THE
SOCIAL
STRUCTURE
OF RIGHT
AND WRONG

Donald Black
The handling of right and wrong, known in sociology as social control or conflict management, covers everything from a brief glance of disapproval to the bombing of a city. This book contains formulations that predict and explain the nature of social control anywhere and everywhere, throughout the world and across history.

Black established his reputation as a creative sociologist and gifted writer with his Academic Press classic The Behavior of Law. The Social Structure of Right and Wrong uses the same theoretical approach, pursuing a radically sociological and uncompromisingly scientific approach to the phenomenon of morality.
Crime as Social Control

Beyond Law

Social Control as a Dependent Variable

Contents
# CONTENTS

Modern Self-Help
Theoretical Considerations
- Deterrence and Self-Help
- The Processing of Self-Help
- The Theory of Self-Help
Conclusion

3

Compensation and the Social Structure of Misfortune

Compensation as a Dependent Variable
- Styles of Social Control
- Dimensions of Compensation
The Theory of Compensation
- Style and Societal Structure
- Style and Case Structure
- Liability and Case Structure
The Evolution of Compensation
- The Devolution of Liability
- Organizational Dependency
Conclusion

4

Social Control of the Self

The Deviant Self
The Case against the Self
The Self-Application of Law
Conclusion

5

The Elementary Forms of Conflict Management

Self-Help
- Vengeance
- Discipline and Rebellion
Avoidance 79
Negotiation 83
Settlement 85
Toleration 88
Conclusion 90

6
*Toward a Theory of the Third Party*
with M. P. Baumgartner

A Typology of Third Parties 97
Support Roles 98
  Informers 98
  Advisers 100
  Advocates 101
  Allies 103
  Surrogates 105
  Opposition Roles 107
Settlement Roles 108
  Friendly Peacemakers 108
  Mediators 110
  Arbitrators 112
  Judges 114
  Repressive Peacemakers 116
Marginal Roles 117
  Negotiators 117
  Healers 119
A Note on Legal Officials 121
Conclusion 122

7
*Taking Sides*

Social Gravitation 126
  A Note on Status Effects 126
Partisanship in Tribal Societies 128
Models of Partisanship 131
  Strong Partisanship 131
Conflict management is the handling of grievances, including litigation, mediation, arbitration, negotiation, beating, torture, assassination, feuding, warfare, strikes, boycotts, riots, banishment, resignation, running away, ridicule, scolding, gossip, witchcraft, witch-hunting, hostage-taking, fasting, confession, psychotherapy, and suicide. Although diverse, its many varieties reduce to a smaller number, each arising under distinctive conditions.

The following pages describe five forms of conflict management—self-help, avoidance, negotiation, settlement, and toleration—and propose the social fields where their most extreme expressions occur. These fields and forms are isomorphic.

**SELF-HELP**

Self-help is the handling of a grievance by unilateral aggression (Black 1983:34, note 2). It ranges from quick and simple gestures of disapproval, such as glares or frowns, to massive assaults resulting in numerous deaths. In simple societies, self-help occurs dramatically as blood revenge, feuding, and affairs of honor (see, e.g., Hasluck 1954: 219–260; Otterbein and
Otterbein 1965; Peristiany 1966; Reid 1970; Koch 1974). It also includes cursing, sorcery, and the assassination of witches (see, e.g., Evans-Pritchard 1937:Part 1, Chapter 7; Winans and Edgerton 1964; Knauf 1985). In modern societies, it includes much fighting, beating, and killing between family members, friends, acquaintances, ethnic groups, and nations. Conduct regarded as criminal is often self-help (Black 1983), as is virtually all so-called terrorism and insurrection. And, once begun, wars always involve the pursuit of justice by one or both sides.

What is the social structure of self-help? Where in social space is it most likely to occur? When, in particular, does it appear in its most extreme versions, with fatalities, severe injuries, or substantial property destruction?

The evidence indicates that self-help is not a unitary phenomenon in a single configuration of social relations. Rather, it arises in two drastically different situations. One produces vengeance, the other discipline and rebellion.

