

OBITUARY



Sally Engle Merry at the 2013 convocation ceremony for the McGill University Faculty of Law. (Credit: Lysanne Larose)

Sally Engle Merry (1944–2020)

Sally Engle Merry, a towering anthropologist of law, colonialism, gender, human rights, and justice, died on September 8, 2020, in Wellesley, Massachusetts. At the time of her death, she was serving as the Julius Silver Professor of Anthropology and a codirector of the Center for Human Rights and Global Justice at New York University.

Sally was born in Philadelphia and grew up in the city's western suburbs. The longtime family home in the borough of Media was a sprawling ten-room property set amid dense parkland. She was raised with a twin sister, Patricia Lee Engle, and an older brother, Robert F. Engle III. Her sister, known as Patty, earned a PhD from Stanford in 1971 and went on to have a highly regarded career as a developmental psychologist and senior advisor for UNICEF. Sally's brother became a distinguished economist, winning the Nobel Prize in economics in 2003. Sally's father, Robert F. Engle, Jr., worked as a research chemist for Dupont, and her mother, Mary Phillips Engle, taught French at Media Friends School, serving also as the school's director.

Sally's family on her father's side were Quakers who had immigrated to Pennsylvania from England in the 1600s. Her mother's family had come to Philadelphia from Wales in the late 1800s, eventually establishing a prosperous import and export iron and steel business. Sally and her sister Patty attended school together, both graduating with honors in 1962 from the Westtown School, a private Quaker academy established in 1799, then attending Wellesley College together, Sally majoring in anthropology within an integrated department of sociology and anthropology. She graduated in 1966 with honors and was elected to Phi Beta Kappa.

During the summer of 1966, Sally participated in a National Science Foundation (NSF)-funded ethnographic field school, living on Navajo Nation lands near Red Lake on the Arizona–New Mexico border. The following fall, she entered the graduate program in anthropology at Yale University, finishing a master's degree. In June 1967, Sally married Paul Henry Merry, a 1966 Harvard graduate whom she had met during her freshman year at Wellesley. Soon after their wedding, the two moved to San Angelo, Texas, where Paul was trained in signals intelligence at Goodfellow Air Force Base as a member of the US Army Security Agency. Paul and Sally then moved to West Berlin, where Paul conducted intelligence analysis for the US Army and Sally studied German and anthropology at the Freie Universität.

When the couple moved back to the United States, Sally entered the doctoral program in anthropology at Brandeis University, with urban anthropologist David Jacobson as her supervisor. Settling in Boston, Sally's options for doctoral fieldwork were constrained, as Paul had now become a journalist and was working for local newspapers. In order to remain in the area, Sally developed a project in urban anthropology along the lines of Ulf Hannerz's 1969 *Soulside*, in which the Swedish anthropologist had spent two years living and conducting research around the pseudonymous "Winston Street" area of Washington, DC.

Sally decided to conduct a similar study in Boston's South End. Fortuitously, Hannerz soon visited Jacobson, and Sally gave Hannerz a tour of the South End neighborhood. After returning to Stockholm, Hannerz sent Sally his unpublished 1970 conference paper titled "Management of Danger," which became the inspiration for Sally's doctoral project in "Dover Square," her pseudonym for the public housing project where she conducted research between March 1975 and September 1976. As Hannerz had done

during his research, Sally and Paul moved into the neighborhood, living three blocks from Dover Square.

In 1975, Sally was hired as an instructor in her old department at Wellesley, where she taught general anthropology classes along with seminars on Racial and Ethnic Minorities, Sex Roles in Cross-Cultural Perspective, and Urban Anthropology. Sally finished her PhD from Brandeis in 1978, her research on Dover Square providing a powerful counternarrative to the ongoing systemic racism and moral panic during the 1970s and 1980s over a so-called crime wave in much of urban America (Merry 1978). Sally's research—published as a book in 1981—argued that most of the statistics on crime in the United States gave an exaggerated impression of the danger actually experienced by urban residents and that prevailing beliefs about crime and danger were based on pervasive misunderstandings and racist stereotypes (Merry 1981). Reviewing her book in *The Washington Post*, the Pulitzer Prize-winning critic Jonathan Yardley (1981) wrote that when you “cut away all the anthropological jargon,” Sally's study undermined the justifications normally given for white American anxiety about US cities, a racially tinged mood that had taken root in the wake of the nonviolent civil rights protests of the 1960s.

