

Editorial Foreword

Twisting the Arm of the Law. Whatever the law may represent to those whom it directly affects, scholars have for centuries sought access to a society's inner life through study of its legal system. Whether viewed as an expression of consensus, an instrument of power, or a barometer of conflicting pressures, the law (formal and explicit) is expected to reveal abstract principles that may or may not be publicly avowed and (because specific and detailed in application) concrete reality that may often be hidden. More recently, historians have learned to use court recorders like research assistants, relying with especially notable results on the indefatigable monks of the Inquisition; and anthropologists have found ways to track litigation as the spoor of social change. In the three articles here, however, it is rather the ways of delimiting, distorting, or avoiding the law that are used to reveal social relations and cultural values independent of the legal system. Thomas Cohen, employing the techniques of microhistory in which Italian historians have been leaders, appropriately turns to sixteenth-century Italy (see also Marino in *CSSH* 24:2). Taking what seems on the surface a simple case of crowd's resistance to the Papal police, Cohen makes it into more than a good story of conflict. He does uncover a kind of social consensus but one expressed not in the law but in the ways of negotiating around it. These ways, which have their own style and language, compensate for weakness by counterbalancing the multiple vulnerabilities of the weak, accommodating differences between center and town, and exposing hidden lines of power (compare Newby on deference in Britain's class relations, in 17:2; Christelow on judges in French North Africa, 24:1; Rudolph and Rudolph, 8:1, and Morrison, 14:1 on Indian lawyers in British India). Sandra Lauderdale Graham investigates the activities of a Brazilian police commissioner and judge, whose dual positions suggest an extraordinary exercise of power. Instead, her study of this nineteenth-century campaign against using slaves as prostitutes reveals the countervailing importance of social attitudes and customs. A society tolerant of both slavery and prostitution was nevertheless embarrassed by their combination (see also, R. Graham on slavery in Brazil, 25:2; and Perry on the law and prostitution in Seville, 27:1). So concern for social order threatened by new immigrants as well as immorality combined with the pressures for protecting the established system and suspicion of the state to shape the contours of legal action. Conflicting pressures can also open unexpected avenues for resistance, as James Holston shows. He probes the complex inefficiency and confusion surround-

ing property law in the exploding suburbs of contemporary São Paulo (contrast Brettell on property transmission in Portugal, 33:3). Those qualities, he demonstrates, enforce the ambiguity crucial to sustain a system that favors swindlers and puts a premium on the ability to manipulate bureaucracy but that has also come to provide the poor and persistent their own room for maneuver (see Portes on the strategies of Latin American slum dwellers, 14:3; Foley on popular mobilization in Mexico, 32:3; Slater on urban beliefs in Brazil, 33:3). His treatment, as subtle and sophisticated as the system it analyzes, discloses how all this depends upon invented histories in turn made possible by the history of colonial rule. Rich in local color, these textured accounts display three societies in which legitimacy is acquired as well as challenged in the process of bending the law.

The Secular Sides of Religion. The study of India has produced some of the most significant theories about society and culture and some of the most fruitful controversy. The two articles in this section, both on India, are each concerned with the interaction among state, society, and religion (a concern of Coulborn's in 1:1). In considering the sacred but portable Vallabha images, Norbert Peabody addresses questions of monarchical state making, of historical memory, and of the intersection of ritual with daily life (on sacred symbols in India, note Yang, 22:4, and Freitag, 22:4; on the process of state making in India, see Solinger, 21:2; Dirks, 28:2; Southall, 30:1; on the role of historical memory and legitimacy, Khare, 15:4, and Greenough, 28:3. All of those authors deal with India, but see also Dixon, 33:1, on similar issues in Nigeria as well as Lanoue and Korovkin, 30:4, on public ritual in Italy and among Native Americans). Using these intricately interwoven elements, Peabody then explains the gradations of prestige among those images and the reciprocal effects on each other of their status, the popularity of markets, and monarchical legitimacy. These issues, so important in the history of the subcontinent, remain important in its contemporary politics; and Subrata Kumar Mitra assesses the tense issue of religion's place in the modern Indian state (also discussed by Fuller, 30:2, and Khare, 14:1; compare Kemper, 26:3, on Buddhism and the law)—a tension that was rooted, he argues, in the contradictions and failures of Jawaharlal Nehru's policies. These confidently rested on the assumption that secularization (compare Galanter and Smith, 7:2) was an inevitable by-product of modernization—a bad guess that many a social scientist also made.