
Professor Sally Engle Merry: A Candid and Caring Giant

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According to a Chinese aphorism, one purpose of any mourning activity is to stage a show for those who are still alive. I feel sorry if this short essay leaves such an impression. I do not mean to do that. I was not formally a student of Professor Merry, and so I may not be in the best position to document her achievements which include dispute resolution, mediation, legal consciousness, cultural hegemony, human rights, spatial governmentality, and more. But what I wish to say is that, perhaps, no other scholars has been more influential and inspiring to me.

It was about three decade ago that I first encountered Professor Merry's name. A first-degree student, I read an article in a Chinese law journal (Su 1993) in the law library of Peking University. Merry's article "Legal Pluralism" (Merry 1988) was cited multiple times. The concept of legal pluralism struck me: it explains so much about the dynamic between the law and the general public in China, a country that was just about to establish a legal system. Many laws remained on paper, many people colluded with each other to evade the law, many questioned the feasibility of rule of law in a land that had always been ruled by men. That concept led to my master's degree essay on how migrant entrepreneurs, colluding with local citizens, overcame a discriminatory stipulation to access the market in Beijing. The essay was later expanded and revised into my doctoral dissertation. When Professor Merry published her legal pluralism article, she might never have expected to influence a young man in China. But the reality is that her idea was as impactful as a drop of water: soft but permeating. It would be exaggerating to say that I became a scholar solely because of her work. But it would certainly be fair to say that her work ignited my academic interests and led to my becoming a sociolegal scholar.

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When I was a postdoctoral visitor at New York University (NYU) Law School in 2005, I finally had a chance to meet her. I sat in one of her seminars. As a routine, she asked all attendees to write down their names in the first class. The second time I entered the seminar room, she asked me if I had just published an article in *Law & Society Review*. I was surprised and must have looked embarrassed. Professor Merry said with a smile: “Why do you look apologetic?” She asked me the topic of the research and encouraged other students to get their works published.

During my visit at NYU, Professor Merry never turned down my requests for help. As a visitor, I could not enroll in class automatically as regular students did. When I emailed her that I wanted to join her class so that I could access the course materials, each time she granted access personally and immediately. Indeed, she kindly accepted my invitations twice to comment on my papers, one on the Married-out-Women in the Pearl River Delta, and the other on how courts dealt with labor protests in South China. She always gave detailed comments. But she was never too critical. She often stressed the similarities between what I described in China and the garbage cases that she encountered in a New England town. She just wanted me to feel comfortable.

Needless to say, the impact of a scholar does not hinge on how critical she is when commenting on a young scholar's work. Her ideas are far more important. When I started the discourse analysis in Chinese courts with Kwai Hang Ng, we soon found that the three discourses in *Getting Justice and Getting Even* (Merry 1990, Chapter 6) were particularly inspiring. The book documented the genres of discourses in the lower courts in the United States. It compelled us to think about the special characteristics of the discourse of Chinese judges when they handled similar cases: that was the origin of our article.

This turned out to be the beginning of another wave of inspiration. The more I read Professor Merry's work on gender violence (Merry 2006), the more I want to explore the situation in China. When China adopted the international standard against domestic violence, what happened in reality? How have Chinese judges responded to these laws? Why have seemingly universal human rights, after being codified into law, not been able to penetrate into Chinese courts? What were the views about domestic violence among judges, offenders, and victims? All these questions help sort out my thoughts on this topic. Merry's influence was on every page of my book on divorce law in China. Her influence was even stronger in my recent project

on China's newly launched personal safety protection order against domestic violence.

Long before Xinjiang made news headlines, I have tried to understand law and resistance there. This was, once again, inspired by Professor Merry's book, in this case *Colonizing Hawai'i* (Merry 2000). Hawai'i is, of course, quite different from Xinjiang. But there are also striking similarities: long histories of colonization, various cultures, the state's penetration, and the resistance of society. Intrigued, I made a field trip to Xinjiang in 2015, to conduct a pilot study. I soon found that I underestimated the political sensitivities of the topic. It would be impossible for me to finish this particular project without placing myself and my informants in danger. Eventually, I decided to suspend the project.

Not being able to get access for one's fieldwork may be a common frustration for many fieldworkers. But not every fieldworker admits this candidly. To open up about methodological struggles is often considered unseemly. It can expose us to probes, scrutiny from colleagues, challenges to tenure and promotion, and the fear that we are "unserious, unremarkable, or unscientific" (Young 2020, 223). Professor Merry told her own story in this way (Halliday and Schmidt 2009, 134):

There were a lot of times when people would turn me away and they wouldn't talk to me. I had a very low moment in this project. One of the things I wanted to do was to do a ride-along with the police to see how police handled conflicts. I went to the police station in Cambridge because I was looking at two different neighborhoods in the city, one of which was a working-class white neighborhood and one was a black neighborhood. I asked the police if I could do a ride-along. I was eight months pregnant at the time, and they just looked at me with such disdain and told me to go away. It was November, it was sleeting, it was humiliating. It was just this awful moment.

When I read this, I felt less frustrated. Her words became my greatest cure. I realized that I was not alone in not getting access. When I was turned down for interview or access, I thought it was my own fault or the regime's problem. (Certainly, doing fieldwork in an authoritarian regime can present its own set of challenges.) But the point is, as Professor Merry said, we have to keep trying. Eventually she got into mediation centers and courts and was able to talk to disputants/litigants. Taking almost the same approach, I have been able to get access to the subject that I studied. Conducting law and society research is a "messy business" (Halliday and

Schmidt 2009), but I am lucky to have pioneers such as Professor Merry who have been willing to candidly share their own experiences and provide guidance.

When my visit at NYU was about to finish, I requested a meeting with Professor Merry. I asked her for advice about my research and career. About 25 minutes into the half-an-hour meeting, her phone rang. It was her daughter. It seemed that they had agreed to do something together right after the meeting with me. She said to her daughter in the telephone: "I am in a meeting now; I will call you back in 15 minutes." She stressed "15": she did not want to make me feel uncomfortable and so delayed her meeting with her daughter.

At the end of our meeting, she told me that I needed to be concerned about the overarching question behind my research. I believe that she meant that one must aim big. It is an enormous challenge, because law and society scholars often focus on case studies at the microlevel (Friedman 1986). It is easy to conduct discrete case studies, but it is harder to place them underneath an overarching question. Today, I am still struggling to answer this question. But I believe that she offered me important advice.

In June 2015, I asked her if she would be an examiner for a PhD student that I supervised, and she politely said no. That was the only time she ever said no to a request. She told me that over the summer she would be tied up with copy-editing her new book, and would be traveling and away from computer for most of August. I doubt she ever stopped working. On his deathbed, Cecil Rhodes said, "So little done, so much to do." Professor Merry always had so much to do, despite the fact that she had done so much.

Under the COVID-19 pandemic, I assume that Professor Merry did not travel last summer. I hope she got some rest. I hoped I could visit her in New York after the pandemic. I wished that I could have told her that it had been such an honor and life-time rewarding experience to know her. Let me reiterate, Professor Merry was not my formal mentor. But she has been the lighthouse for my academic knowledge and intellectual development. Learning from her has altered my worldview and shaped my research agenda. Since knowing "Legal Pluralism" the third year in my undergraduate in 1993, I have never looked at the world in the same way.

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