**Vengeance**

Pure vengeance is reciprocal. A grievance pursued aggressively begets aggression in return. The blood feud, for example, is a pattern of reciprocal homicide that may be nearly interminable (see Black-Michaud 1975:63–85; Peters 1975:xii–xiii). Feuds are common in the Mediterranean region, such as among Bedouin nomads (Peters 1967), the shepherds of Albania, Greece, and Montenegro (Hasluck 1954; Campbell 1964; Boehm 1984), the Jâle of New Guinea (Koch 1974:76–86), the Jivaros of Ecuador and Peru (Harner 1972:170–193), the Yanomamó of Brazil and Venezuela (Chagnon 1977:Chapter 5), the Ta'usug of the Philippines (Kiefer 1972: Chapter 3), and the nomads of Tibet (Ekvall 1964). In modern America, feuds develop among street gangs, Mafia families, neighbors, and ethnic groups (see, e.g., Rieder 1985:171–202; Elllickson 1986). International warfare also entails reciprocal vengeance.

Only groups can provide the continuous supply of victims needed for relatively permanent conditions of hostility. The famous Hatfield–McCoy feud of Kentucky and West Virginia, for example, lasted twelve years and included twelve deaths (see Waller 1988). But extreme vengeance also arises among individuals, sometimes regulated by a “code of honor” specifying who should seek redress against whom, under what circumstances, and how (see generally Peristiany 1966). Honor normally involves a defense of “manliness” (Pitt-Rivers 1966:44–45) and was strongly emphasized among the nobility of Europe and the rural gentry of the American South, both famous for their fatal duels (see, e.g., Baldick 1965; Wyatt-Brown 1982).
Gunfights in the frontier towns of the American West were similar (McGrath 1984: Chapters 10–11). Today, honor is important among the young men of American slums and housing projects (see, e.g., Horowitz 1983: Chapter 5). Individualized vengeance is also frequent and often fatal in American prisons (see, e.g., Abbott 1981:85–90, 149–150).

What social characteristics do cases of extreme vengefulness share? A few can be suggested:

1. equality
2. social distance
3. immobility
4. functional independence
5. organization

To elaborate: In simple societies, vengeance typically appears between structurally interchangeable groups comparable in size and resources, such as tribes, clans, or families. Individualized vengeance, including the defense of honor, characteristically involves parties of equal standing as well:

_The power to impugn the honor of another man depends . . . on the relative status of the contestants. An inferior is not deemed to possess sufficient honor to resent the affront of a superior. A superior can ignore the affront of an inferior. . . . A man is answerable for his honor only to his social equals._ (Pitt-Rivers 1966:31; see also 35; Berger, Berger, and Kellner 1973:86)

The Kabyles of Algeria regard challenging social inferiors as dishonorable (Bourdieu 1966:199). An insult from a black man, for example, should be ignored: “Let him bark until he grows weary of it” (Bourdieu 1966:200, 207). In slave societies, slaves neither have honor nor can dishonor a non-slave (Patterson 1982:81–97). And when duelling flourished in the American South, “no gentleman ever accepted a challenge from one not considered his social equal” (Williams 1980:27). Codes of honor develop primarily in stratified societies but pertain to relations among peers, particularly elites such as aristocrats and slave owners (Berger et al. 1973:85–86; see also Gorn 1985:41–42). In short, pure vengeance arises in egalitarian rather than stratified settings.

And vengeance varies directly with relational distance: “Feud is waged and vengeance taken when the parties live sufficiently far apart, or are too weakly related by diverse ties” (Gluckman 1956:19; see also Rieder 1984:154; Cooney 1988:Chapter 2). Vengeance is therefore more frequent and severe between tribes than within them, between clans than within them, between families than within them, and so on. A survey of simple
societies throughout the world indicates that homicidal vengeance fits this pattern (Cooney 1988:Chapter 2). Also consistent is Colson’s observation that cross-cutting ties such as marriages between members of different clans inhibit vengeance (1953; see also Gluckman 1956:Chapter 1; Thoden van Velzen and van Wetering 1960; Otterbein and Otterbein 1965; Boehm 1984:172, 219; Cooney 1988:Chapter 2). Vengeance develops most fully with horizontal segmentation, when people are separated by chasms in relational space, and social bridges across these chasms may reduce or terminate it. The headhunting Ilongot of the Philippines encourage intermarriage between feuding groups (“let their children marry”) to restore peace (Rosaldo 1980:65–66). The Yakan of the Philippines ritually establish blood ties (“blood brotherhood”) to pacify feuding groups (Frake 1980:207). The same practice occurs among the tribal people of Montenegro (Boehm 1984:136–137). Similarly, interracial ties inhibit race riots, and when rioting does erupt, those with ties to the racial adversary stay home (Senechal 1990:144–147).

