collaborative relationship. Should we believe that the article in question represents a collaborative effort on the part of the authors or merely a joint assertion of their individual positions? Our instinct is that the latter is more likely than the former. On the other hand, it is almost certain that in the writing of the article there was some level of collaboration. Is an exercise in joint writing, even if the ideas themselves are not jointly conceived or developed, sufficient to be called "collaboration?" A similar issue arose in our first paper, although we did not mention it at the time since the effect was less noticeable. In 1995 the Yale Law Journal published a comment titled *An Open Letter to Congressman Gingrich* that was signed by 17 law professors.⁷ It fit the criteria for inclusion that we had set out, and so we included it in our study. Nevertheless we had qualms at the time that the article had more of the qualities of an amicus brief than those of a scholarly publication.

While we find the inclusion of these articles problematic, it is hard to know how to respond. In order to do an empirical study of this sort, objective criteria for inclusion must be specified and the results tolerated. There are too many papers to consider each one separately using a "totality of the circumstances" standard.⁸ Publication in the Yale Law Journal should count for something and disqualifying articles with more than some fixed number of authors would bias the study in a different direction. Thus, we have opted to retain our original coding methodology – which mirrors that used in other collaboration and related network studies – and acknowledge the inherent limits posed by this method.

Although the number of academics within two degrees of Sunstein has increased substantially, neither of us made it to either list. Maybe next year?

⁵ Kenneth Arrow, et. al., *The Promise of Prediction Markets*, 320 Science 877 (2008).

⁶ Opening the current issue of Physical Review Letters one finds the article S. Leoni, G. Benzoni, N. Blasi, A. Bracco, S. Brambilla, F. Camera, A. Corsi, F. C. L. Crespi, P. Mason, B. Million, D. Montanari, M. Pignanelli, E. Vigezzi, O. Wieland, M. Matsuo, Y. R. Shimizu, D. Curien, G. Duchêne, J. Robin, P. Bednarczyk, M. Castoldi, B. Herskind, M. Kmiecik, A. Maj, W. Meczynski, J. Styczen, M. Zieblinski, K. Zuber, and A. Zucchiatti, *Probing the Order-to-Chaos Region in Superdeformed ¹⁵¹Tb and ¹⁹⁶Pb Nuclei with Continuum γ Transitions*, 101 Phys. Rev. Lett. 142502 (2008).

⁷ Bruce Ackerman, et. al., *An Open Letter to Congressman Gingrich*, 104 Yale L. J. 1539 (1995).

⁸ Voting Rights Act 42 USC §1973 et seq. (2000) §2(b).

Table 1. All Sunstein 1 Authors (August 2008)⁹	
Ackerman, Bruce <i>Yale Law School</i>	Adler, Matthew D. <i>Univ. of Pennsylvania Law School</i>
Amar, Akhil Reed <i>Yale Law School</i>	Arrow, Kenneth J. <i>Stanford Univ. Dept. of Economics</i>
Ashley, Kevin D. <i>Univ. of Pittsburgh School of Law</i>	Baird, Douglas G. <i>Univ. of Chicago Law School</i>
Balkin, Jack M. <i>Yale Law School</i>	Barnett, Randy E. <i>Georgetown Univ. Law Center</i>
Bell, Anthony <i>Univ. of Chicago Dept. of Pediatrics</i>	Benartzi, Shlomo <i>UCLA School of Management</i>
Bloch, Susan Low <i>Georgetown Univ. Law Center</i>	Bobbitt, Philip <i>Univ. of Texas Law School</i>
Branting, L. Karl <i>BAE Systems, Inc.</i>	Breyer, Stephen G. <i>U.S. Supreme Court</i>
Cortes, Ernesto Jr. <i>Industrial Areas Foundation</i>	Dam, Kenneth <i>Univ. of Chicago Law School</i>
Elliott, E. Donald <i>Willkie Farr & Gallagher LLP</i>	Ellman, Lisa Michelle <i>Mayer, Brown, Rowe & Maw LLP</i>
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Gorham, Michael <i>IIT School of Business</i>	Hahn, Robert W. <i>AEI-Brookings Joint Center for Reg. Studies</i>
Hanson, Robin D. <i>George Mason Dept. of Economics</i>	Hastie, Reid <i>Univ. of Chicago School of Business</i>
Holmes, Stephen <i>NYU School of Law</i>	Houston, Christopher E. <i>Ropes & Gray LLP</i>

⁹ Author information for Sunstein 1s reflects institutional affiliation in spring 2007, if available. If we were unable to locate the author, we report the institution affiliation, if any, listed in the publication.

Table 1. All Sunstein 1 Authors (August 2008)⁹

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Litan, Robert E. <i>Kauffman Foundation</i>	Margolis, Howard <i>Univ. of Chicago School of Public Policy</i>
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Perry, Michael J. <i>Emory Law School</i>	Pildes, Richard H. <i>NYU School of Law</i>

Table 1. All Sunstein 1 Authors (August 2008)⁹

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Table 2. All Sunstein 2 Authors (August 2008)

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Abt, Clark C.	Azabou, Mongi	Berger, James E.
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Ackerman, Susan Rose	Babcock, Linda	Bergkamp, Lucas
Acquisti, Alessandro	Backerman, Steven	Bergmann, Ralph
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Adamowicz, Wiktor	Baer, Susanne	Berkman, Richard
Adams, Charles	Baily, Martin Neil	Berkowitz, Bruce
Adda, Jerome	Baize, Harold R., Jr.	Bernanke, Ben
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De Soto, Hernando
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Farrell, Joseph

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Fishkin, James
Fiske, Alan Page
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Fitzsimmons, Stephen J.
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Fleming, Lee
Fletcher, Joseph F.
Flom, Merton C.
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Friedman, Lawrence
Friend, Irwin
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Fuchita, Yasayuki
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Gale, William
Galebach, Brian
Gallant, Jack L.
Garcia Swartz, Daniel D.
Garrett, Elizabeth
Gaspar, Jess
Gaston, Robert S.
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Gauna, Eileen
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Gertner, Robert
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Gigone, Daniel
Gillis, Floyd E.
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Gjerstad, Steven
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Glosten, Larry
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Goldin, Claudia Dale
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Goldstein, Thomas C.
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Gorham, William
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Gottlieb, Joshua D.
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Moore, David H.
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Morgan, Sean
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Morrill, Calvin
Morrison, Edward R.
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Nalebuff, Barry
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Nasmith, Moneen S.
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Northrup, David A.
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Noveck, Beth
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Nussim, Jacob
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Parker, Noel Geoffrey
Passell, Peter
Patelli, Paolo
Patusky, Christopher
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Paul, Jonathan
Paul, Louis C.
Paulson, Anna L.
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Peavler, W. Scott
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Peller, Gary
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Penniman, Nick
Pennington, Nancy
Pennock, David M.
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Perlman, Mark
Perron, Pierre
Pesotchinsky, Leon
Petajisto, Antti
Peterson, Randall S.
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Phillips, Nancy V.
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Picker, Randal C.
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Pound, John
Powell, Walter W.
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Price, Joseph
Prieger, James E.
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