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## The Master Translator: Sally Merry and the Interdisciplinary Study of Law

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**I**nterdisciplinarity is a delicate achievement. We learned this some years ago when the Program in Law and Society at New York University collapsed. News of the administration's reluctance to continue its support of the Program trickled down to us as graduate students in fall 2009. At the time, the Program's Director (and our advisor) was Sally Merry.

Universities often celebrate interdisciplinarity as a strategy to encourage productive scholarly exchange. But those of us familiar with the machinations of bureaucracy know the difficulties that come from programs jointly funded by two schools and the transient deans who administer them (in this case, the New York University School of Law and the Graduate School of Arts and Sciences). Even in the best of times, different ways of knowing can appear incommensurate. For interdisciplinary zones to flourish, they need more than a shared set of interests and a commitment to scholarly production through probing research questions. They require scholars dwelling in such spaces to be normatively flexible, epistemologically curious, and determinedly dubious of singular claims to interpretive authority. Along with Sally, we struggled at the time to sustain this interdisciplinary aporia, even if in the end the Program succumbed to forces beyond our influence. Nonetheless, ever the intrepid explorer, Sally continued to plot paths of interdisciplinary inquiry, cultivating new intellectual communities along the way through her consummate stamina, inquisitiveness, and generosity.

As her graduate students, we learned from Sally that the challenges of interdisciplinarity are not only institutional. They are also

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*Law & Society Review*, Volume 54, Number 4 (2020): 834–838

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intellectual. Through her example, we came to know that interdisciplinary scholarship requires a mode of engagement unlike more traditional academic pursuits: reading widely, opening oneself up to a variety of intellectual perspectives, embracing heterogeneity if not ambiguity, and doing what Sally did best—translating knowledge across disciplines on multiple scales. Indeed, translation is not only a concept that Sally developed for sociolegal analysis. It is also a practice bridging theory and method that she cultivated throughout her career, even if unknowingly in its early days.

One of the defining intellectual experiences of Sally's early career was her participation in the Amherst Seminar. Born from the Law and Society Association meeting in 1980, the Amherst Seminar on Legal Ideology and Legal Process brought together the disparate traditions of anthropology, political science, and sociology. Convening for more than 10 years, the Amherst Seminar pivoted away from examining the "gaps" between law and justice and instead developed a constitutive approach critical of the relationship between law, power, and lived experience. Through interdisciplinary dialogue, these scholars produced a new interdisciplinary toolkit, consisting of such new concepts as legal culture, legal consciousness, legal ideology, and legal pluralism. Although these concepts now reside in the vernacular of sociolegal studies, at the time they challenged dominant epistemologies through an interpretive and interdisciplinary approach to sociolegal analysis. Sally made seminal contributions to this field, authoring key articles that helped to sort out conceptual distinctions and to sharpen our categories of understanding.

Sally's engagement with interdisciplinary legal analysis developed in the 1980s when she took on the study of alternative dispute resolution (ADR), then a field of intense debate. At the time, not only was legal anthropology marginal within the discipline, so too was anthropological research in the United States. Working from the margins, Sally authored an essay that attempted to explain why the study of domestic legal reform was relevant for anthropology and why anthropology was relevant for projects of legal reform. By translating to nonspecialists why legal anthropology mattered, Sally argued that through "a holistic, legal pluralist model of anthropology, one can move beyond the question of the effectiveness of alternative modes of dispute resolution to ask what they mean for our society and how they will both change and be changed by the social structure with which they mesh" (1984, 283).

In *Getting Justice and Getting Even* (1990) Sally did just that. Based on research she conducted with sociologist Susan Silbey, Sally examined why the working poor in New England turned to courts to resolve disputes. Through her clear-eyed ethnographic

prose, Sally illustrated the incongruity between the way everyday litigants presented their problems to the court and the way those same problems were translated into legal categories that could be mediated. At a time when poor communities were gaining unprecedented access to justice through the courts, she found that working-class people's legal consciousness was shaped by a belief that they could turn to law to project their rights and resist the informal social control embedded within their communities. Yet to their disappointment, she revealed how processes of mediation reframed their problems into cases that did not match their expectations of legal entitlements, instead reentrenching social control, this time by the state.