Cultural distance also encourages vengeance. Wide cultural differences accompany some of the most extreme cases: massacres of women and children, torture, mutilation, and genocide. Intertribal and international vengeance is more severe among those widely separated in cultural space, for instance, as is interethnic conflict within a society. So-called terrorism obeys the same principle.

But there is no vengeance where people live in different worlds. Those involved must be mutually accessible and share a social arena, however superficially. Their relations are stable and predictable. The amount of violence in tribal societies thus varies inversely with the amount of spatial movement in their way of life (Thoden van Velzen and van Wetering 1960:198). So do sorcery and the naming of witches (see, e.g., Winans and Edgerton 1964; Baxter 1972; Douglas 1973:Chapter 7; Knauft 1985). But high rates of homicidal self-help are found in prisons, where the inmates are locked together (see Cohen 1976). Nations are effectively locked into place as well. Rioters reside in the same city. Vengeance is inescapable.

Vengeance is also more likely among persons or groups who are independent of one another for their survival and well-being, economic or otherwise. Homicidal vengeance thus occurs most frequently in societies with little division of labor, indicating little economic interdependence (Cooney 1988:Chapter 2; see also Durkheim 1893:Book 1). And nations lacking a division of labor among themselves have a stronger inclination for warfare. People more readily kill those they can do without.

Finally, vengeance between organized groups is more extreme than vengeance between individuals. In simple societies, conflict between primordial groups such as clans produces a great deal. Egalitarian tribes with
"fraternal interest groups" (usually patrilineal clans) display a particularly high rate, typically committed in the name of the groups themselves (Thoden van Velzen and van Wetering 1960). Conflict between nations—also groups—has produced the most death and destruction in human history (see Lee 1979:398–399; Cooney 1988:Chapter 5).

In sum, vengeance is most extreme in a social field combining several characteristics—equality, relational and cultural distance, immobility, independence, and organization—a collection of largely similar elements, separate yet frozen together in physical and social space. We might call this a stable agglomeration.10

**Discipline and Rebellion**

Self-help also appears under conditions radically unlike those associated with vengeance. Whereas vengeance flows laterally and is hierarchical, discipline and rebellion flow vertically and are hierarchical (see Bateson 1958:98; Hofstadter 1979:133–134; compare Rieder 1984:140–144). Discipline is downward self-help; rebellion is upward self-help (for similar usages, see, e.g., Hobsbawm 1959; Stinchcombe 1964; Foucault 1975). They arise in the same settings and are complementary: Where discipline is most extreme—involving torture, mutilation, maiming, and homicide—so is rebellion. Where the former is mild, so is the latter. Both typically are penal in style and authoritarian in procedure (Baumgartner 1984a:331–336).11 A pure case is the master-slave relationship, where grievances in either direction—from master against slave (downward) or from slave against master (upward)—may have dire consequences, including death (see, e.g., Wiedemann 1981:Chapters 9–11; Patterson 1982). Illustrations beyond slavery include relations between guards and prisoners, lords and serfs, officers and enlisted men, parents and children, and husbands and wives in patriarchal families. States employ self-help—discipline—when they seize, imprison, torture, or execute individuals without using judicial procedures (e.g., Solzhenitsyn 1973; Timerman 1981). State discipline can be more severe than slave discipline (see generally Collins 1974). Like slaves, moreover, state-dominated individuals occasionally rebel.

The social structure of discipline and rebellion—in the extreme—has at least five characteristics:

1. inequality
2. vertical segmentation
3. social distance
4. functional unity
5. immobility
The greater the inequality, the more severe the discipline and rebellion. The master-slave relationship, a form of parasitism with social inequalities of many kinds (Patterson 1982:335–337), may entail violent discipline with various practices to intensify the suffering of those punished, even when the misbehavior seems trivial. In one Roman case, for example, a slave who accidentally broke a crystal cup during a banquet was condemned to be thrown as food to lamprey eels (Wiedemann 1981:176).  