While teaching at Wellesley, Sally developed a friendship with another social scientist, Susan Silbey, who had conducted her doctoral research in the sociology of law based on fieldwork with the Massachusetts attorney general's office of consumer protection. Given that Sally had already taken an interest in neighborhood disputes during her research in Dover Square, the two assistant professors decided to collaborate. According to Silbey, Sally suggested applying for an NSF grant, and the two were awarded over \$500,000 (in 2021 dollars) for ethnographic research on disputes and mediation programs in Salem and Cambridge, Massachusetts. Thus began Sally's long career in the law and society “movement,” then still in its early phases, and in the anthropology of law. As Silbey recalls, she and Sally traveled to Madison, Wisconsin, to attend the 1980 meeting of the Law and Society Association. News of their grant—which had been jointly funded by the NSF's Law and Social Sciences and Cultural Anthropology programs—had preceded them, and they were greeted as rising stars.

Sally spent the next decade conducting understated yet groundbreaking ethnographic research on what she would later describe as “legal consciousness among working-class Americans,” the subtitle of her 1990 book based on this longitudinal and multisited study (Merry 1990). During this time, she also participated in an interdisciplinary law and society collective known as the Amherst Seminar on Legal Ideology and Legal Process, which brought critical approaches to research on law and society. Most of her publications were in legal studies journals and collections (e.g., Merry 1988; but see Merry 1992). Now in her mid-forties, she was becoming a leader in the law and society movement, but her work remained peripheral to debates within anthropology, which swirled around questions of power, representation,

colonialism, and discourse. She sought a deeper engagement with anthropology by re-centering her work on gender violence and colonialism.

Supported by new NSF grants, Sally began research in family courts in Hawai'i, mainly around Hilo, on what she called the “ambiguities of rights” around domestic violence; this research led her into gender politics and debates over the construction of “legally engendered selves.” She also did extensive archival research on how law came to be used as a polyvalent instrument of colonialism, in Hawai'i and more broadly. In studying the ways in which transplanted Anglo-American law displaced Indigenous Hawaiian law, she showed how law operates as a singular instrument for imperialism, a conduit through which currents of capitalism and Christianity are materialized as courts, prisons, and legal codes (Merry 2000).

During the course of her research in Hawai'i, members of the Hawaiian sovereignty movement held a “people's tribunal,” putting the US government on trial for the cultural and political destruction caused by colonization. Sally observed that in the language of the tribunal, “conversations about justice and the fabric for stitching together a local and self-determining identity” centered on human rights (Merry 1996, 68; see also Merry 1997b). Guided by Benedict Anderson's analysis of the ways in which vernacular languages provided a means for local polities to assert independence in early modern Europe, she saw a similar process at work in the engagement with human rights, especially by Indigenous peoples. She realized that, with the end of the Cold War, human rights was emerging as a preeminent framework for political change, empowerment, and global justice, but concepts of human rights, long the province of international law, were becoming “localiz[ed]”—“redefin[ed] for local situations” (Merry 1997a, 271).

She secured a new large NSF grant to conduct four years of landmark ethnographic research on global human rights implementation and monitoring, with a focus on the global Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Adopting a “deterritorialized” methodology, she tracked the global flow and appropriation of international human rights norms in UN committee sessions, in meetings of grassroots activists, and in local legal processes in New York, Geneva, Hawai'i, Delhi, Beijing, Fiji, and Hong Kong.

With a rich body of ethnographic data at hand, Sally returned to the concept of vernacularization in an article (Merry and Stern 2005) and book (Merry 2006), but her understanding of the process shifted significantly. Instead of vulnerable communities remaking human rights by “stitching together a local and self-determining identity,” vernacularization became more ambiguous and much less empowering. As her research revealed, processes of norm translation are typically controlled by national elites and intermediating human rights entrepreneurs, who go to great lengths to ensure that human rights retain a “distinctive modernist vision of the good and just society that emphasizes autonomy,

choice, equality, secularism, and protection of the body.” As Sally found, this vision maintains “powerful linkages” with the “interests of global capital” (Merry 2006, 220, 231)

It was this revised concept of human rights vernacularization that went on to have considerable impact within the anthropology of law and human rights and in wider legal and policy debates over human rights enforcement and implementation. Beyond its powerful descriptive and explanatory value, my own sense is that the concept of vernacularization proved to be so influential among scholars, international lawyers, and even human rights activists because it struck a pragmatic yet undeniable middle ground. Neither a strident critique of international human rights nor a righteous argument on its behalf, human rights vernacularization provided an empirically grounded framework for understanding the unavoidable complexities in “translating international law into local justice” (Merry 2006; see also Goodale and Merry 2007).

