
Remembering Aunt Sally

Justin B. Richland

First an admission. It is a not-so-well-kept secret among many of my friends and colleagues in legal anthropology that Sally Engle Merry and I are related by marriage. She is my wife Lindsey's aunt. I bring this up only because I think it has impacted my effort to write this memorial essay. It has been very hard to write, and in fact, I am only now getting to it on the deadline for its submission, September 25, 2020, just over two weeks since her passing. I think the challenge has to do with whether I should be writing about the obvious impact her tremendous scholarship has had on my own—that is write as a colleague whom she mentored, and who was lucky to call her his friend—or if I should be writing about the indelible experiences I shared with her in various family occasions, including camping trips, weddings, summer vacations, when we also talked at length about our work, the profession, and our thoughts on what anthropology is and where it was heading. Both are appropriate at this time, but of course each comes with a different kind of narrative arc, starting from one place and taking it where it goes.

In addition to time constraints, what has finally dragged me to put finger to keyboard, and text to file, is a dawning realization that for Sally, who she is as a scholar is not very far from who she is as a person, and a relative. And this seems deeply appropriate, particularly given Sally's role for so many years as one of the pre-eminent anthropologists of law and scholars of qualitative sociological research in the US.

There is always a risk when one finally meets their scholarly heroes that who they are in person does not (and probably cannot) live up to the image one has of them from their work. But in Sally's case, it has been my experience that the special mixture of erudition and ethic, of insight and humility, but most of all, of

Please direct all correspondence to Justin B. Richland, Associate Professor of Anthropology, UC Irvine, 3151 Social Sciences Plaza, Irvine CA 92697-5100, USA. e-mail: jbrich@uci.edu.

abiding humanism, that comes through on the pages of her books and papers was only enriched by what I discovered upon getting to know her as a person. She really was just as generous in her good humor and warmth sitting around a campfire debating who was going to wash the dirty dishes, as she was generous intellectually when serving as a discussant on a panel of student papers at a conference. At the same time, and in both situations, you would be sorry if you mistook her generosity for passivity, or otherwise thought you could take advantage. She was never one to be trifled with, and though her iron acuity would often come wrapped in a glove of kindness, your sloppy efforts, whether at camp clean-up duty or in characterizing her groundbreaking theories of legal consciousness and pluralism, would be made in front of her at your peril.

Sometimes all these senses of her came together at once. A memory I will always treasure is a conversation that took place one evening, high in the Sierra Nevadas, one of the family's favorite places to camp. Because a campfire was a required activity, we chose to start at a very high elevation aiming at a small lake on our tattered topographic maps that was close to but not above the tree line, where campfires were permitted but others would not find us. And while this meant that we found incredible views of the mountain peaks, small glaciers, crystal-clear lake waters and even clearer evening skies, it also meant a truly challenging day of hiking. We were almost always a big group too, often ten to twelve of us, including Lindsey, and our three boys, my father-in-law Rob (Sally's brother), mother and brother-in-law, as well as Sally and her husband Paul, their children Josh and Sarah, and finally Sally's identical twin sister Patty, and her son, Sawyer. Needless to say, such a large crowd never got anywhere quickly, and so our hike on that particular day was not only long and tough, it started after the sun was well up, when the day was already hot, and lasted well past sundown.

Nonetheless, we made it to our campsite before full nightfall, quickly set up camp, ate our dinner, cleaned the dishes (I forget who did it that day) and got down to the serious business of staring at the campfire. Some of us drank whiskey, some of us made s'mores, and some of us did both. But we all talked. At some point, the conversation turned to what Sally was working on, and I remember thinking that maybe the person asking the question knew the answer vaguely, but wanted to do a little friendly pot-stirring among family. For it turns out that at this time Sally was deep into her project on global human rights indicators, research that would eventually appear in her final book, *The Seductions of Quantification: Measuring Human Rights, Gender Violence, And Sex Trafficking* (University of Chicago Press, 2016). As you may know

if you've read the book, or at least thumbed the acknowledgments, Sally dedicated it to Patty, whom she credited for having turned her onto the topic by virtue of Patty's own work as a Professor of Psychology at Cal Poly San Louis Obispo, and who for many years served as Chief of Early Child Development at UNICEF. In these roles, Patty (known as Pat or Patrice to her colleagues) was instrumental in international efforts to create local measurement indicators of child development. Sadly, as Sally also notes, Patty would pass away in 2012, before the book was published, from the same cancer that would ultimately take Sally from us as well.