Most discipline is applied to individuals who belong to a homogeneous class in a larger hierarchy of social relations. Just as a system of slavery extends beyond a slave’s household, for example, so enlisted men, workers, students, and children belong to larger classes as well.  

And a substantial distance separates them from their superiors. Vertical segmentation is analogous to the relational segmentation associated with vengeance.

The most distance of a social nature produces the most discipline. Where slaves have little or no contact with their owners, for instance, such as in plantation-type farming and in mining, whipping and other corporal punishments increase (Patterson 1982:198, 206). Even so, much discipline is found in relationships combining intimacy and distance, such as long-term relationships with few shared activities and associates. Slave masters, guards, and parents have many social involvements unknown to their charges, for example; their relational structure is jagged, close in some respects but not others. Cultural distance also increases discipline. Master-slave relationships commonly are interethnic (Patterson 1982:178), as is modern torture by governments (Collins 1974:439, note 37).  

Those involved in discipline also tend to be functionally unified: They are likely to participate in the same enterprise, whether production, warfare, imprisonment, or education. Their roles differ, but their lives intertwine. Socially distant, they are nevertheless bound together for the long term.

Rebellion and discipline rise and fall together, though the former may be less frequent. The social field conducive to both is a parasitical hierarchy.

Avoidance

Avoidance is the handling of a grievance by the curtailment of interaction (Baumgartner 1988:Chapter 3). The aggrieved or offending party may initiate and accomplish it alone, unilaterally, or both may withdraw at the same time. Avoidance ranges from permanent flight to a temporary reduction in contact, begun and ended in a single encounter. It may be total or partial, and may entail physical separation or only decreased communication. Examples include secession from a nation, migration from a region,
desertion from an army, resignation from an organization, running away, divorce, termination of a business relationship, the "cold shoulder," and suicide. Because people also curtail interaction in the absence of grievances, whether any given instance qualifies as conflict management may be difficult or impossible to determine.

Without a visible complaint, avoidance eludes identification (see Hirschman 1970:86). Its purest form is silent, and those avoiding others may even explicitly deny that they harbor a grievance. Public officials resigning from office may thus deny their reasons (such as their involvement in a scandal) and instead cite "personal" concerns (e.g., "to spend more time with my family"; Hirschman 1970:105). Similar denials are common in everyday life ("No, I'm not avoiding you. I've just been very busy.").

Hunting and gathering societies typically use a great deal of avoidance (see, e.g., Turnbull 1965:100–109; Fürer-Haimendorf 1967:17–24; Lee 1979:372; Woodburn 1979). Eskimos, for example, move from one band to another when conflict arises and also locate their dwellings to facilitate avoidance within a single settlement:

Whenever a situation came up in which an individual disliked somebody or a group of people in the band, he often pitched his tent or built his igloo at the opposite extremity of the camp or moved to another settlement altogether. This is common practice even today. . . . People who like each other stay together; those who do not live apart. An additional detail is significant in this respect: If for any reason two families who are not on friendly terms have to camp close by, the openings of their dwellings will face in opposite directions, indicating that there is no intercourse between the two families. (Balikci 1970:192–193; punctuation edited)

Shifting horticulturalists also favor avoidance (see, e.g., Turner 1957; Carriero 1970:734–735; Stauder 1972), as do gypsies (Grönfors 1986:119–121), consumers in the modern marketplace (Hirschman 1970), and suburbanites (Baumgartner 1984b, 1988:Chapters 3–4).

Temporary and partial avoidance is ubiquitous in social life. But again the extremes are instructive. Although avoidance rarely has homicidal consequences apart from self-destruction, it may be fatal for relationships (suggested by John Jarvis). Permanent and total avoidance is most likely under the following conditions:

1. absence of hierarchy
2. social fluidity
3. social fragmentation
4. functional independence
5. individuation
Avoidance is uncommon in authority relationships, though slaves sometimes flee their masters, serfs their lords, or soldiers their officers (see Baumgartner 1984a:320–324). But it frequently occurs in nonhierarchical status systems without chains of authority.