By 1994, when she gave her Presidential address to the Law and Society Association, she had developed a novel understanding of the relation between law and culture. She explained to the audience that the "constitutive power of law and a broad definition of its cultural effectivity and representational power suggest the importance of research on the cultural meanings produced by law in the habitual, possibly resistant, practices of everyday life" (Merry 1995: 25). Sally wove this core insight into her anthropologically informed study on legal reform, consistently demonstrating how such projects were shaped by assumptions, values, and norms of conduct that were themselves culturally embedded. This approach was necessarily interdisciplinary in scope, just as it was an invitation to engage in ethnographic questions that located her interlocutors within cultural fields they could never fully escape.

Sally deepened these insights in *Colonizing Hawai'i* (2000). New to Sally's repertoire at this time was the introduction of scale. Although the book might have taken as its case study the social life of law in a small Hawai'ian town, Sally recognized that the larger processes of colonialism, capitalism, and Christianity enveloped it. The local and the global could no longer be separated as distinct domains. Her approach dovetailed with the day's scholarly interest in globalization, but it added a historical dimension based in US imperialism. Even so, scale was not only a matter of place. It was also a matter of law, understood as both an institutional structure and a system of meaning. "The cultural power of law," to borrow her subtitle claim, implies that law became a site of dominance and resistance for Hawai'ian subjects negotiating how to manage family, sexuality, marriage, the body, and the like in the fractured world characteristic of the civilizing process.

In *Colonizing Hawai'i*, Sally was explicit: long held anthropological definitions of culture when treated as static, stable, coherent, bounded were inadequate to the task of the study of law (2000: 28). By the time of her next book, *Human Rights and Gender Violence* (2006), Sally developed for the first time more

fully the idea that legal culture was a matter of translation. Sally intervened in debates among human rights lawyers that cited local culture—that is, tradition—as the cause of human rights violations against women. She insisted that human rights activists and lawyers were themselves embedded within a culture of human rights, analyzing human rights activists as cultural translators that bring with them their own culture as they seek to vernacularize human rights categories into local contexts. In doing so, she revealed both the ideologies embedded within human rights discourse and illuminated why some local contexts might resist human rights categories. Just as in her study of ADR, she illuminated why technologies of law and legal reform when viewed outside of culture are bound to encounter friction and potentially reproduce power relations.

By the time she developed what would become her final major scholarly project, translation had become a core concept in the very field she had helped to build. Working with Benedict Kingsbury and Kevin Davis at NYU Law, Sally helped secure a major grant from the National Science Foundation to study the development and use of indicators to promote human rights enforcement. By design, the project included anthropologists, lawyers, and other scholars from other disciplines who had adopted each other's methods of inquiry. In addition to numerous articles and a path-breaking monograph she authored on the subject, the indicators project spawned three additional edited volumes that assembled junior and senior scholars from a wide range of disciplinary backgrounds.

Sally's own book, *The Seduction of Quantification* (2016), traced the rise of what she called "indicator culture," or the translation of complex knowledge into numbers and statistical forms of representation. Through her empirical study of the construction of indicators on violence against women and human trafficking, she illustrates how their simplicity can be used to bring attention to issues that might otherwise be ignored. But she also demonstrates how indicators risk oversimplifying issues by neglecting the social and cultural contexts of human rights implementation. Indicators, she argues, ultimately create the world they aspire to measure. As indicators become an increasingly powerful form of governance, created by experts and bureaucrats far from the public eye, she shows how on-the-ground ethnographic inquiry remains critical for grasping the operation of power in the contemporary world.

Sally's work reflects the very best of sociolegal scholarship. As she showed us, sociolegal studies is itself an ambitious project of translation—one that we should not take for granted. Sally gifted us not only with her scholarship, but also with a model for how to engage with disciplines outside our own to better understand

legal phenomena by talking to—rather than past—one another. Unselfish, patient, curious, open-minded, this mode of scholarly practice is paramount to cultivating the intellectual communities we wish to inhabit in the very interdisciplinary institutions we extol.

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