Editors' Comments

Good scholarship can nurture understanding and humane ways of engaging with one another. We offer the articles in this issue in the spirit of civil discussion of how we know what we know, and what we see when we look. At our best, scholars share a commitment to learning and a curiosity about how people live with the law. The structure of research and its representation now looks like a cool haven of civility when in public life we are experiencing more heat with little light. However, the universities in which so many of us work are not immune from this climate. As we write, hate groups have been leafletting universities; hateful, denigrating comments on academic social media are routine. Civility may not be considered the most passionate of virtues, but the practice of inclusion and respect in what we study and discuss builds bridges we sorely need. If we share a common commitment to admitting "I don't know," and to listening to one another across our differences, we have a place to start.

The global spread of legal ideas and practices could not be more visible in this issue.

No one would mistake law for the expression of the will of a homogeneous community, once an ideal of what law could be. In this issue, theorizing and the sites for empirical analysis are at once local and international. Scholars write from universities across the United States and Europe. Theorizing about what law does and what it means builds connections across time, fields of law, communities, and countries. As editors of the *Law & Society Review*, we aim to increase the range of perspectives the journal includes. This is a work in progress.

Fundamental research illuminates both local and global justice and injustice, all matters of concern for governing at any level. None of the work published in this issue claims to speak directly to what governing structures should do about problems. Yet, understanding what law does, even in very particular settings—say, what testifying means to people, how police officers interact with citizens, why people participate in illegal markets that leave them injured and still poor, why we punish the way we do—counters a practice of imputing reasons to people, which

Law & Society Review, Volume 51, Number 2 (2017)
© 2017 Law and Society Association. All rights reserved.

https://doi.org/10.1111/lasr.12275 Published online by Cambridge University Press

fundamentally denies justice in individual lives. When we presume, we do not connect to shared and diverse realities; we simply lay claim to our own "facts."

The articles in this issue cover a range of geographies. Solveig Laugerud and Åse Langballe analyze victims' testimony after the 2011 devastating mass murder in Norway. As these authors theorize the meaning of victims' testimony in the Norwegian criminal justice system, in an internationally reported case unlike any other, they draw upon research on victims' testimony in common law systems, often concerning sexual violence.

Law governs at and through multiple sites, from courts to international commitments to refugees.

Even very local practices—such as policing practices—have international inflections. Martin Innes, Colin Roberts, and Trudy Lowe analyze disruption as counterterrorism in the United Kingdom's policing program Prevent. The language of counterterrorism is familiar around the world. How does ordinary policing get repurposed in England, a country in the Global North, when terrorism is both international and local? Although public fears in the North are of people from other places, many of the people that the Prevent program disrupts were born and grew up in England, as the attacker in the tragic March attack in London did.

People fleeing places in which they are at risk often seek asylum in neighboring countries, though political argument in the Global North supports the belief that refugees and asylum seekers primarily land far away. Asylum-seeking leaves people vulnerable in the countries to which they have fled. Seán Columb's article on the organ trade in Egypt makes this point, arguing that asylum seekers have little opportunity for effective integration into Egyptian society. The law creates statuses that, in turn, produce illegal markets: people fleeing to Egypt do not have rights to housing or education, leaving them to seek marginal employment. Legal barriers to work, housing, and citizenship, and the blurred distinctions between forced migration and economic migration meet with sharp legal distinctions between the rights of asylum seekers and those of other immigrants to create incentives to claim asylum that in turn drive people to the organ trade.

Other pieces in this issue illuminate facets of criminal justice practice in the United States, in turn, highlighting human rights concerns that people in the United States frame around domestic rather than international rights. First, people have a constitutional right to counsel that local governments in the United States are primarily responsible for funding. Andrew Davies and Alissa Worden argue that, in New York State, local government fiscal

https://doi.org/10.1111/lasr.12275 Published online by Cambridge University Press

capacity explains funding more than rights-based reasoning or political ideology. Differential funding of public defender programs across counties means that the quality of justice probably varies across counties, too. Although theirs is a study of a single state, Davies and Worden point out that New York includes counties with very different tax bases, and thereby different capacities to pay for defense. Therefore, their findings point to probable reasons for variation in other states as well. Jennifer Carlson turns to the rippling damage done by mass incarceration in the United States, arguing that civil administrative systems provide a site to examine the spillovers from criminal justice. She analyzes the decision-making processes of gun boards in Michigan, starting with the United States Second Amendment right to bear arms and administrative grants of concealed pistol licenses. She argues that the same requirements for documentation that can make claims in social welfare systems impossible, or that drive people back into the criminal justice system, shape administrative decision-making by gun boards. When people's jobs in, say, security depend on carrying a gun, the requirements for documentation or clearing mistaken records cost people their livelihoods.

The behavior of low-level actors in the criminal justice system definitively shape citizens' rights. In discussing the behavior of the state trooper who stopped and arrested Sandra Bland, Belén V. Lowrey-Kinberg and Grace Sullivan Buker explore how the language used by officers in encounters with citizens foreground state control. In their analysis of the Bland's traffic stop and eventual arrest, Lowrey-Kinberg and Buker evaluate how officers may fail to manifest procedural justice linguistically.

We also write at a time of widespread discussions about research methods; questions include: what are our responsibilities to share data? What does it mean to conduct ethical and valid research? and what are our obligations to each other? Practices vary across research communities, institutions, and research methods. In this issue, methods range from ethnography to a linguistic analysis of one police stop to online experiments run through Amazon Mechanical Turk (MTurk). In contrast with a study of markets in Cairo or of a police stop, the context for an online experiment takes research out of a physical place.

Jasmine Silver's paper employs data from Amazon's MTurk to investigate the impulse to punish. This paper argues that distinctive punitive attitudes flow from intuitive moral concerns about the victims of crime. Research at particular sites—extraordinary trials in Norway, Michigan administrative gun boards, American policing, illegal markets in Egypt—invites learning about how law travels, and how theorizing generalizes. The experimental method using subjects recruited from MTurk is

https://doi.org/10.1111/lasr.12275 Published online by Cambridge University Press

meant to support more generalizable knowledge, at least generalizable to the population from which the researcher draws a sample.

We continue to learn from our authors and our reviewers—about methods and about multiplicity in law. We are grateful for the opportunity to work with all of you.

https://doi.org/10.1111/lasr.12275 Published online by Cambridge University Press