While her 2006 book was being published, and after thirty years on the faculty of Wellesley, Sally was recruited by New York University, the first person to be hired with a joint position in anthropology and the School of Law’s Institute for Law and Society. This was a period of new possibilities for Sally, since the Institute of Law and Society was one of only a handful in the world to offer a PhD in this interdisciplinary field. She was able to supervise her own doctoral students for the first time in her career—albeit largely in law and society, rather than in anthropology—and develop new courses and research collaborations.

Yet, by 2010, the School of Law had withdrawn support for the doctoral program in law and society, a significant disappointment for Sally, who had become its director. She retained and even deepened her research ties with colleagues on the law faculty, but her position was moved full-time to anthropology. There, she attracted a steady flow of students, visiting scholars, and colleagues. Her NYU period was also marked by a happy convergence with her sister and brother. Sally’s sister Patty was already working in New York City as a child development officer for UNICEF, and their brother, Rob, had joined NYU’s faculty after taking emeritus status at UCSD. Patty moved in with Sally at the university apartment she maintained while commuting to New York City from her permanent home in Wellesley. Besides the joy of being able to spend so much time together, informal discussions between the three siblings led to what would become Sally’s final research project.


At the time, her sister was developing quantitative indicators for UNICEF’s global work in early child development. Her brother’s long-term research on financial risk was also deeply quantitative. During her earlier study of human rights monitoring, Sally had observed that quantitative measurement played a key role in how countries were compared, a process linked to international funding, national rankings, and transnational advocacy. Yet Sally had a hunch that the quantification of human rights was problematic and

deserved to be studied in depth. Supported by new NSF funding, she launched a methodologically innovative, collaborative study of numerical indicators, focusing on how complicated social phenomena were transformed into “commensurable” datasets. Tragically, Sally’s sister was diagnosed with late-stage cancer in 2011 and passed away in 2012, the same year Sally herself was diagnosed with an early stage of the same disease.

Nevertheless, Sally managed to complete the research and publish its findings in a book, which she dedicated to Patty’s memory. In her study of the “seductions of quantification,” she showed how systems of measurement constitute forms of global power that encode particular theories of social change. These theories—about gender violence, global governance, and human trafficking, among others—are hidden within quantitative data and, as Sally argued, work to reduce global power relations to technical questions of statistical analysis (Merry 2016).

Sally served as president of the Law and Society Association from 1993 to 1995, president of the Association for Political and Legal Anthropology from 1997 to 1999, and president of the American Ethnological Society from 2011 to 2013. She won numerous awards for her scholarship, including the James Willard Hurst Prize in Legal History (2002), the Harry Kalven Prize for Contributions to Law and Society Scholarship (2007), and the J. I. Staley Prize from the School of Advanced Research (2010). In 2013, she was awarded a Doctor of Laws, *honoris causa*, from McGill University. And in her last year of life, she was presented with the Franz Boas Award for Exemplary Service to Anthropology at the American Anthropological Association meeting in Vancouver, the AAA’s highest and most prestigious accolade, given to those who have “used anthropology for the benefit of others.”

Beyond the sweeping arc of her research career, Sally was a patient and generous mentor, teacher, supervisor, and colleague, a scholar with a global reputation who passionately supported and nurtured the ambitions of others. Her close colleague and friend at NYU, Philip Alston, who organized an international conference in her honor in November 2019, recalled that Sally “would talk with the visitor who knew little about her field, she would meet with students who were lost and needed worldly more than scholarly advice.” Like many others, I learned so much from her, including the importance of scholarly steadfastness, an ethics of discretion (especially in professional correspondence), and the value of friendships in the discipline that go beyond mere alliances. Although Sally was noticeably weakened by illness during our last meetings, her spirit of grace remained, characteristically, undaunted.

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NOTES

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