
On 2020, Sally Merry, and Sociolegal Studies in Interesting Times

Gwendolyn J. Gordon

I told her that maybe I *shouldn't* become an anthropologist; I had just finished law school, just taken the bar exam, and was due to start working at my firm in a few weeks. Sally Merry disagreed.

Sally had a particular mentor's skill, a way of listening to whatever rambling bramble of an idea you were rattling off to her and meeting it with new paths, pointing to intersections that might be interesting traces for you to wander. It was 2006, and I was mulling plans to ditch my nascent career as a lawyer to go to graduate school for a PhD in anthropology. I had questions and hesitations. I had already spent law school considering anthropological questions, yes, and I had planned a project on which I was excited to work—the one I was telling her about, at dogged length—but perhaps my particular fixation on the texture of indigenous peoples' experiences in expressing economic and cultural rights was interesting only to me. Having introduced myself to Sally over email, having now trekked downtown to meet her in Washington Square Park, I was suddenly certain that I had lost my mind: perhaps I should be happy with my law firm job, my J.D., my work advising investment companies. Law was one thing, I thought, with its technicalities, bluebook rules, and stylized argumentative forms. Legal anthropology was another.

A subject of sustained attention for legal anthropologists, the notion of a fundamental incommensurability of legal and other forms of knowledge, and particularly between anthropological thought and legal knowledge making, can appear at first glance intuitive. (Ashby Wilson, 2016). In puzzling out the ways in which my law degree might generate a productive friction with my anthropological interests, I had replicated this disconnect.

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Disciplinarily speaking, however, law has a great deal to do with anthropology—this back to its very founding, to its expansion into wider attention (Conley and O’Barr, 1993). As long as legal anthropology has been a *thing*, it has been a work of forging routes among ethnographic descriptions and legal logics. It is as much marked by decades-long debates over even the idea of what law is (Rules? Processes?) as by attention to what might be the proper methods by which to get at its innermost kernels of meaning.

True to this sketch of the roots and routes of legal anthropology, Sally slipped among supposedly firm boundaries with apparent ease. She did not accomplish this interdigitation by obliterating meaningful disciplinary distinctions. Instead of blurring norms and softening gnarly epistemological questions, she seemed somehow to speak to the various disciplinary communities among which she moved in a language intelligible to each. (A reference to the apostles’ “upper room” here would be overwrought—embarrassing, even—but I shall make one anyway.) Shifting from indigenous Hawaii to human rights norms at the UN, the movement of legal consciousnesses, the rule of law, and the limits of quantification, her method of inquiry worked—steadily, joyfully—to elucidate patterns and play, norms and numbers, “form[s] of law outside state law” (Merry, 2016). Thus, her work is ever a process of translation across boundaries, influencing scholarly conversations in diverse domains yet speaking in their own terms. Law professors assigned her work as I went through law school; I read her as I undertook coursework and research in anthropology; and I assign her pieces now in the courses I teach in the hyperquantitative business school in which I work.

I suspect that many sociolegal scholars are rereading Sally’s work on indicators right now. There is something galvanizing about reading it today as we scramble to process carefully quantified but entirely immeasurable losses. We tally our sick and our dead, trying not to weight our own losses, particular and unique as they are, more heavily than the loss of hundreds of thousands of others.¹ Monitoring our energy, my black woman’s energy, that

¹ My grandmother’s name was Ethel Moxam, but she renamed herself Lyn. Sally could make blithely innocuous statements hilarious with an eloquent lift of her brows. My uncle Huntley flew tiny engineless planes and dreamed of epic love. My stepfather Bill wanted to be strong enough to build my mother a house. *Weight*. References Conley, John M., & William M. O’Barr (1993) “Legal Anthropology Comes Home: A Brief History of the Ethnographic Study of Law.” *Loy. LAL Rev.* 27: 41. Merry, Sally, et al. (2016) “Legal Vernacularization and Transnational Culture: the Ka Ho’okolokolonui Kanaka Maoli, Hawai’i 1993 (Reprinted with commentary).” *PoLAR: Political and Legal Anthropology Review*. Wilson, R. A. (2016). “Expert evidence on trial: Social researchers in the international criminal courtroom.” *American Ethnologist*, 43(4), 730-744.

of my three black brothers and of a black family that has felt the evaluating eye of the carceral system upon it, weighed and packed carefully away in the expectation of further fights.

But I was telling you about a day at NYU.

I cannot recall much of that initial conversation, but she became a mentor that day. Later, after I had decided I would not attend NYU, she was there still to talk things through with me as I decided between graduate school programs. After I had completed a meticulous, exhaustive review of the pros and cons of the programs I was considering, after I had made an actual decision, my feelings remained unsettled. Sally gently encouraged me to lend attention to those inner feelings instead of adhering rigidly to the type of cost–benefit analysis and point-by-point evaluation on which I had become an expert in law school and in practice. I called this “hippie-dippy”; she called it hard, but right.

Sally’s work as scholar and mentor has influenced both my own intellectual roots/routes and the paths new legal anthropological work has begun to trace out over the past couple of years (and during this astonishing year as well) in a series of workshops and roundtables organized by Deepa Das Acevedo at Alabama Law School. While each of my fellow workshopppers will have their own articulations of the significance of Sally’s presence in the course of their own scholarly paths, I want to highlight an invitation her work gives us for today.

In 2020, sociolegal scholars confront a social order that seems to be collapsing under its own weight; a radically changed legal and political landscape; and an ongoing crisis spurring loss beyond imagining. How shall we meet this world?

Sally Merry’s work does not ask us to discard our rigorous analyses, our weights and measures, but to approach these astonishing times with the same sense of openness she brought even to questions of seemingly ordinary tallying.

References

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