The fluidity of social life, or the rate at which relationships begin and end (relational fertility and mortality rates), predicts the amount of avoidance. The higher these rates, the more people avoid each other (Baumgartner 1984b:94–95; 1988:Chapter 3). Since avoidance itself contributes to social fluidity, the association between the two may seem trivial or self-evident. But there is no necessary reason why people in fluid relationships should handle grievances with avoidance rather than confrontational modes such as vengeance or settlement by a third party.¹₁

Hunters and gatherers have more fluid relationships than sedentary peoples, and this partly explains their greater use of avoidance (Baumgartner 1988:Chapter 3; see also Cooney 1988). Fluid relationships on the wagon trails to the American West in the nineteenth century meant that avoidance predominated over the brawling and gunfighting romanticized in books and movies (see Reid 1980; compare Faragher 1979:101–102). And the highly unstable suburban world of modern America has so much avoidance it has been called an “avoidance culture” (Baumgartner 1988: Chapter 3).

People may share many activities with their associates, or they may have more limited and focused interaction.¹₉ The latter produces avoidance. For example, commercial relationships today are highly fragmentary, often embracing only the business at hand, and avoidance is common (see Baumgartner 1988:Chapter 3). In traditional villages and families where people have many involvements with each other, however, confrontational modes of conflict management are more likely. With the modernization of society, relationships become increasingly emaciated, and avoidance proliferates (see Baumgartner 1988:Chapter 6).

Functionally independent people also use more avoidance (Baumgartner 1988:Chapter 3). Avoidance-prone hunters and gatherers have little division of labor and can subsist almost by themselves.²₀ Similarly, as modern women become more independent, they increasingly use separation and divorce to resolve their problems with men. Business executives in decentralized companies with independent subdivisions use more avoidance than those in more hierarchical companies (Morrill 1986:Chapters 2–4). And all markets entail a degree of independence between the participants: Buyers and sellers normally can and do go elsewhere when dissatisfied (Hirschman 1970). A business may be shunned by individuals for the rest of their lives and by families for generations.²₁
When independent people disperse across physical space, avoidance increases (see Baumgartner 1988:Chapter 3). Hunters and gatherers again provide the prototypical case. At the opposite extreme are prisons and other “total institutions” (Goffman 1961) where physical separation is impossible. Some social scientists even speculate that the state and law emerged when populations expanded in limited spaces and individuals could no longer avoid their enemies (Carniero 1970; Taylor 1982:129–139; Mann 1986:Chapters 3–4).

A final factor conducive to avoidance is individuation, the capacity of individuals to act autonomously without implicating groups (see Baumgartner 1988:Chapter 3). Groups avoid each other, such as organizations that terminate commercial relationships or nations that sever diplomatic relations, but individuals do so more often. Moreover, individuals frequently avoid groups. For example, avoidance is the primary means by which individuals express grievances against business organizations (Hirschman 1970).

To summarize: An avoidance structure is generally nonhierarchical, fluid, fragmented, individuated, and composed of mutually independent participants. A social field with these characteristics might be called an "unstable aggregation."

Violence varies inversely with avoidance (see Baumgartner 1984b:97; 1988). For example, killings are more likely when permanent and total avoidance is difficult or impossible: in agricultural societies; between contiguous groups such as street gangs, tribes, and nations; in maximum security prisons; and in families and households (see Cohen 1976:17). These settings differ markedly from the unstable settings where avoidance is most common: among hunters and gatherers, in suburbia, in markets—wherever relationships fluctuate and the turnover of people is high. Eliminate the conditions for avoidance, and violence increases. The nomadic Chenchu of India, for instance, traditionally handled conflict with avoidance, but after the British concentrated them in large settlements they became uncontrollably violent (Fürer-Haimendorf 1967:22).

Like homicide, suicide often originates in human conflict (see, e.g., Douglas 1967) and may be a form of avoidance (see Koch 1974:74–75). Modern suicide occurs at a higher rate among relatively isolated individuals (Durkheim 1897:Book 2, Chapters 2–3, 5), where marital separation and divorce are more frequent (Durkheim 1897:259–262), and in urban rather than rural areas (Durkheim 1897:353)—conditions conducive to avoidance in general. And suicide varies inversely with homicide (Durkheim 1897:338–352; Henry and Short 1954). This is because the conditions associated with a high level of avoidance are nearly opposite
those associated with violent self-help (unstable aggregations versus stable aggregations and parasitical hierarchies).

