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## In This Issue

Christopher Tomlins  
*Berkeley Law*

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## In This Issue

This issue of *Law and Social Inquiry* presents four research articles and four review essays. Our four research articles testify to the continuing diversification of the sociolegal field, both in empirical methodologies and particularly in spatial (that is geographic) spread. As more and more sociolegal research is undertaken outside the traditional anglophone networks that have tended to dominate the field, we can anticipate the field's enrichment by scholarship with very distinct perspectives developed in examination of very different subjects than those that have generated the field's central tenets thus far. Our review essays, meanwhile, furnish important reminders of earlier innovations in the field and their continued salience, while also pointing us toward new conceptual and methodological opportunities.

Our first article, "Born unto Brothels—Toward a Legal Ethnography of Sex Work in an Indian Red-Light Area" by Prabha Kotiswaran, addresses prostitution law reform through the prism of the sex industry in Sonagachi, the largest red-light district in Kolkata (Calcutta) and one of the largest anywhere in India. Sex work and trafficking has attracted sensational attention worldwide, fostering widespread prostitution law reform. The normative status of sex work remains deeply contested, but both abolitionists and sex work advocates alike display immense faith in the power of criminal law. For abolitionists, Kotiswaran observes, strictly enforced criminal laws will eliminate sex markets; for sex work advocates, decriminalization can empower sex workers. Kotiswaran's research problematizes both narratives by delineating in detail Sonagachi's political economy and legal ethnography. Within Sonagachi there exist highly internally differentiated groups of stakeholders, not least sex workers themselves. Endowed by a plural rule network—consisting of formal legal rules, informal social norms, and market structures—these groups routinely enter into bargains in the shadow of the criminal law whose outcomes cannot be determined a priori. Kotiswaran highlights the complex relationship between criminal law and sex markets by analyzing the distributional effects of criminalizing customers on Sonagachi's sex industry.

Our second article, by Narendra Subramanian, is entitled "Legal Change and Gender Inequality: Changes in Muslim Family Law in India." Subramanian observes that group-specific family laws are often thought to provide women fewer rights and to impede policy change. To test the proposition, the author conducts a careful study of gender-equalizing reforms undertaken over the last generation affecting India's family law systems specific to religious groups. Changes in the laws of religious minorities were unexpected, for conservative elites enjoyed at least indirect influence over the laws. Though constitutional rights and transnational human rights law had some influence, legal mobilization and the outlook of policy makers—specifically their approach to regulating family life, their understanding of group norms, and their normative vision of family life—shaped the major changes in Indian Muslim law. Policy elites changed minority law only if they found credible justification for change in group laws, group norms, and group initiatives. Muslim alimony and divorce laws were changed on this basis, giving women more rights but without abandoning cultural accommodation. Subramanian concludes that more gender-equalizing legal changes are possible, if based on the same approach.

Our first two articles have undertaken studies of transnational trends—the global sex panic, attention to legalized gender inequality—but have grounded them in very specific locales. In an era of scholarly obsession with globalization, they usefully demonstrate the blind spots endemic in studying trends abstracted from locales. Our third article, "Localizing Global Rules: Public Participation in Lawmaking in Vietnam" by John Gillespie, alters our geographic focus from the Indian subcontinent to Southeast Asia, but carries the same message. As the pace of legal harmonization in developing East Asian states increases so as to comply with international trading treaties, Gillespie argues, a disjunction is forming between legislative expectations and everyday business practices. In Vietnam, state control over public discourse favors the interests of business elites, while small-scale entrepreneurs struggle to make their views known. Lawmakers exposed to this asymmetric discourse rarely adjust global legal rules to suit the transactional requirements of small-scale entrepreneurs. As a consequence, the largely imported commercial legislative framework is increasingly reflecting the interests of business elites. The article concludes that for the state to develop a more inclusive regulatory regime, it needs to relax its control over public deliberation and give small-scale entrepreneurs more opportunities to convey local precepts and practices to lawmakers.

Our final article maintains this issue's stress on the specificities of locales in studying the dynamics of legal mobilizations. In "Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California," Leisy Abrego examines the instrumental and constitutive effects of a California law that grants undocumented immigrant students an exemption from out-of-state tuition, making some

forms of higher education more accessible. She shows that the narrow actionable aspects of the law notwithstanding, it has had the unintended effect of legitimizing this disenfranchised group. Abrego has conducted a longitudinal study of undocumented immigrant youth using in-depth interviews conducted before, shortly after, and four years after the passage of the law. Her findings indicate that AB 540 immediately relieved stigma and later provided a socially acceptable identity that, within a legal consciousness informed by meritocracy, empowered these students to mobilize the law in a number of unforeseen ways. The case strongly suggests that it is possible for a law's unintended constitutive functions to have a greater transformative effect on the daily lives of targeted beneficiaries than its intended instrumental objectives.

Our review section in this issue of *Law & Social Inquiry* also features four essays. In "The Process Is the Punishment: Thirty Years Later," Jennifer Earl returns to Malcolm Feeley's 1979 classic *The Process Is the Punishment* and examines how the book has been used in sociolegal research since 1979 by conducting a citation study. As well as examining the book's major arguments, and criticisms leveled against it, Earl also points to lacunae in the field where *The Process Is the Punishment* still has an opportunity to make an impact.

Then, in "Law and American Political Development," Paul Frymer discusses *The Supreme Court and American Political Development*, edited by Ronald Kahn and Ken I. Kersch (2006). Frymer locates the book in the broader literature by law scholars interested in American Political Development (APD), a branch of scholarship that has advanced our knowledge about courts by drawing our attention to the importance of executive and legislative actors and by providing political context for judicial decision making. But Frymer thinks Law and APD scholarship could become even more powerful if it embraced the broader APD field's attention to state and institutional autonomy in understanding politics and political change. Law and APD scholars could then go further in examining the ways in which courts and judges act institutionally, and how the legal branch as an institution affects American politics and state building. So doing, Law and APD scholarship would not only help us in analyzing judicial decision making, it would also bring new perspectives to examinations of the place and importance of courts in American politics.

Further opportunities for innovation, at a more theoretical level, are canvassed by Ron Levi and Mariana Valverde in their overview of actor-network theory (ANT) and its potential interest for sociolegal scholars, "Studying Law by Association: Bruno Latour Goes to the Conseil d'État." Latour's 2002 ethnography provided an ethnographic analysis of the Conseil's workings. Levi and Valverde undertake two essential tasks. First, they introduce non-French reading sociolegal researchers to Latour's work; second, they draw out ANT's methodological and theoretical implications for research on legal institutions, legal knowledge, and bureaucracies.

Finally, in “The ‘Middle Ground’ Perspective on the Expropriation of Indian Lands,” Eric Kades discusses Stuart Banner’s inventive 2005 study, *How the Indians Lost Their Land, Law and Power on the Frontier*. Banner, says Kades, has woven a novel economic analysis of conflicts into a perceptive interpretation of the historical record to create a sophisticated narrative of the process by which European colonists took control of the lands that now comprise the United States. Kades judges that Banner’s view of expropriation falls somewhere between the parsimony of an economic model and the richness of a traditional historical account. He compliments Banner on eschewing normative judgments in favor of fact finding—a growing trend, says Kades, in the study of Indian land expropriations. As usual, we conclude with assorted book notes.