But Patty knew what Sally was writing in the book, and it was the topic of a spirited debate that evening at the campfire, not just between the two sisters, but with others joining in as well, including their older brother Rob, a noted econometrician who in 2003 received the Nobel Memorial Prize in Economic Sciences for his work on statistical modeling of market volatility. Quite a trio, these Engle siblings, and quite a conversation. Sally's project was a critical inquiry into the ways in which quantitative research, in the form of global indicators, was impacting human rights law and policy responses on matters of gender violence and womens' rights, questions at the heart of Sally's work. As she would write in the book, Sally noted that while indicators, like other quantitative methods of data production, are valuable "for exposing problems and tracking their distribution," across heterogeneous contexts they nonetheless also "provide knowledge that is decontextualized, homogenized, and remote from local systems of meaning" (3). As such, she would write, "[i]ndicators risk producing knowledge that is partial, distorted and misleading" (Ibid.).

So, as you might imagine, what ensued was a version of the classic quantitative–qualitative methodological debate that has been carried out in so many hallowed halls of the academy in recent years, not least in our own domain of sociolegal scholarship. Only this time, it was a family-scaled event, over burnt marshmallows and melting chocolate, whiskey-mugs, and the riot of multicolored fleece clothing, dusty socks, puffy jackets, and sleeping children in adult laps. Every thrust in this intractable intellectual feud ("You can't possibly be saying we are unable to control for such variables in our models!?") was met with a rigorous parry ("No, but I am saying even your controls are premised on ways of knowing external to the local values they model!"). And all of it was shot through with more immediate concerns ("Oh shoot, look what I've gone and done! My marshmallow's burnt to a crisp! Drop it in the fire for me would you Rob, and pass me another"). Which meant all of it was delicious to me—the food sure, but also the talk, and the company and the place. I feel

so lucky to have been around that fire with Sally, and her siblings, watching them have at it. I can't imagine what the campfire will be like without her there, and I don't think I want to.

While this was a special experience I got to share with Sally as equal parts colleague, family member, and fan, I am not sure it is all that very different than what many of you may have experienced when engaging Sally during her stint as President of the Law and Society Association, or as head of American Ethnological Society, as a colleague on an NSF or ABF grant review committee, or as her student. I even think it's the sense you'd have of Sally if your only engagement with her was through reading her work. The ethical, humanizing way in which she tackled knotty problems of social justice, or of professional leadership, and the extent to which she never allowed theoretical flights of fancy to blind her to the lessons of everyday understanding, colored every aspect of her work and life. It is this twinning insistence, always tying the insights of her analytic creativity to the rich seams of ethnographic engagement that made her such a good anthropologist. She is one of the great purveyors of anthropology's humanistic empiricism, a mode of inquiry that takes seriously the fact that the worlds we humans all find ourselves simultaneously thrown into and then building upon are worlds that are irreducibly ideational and material, normative and natural, all at once. Whatever the siblings' talk around the campfire may have meant to them, it was something that was measured as much in the warm affection of their marshmallow exchanges as it was in the philosophical agonism of their methodological differences. If you have the chance to revisit Sally's work, I hope you will see in it the ways in which she tries to hold these two sides at once—the material and the meaningful—and in so doing, gives all of those who endeavor to encounter her through it a glimpse of the deeply generous, fierce intellectual giant and scholarly advocate that we who got to also call her family knew her to be.

I title this essay, "Remembering Aunt Sally" only partly because I was fortunate enough to share that kind of relationship with her, but also because in a way, we all share in that relationship. Across contemporary Hawai'i, one of the many different communities Sally worked with and cherished, the term "Auntie" is not just used to denote a parent's sister. It is a widely used honorific, reserved for those women whose knowledge, experience and perspective deserves the respect of others, and whose bearing and choices in life should serve as a model for us all. I'd like to think that in this way, perhaps in just a small part, Sally is someone who we would all think of as our aunt. And perhaps then, I can imagine that she really hasn't gone too far from any of our campfires, whenever and wherever we gather around them.

Justin B. Richland, JD PhD, is Associate Professor of Anthropology at UC Irvine and Faculty Fellow of the American Bar Foundation. Since 2015 he has served as Associate Justice of the Hopi Appellate Court, the highest court of the Hopi Tribal Nation. His research considers the language and semiotics of legal systems, contemporary Native American law and governance, and US settler colonialism. He has published widely in numerous leading peer review outlets, including *Law and Society Review*, *Law & Social Inquiry*, and *American Ethnologist*. His most recent book is *Cooperation without Submission: Indigenous Jurisdictions in Native Nation-US Engagements* (University of Chicago Press, 2021).