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## Sally Merry as an Advisor & Advocate for Law & Society Scholars

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Jessica López-Espino

Sally Merry's scholarship is wide-ranging and interdisciplinary. Throughout her career she worked in the field of legal anthropology, carrying out research projects in low-income neighborhoods, courthouses, mediation sessions, in Hawaii, and internationally. Sally conducted participant observation, interviews, surveys, used court records, and drew on historical archives. As a graduate student of hers, I have always appreciated the diversity of her knowledge and methods, her creativity in approaching questions about the role of law in society, and her broad interest in how society shaped legal systems. Her long-standing involvement with national and international associations, as well with the American Bar Foundation, meant that she actively participated in the debates surrounding law and society scholarship and was able to communicate the importance of legal anthropology to an interdisciplinary field of sociologists, criminologists, attorneys, political scientists, and historians among many others.

As I started to design my own graduate research in child welfare courts, I drew inspiration and guidance from Sally's work on the criminal courts, small-claims courts, and juvenile courts in two New England towns. Merry's (1990) book, *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*, focused on the experiences of lay persons with the courts, the beliefs that they had about the law, and the law's role in settling disputes. I had been reading many ethnographies about court systems that were largely focused on on-the-record court-room dynamics, in a way that tended to emphasize and prioritize the perspectives of judges and attorneys. I greatly appreciated Sally's emphasis on lay perspectives as important to understanding broader social shifts in the importance of "legality" as a source of morality and social order. For Sally, it was central that I take

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Please direct all correspondence to Jessica López-Espino, 750 N. Lakeshore Drive, Floor 4, Chicago, IL 60611. e-mail: [jsl610@nyu.edu](mailto:jsl610@nyu.edu).

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seriously the perspectives of the people who are called to child welfare court and that I work to understand their experiences from their points of view as much as possible. Before heading to the field, I noted in my notebook that she had advised me that “your job is to understand what people think they need and how people understand their own situation.” This emphasized for me that evaluations and judgments made about people through formalized allegations must be distinguished from the experiences and motivations of lay actors themselves in their interactions with legal systems.

Sally was writing about class during a time that much of the general public avoided discussing class differences in the US. Within her text is an acknowledgement that although she was describing “Americans” in New England courts, this group was not homogenous or predictable. Sally emphasized that the engagements people have with courts are largely shaped by “the particular culture world in which he or she lives, a cultural world structured by ethnicity, religion, and history, as well as by class” (Merry 1990: 64). Sally’s work emphasized the importance of attending to the social contexts in which people live, the income available to them, and the resources in their neighborhoods, if scholars were to understand why some people believed they could and should go to the courts for assistance with their problems. In my own work, I also seek to show how interactions between lay actors and state actors on and off recorded court hearings continue to shape lay actors’ perceptions about the legitimacy and the priorities of legal systems.

Early in my graduate training Sally co-published an article with Susan Bibler Coutin that sharpened my interests in bureaucratic technologies of measurement and evaluation. Merry and Coutin’s (2014) article for the *American Ethnologist*, “Technologies of Truth in the Anthropology of Conflict,” analyzed how instruments aimed to “measure” particular aspects of reality are always already positioned despite claims to neutrality. In my coursework with Sally, she emphasized that the very act of counting constitutes a simplification of complexity. Merry’s (2016) work on measurement and quantification challenged long-standing notions about the objectivity and completeness of quantitative analysis and empowered social scientists to talk about how tools of quantification were also shaped by the social position and power of the people and institutions doing the measuring. Sally pushed her students to think about how “data” were cleaned up and made to look authoritative and to consider the social pressures that require and fund processes of measurement and quantification. Sally also reminded us that while social scientists were attuned to the ways in which the world is complex and how decisions had implications on multiple

scales, decisions still need to be made and quantification offers a way to make otherwise difficult decisions. Thanks to Sally's guiding insight, I have considered how written documents and testimonies in my own field site are taken up as data to be assessed in the construction of bureaucratic "truth" despite being based in contested realities.

Sally's assertion that law is not a totalistic closed system empowered me to consider how lay actors can challenge and re-imagine the contributions of legal systems and to realize that there is always space for resistance and change. Her contributions in the field of law and society scholarship will continue to guide scholars interested in disambiguating the relationship between law and quantification as theoretical ideals and as social practices. Sally lauded interdisciplinary approaches to legal questions and this approach is bound to continue to generate creativity and innovation in this rich field.

## References

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- Merry, Sally Engle and Susan Bibler Coutin. 2014. "Technologies of Truth in the Anthropology of Conflict: AES/APLA Presidential Address, 2013." *American Ethnologist* 41: 1-16.

**Jessica López-Espino** recently defended her dissertation, "Crawling Over Broken Glass: The Legal Experience of Child Reunification in a California Child Welfare Court" which examines the intersections of law, language, and perceptions of race in the experiences of Latinx parents seeking to retain or regain custody of their children following allegations of child maltreatment or neglect. Her work draws on anthropology of law and linguistic anthropology to explore the experiences of Spanish-dominant Latinx parents in child welfare courts. Jessica is a recipient of the National Science Foundation Graduate Research Fellowship and is currently a Law and Inequality Fellow at the American Bar Foundation.