NEGOTIATION

Negotiation is the handling of a grievance by joint decision (Gulliver 1979:5):

_The decision is made by the disputing parties themselves. . . . Each party can only obtain what the other is in the end prepared to allow. Since the two parties necessarily began with some kind of difference between them . . . , the process of decision-making therefore involves a convergence. At least one party, but usually both, must move toward the other._ (Gulliver 1979:5)

This may or may not include the intervention of a third party as a negotiator (see Black and Baumgartner 1983:108–109).

Negotiation is the primary mode of handling major conflicts in many simple societies throughout the world. Often it involves haggling about compensation for a death or injury (see, e.g., Kroeber 1926:514–515; Hasluck 1954:Chapter 15; Gulliver 1963, 1969, 1971:Chapter 5; Nader 1965; Jones 1974). Lawyers in modern societies also engage in much negotiation (known in the United States as “out-of-court settlement” in civil cases and “plea bargaining” in criminal cases; see, e.g., Galanter 1983; Black 1984a, for reviews of the evidence). The rapid growth of the legal profession in twentieth-century America (see, e.g., Curran 1986:20) may thus indicate an increased demand for negotiators.

When do people bargain rather than use violence, avoidance, or other forms of conflict management? When do they expend a great deal of time and energy in this fashion? Extensive negotiations occur most in social fields with the following characteristics:

1. equality
2. cross-linkages
3. organization
4. homogeneity
5. accessibility

Negotiation is less likely among unequal parties. Superiors usually obtain what they want from inferiors with little or no bargaining, whereas the latter may have trouble even initiating negotiations with the former. Nevertheless, equality need not exist between the adversaries themselves. Allies and other supporters on each side can transform a conflict between
unequal parties into one between equals. In tribal societies, support typically arises from familial and residential affiliations (see, e.g., Gulliver 1963: Chapter 7; 1969; Frake 1980). Those serving as negotiators — usually status superiors of the adversaries — may also function as equalizers. In traditional Thailand, for example, if A has a grievance against a social superior (B), and B refuses to discuss the matter with A, A may mobilize a superior (X) in his own hierarchy who is acquainted with one of B’s social superiors (Y). X and Y may then negotiate a settlement and urge A and B to accept it (Engel 1978:76–77). Negotiators can thereby flatten otherwise vertical conflicts (see Figure 5.1).

Lawyers frequently have the same effect. Indeed, the structural transformation of cases in highly stratified societies such as the United States may be one of their most significant functions. As familial and other primordial alliances decline, lawyers become the great equalizers of modern life. They offer equality as a commodity, for sale in the marketplace.26

The Thai practice described above illustrates another factor associated with negotiation: cross-linkages between the parties. Negotiation between A and B depends not only on equalization but also on A’s connection to B through X and Y. Because of his link to Y, X provides a “crossover point” between A and B (Engel 1978:77). Indirect ties open communication, bridging social gulfs that might otherwise preclude discussion and bargaining. As implied earlier, vengeance structures generally lack linkages of this kind (see also Colson 1953; Nader 1965; Peters 1975:xxiv–xxvii; Cooney 1988: Chapter 2).

Cross-linking is another function (besides equalization) provided by lawyers. Even if not personally acquainted, the shared professional affiliation and mutual accessibility of opposing lawyers provides a social bridge.
5. THE ELEMENTARY FORMS OF CONFLICT MANAGEMENT

between their clients. And once begun, negotiation increases intimacy between all concerned. On the other hand, adversaries who are already intimate—such as married couples, friends, or fellow employees—may find that the intervention of lawyers widens the social distance between them and compounds the fracture in their relationship. Their conflict may therefore escalate, increasing the likelihood of a permanent termination of their relationship (see, e.g., Macaulay 1963; Griffiths 1986).

Negotiation is also more extensive between corporate beings than between individuals. The conflict need not originate in groups as long as groups ultimately participate. The adversaries' allies may band together, or groups may customarily or contractually participate, such as occurs in tribal conflicts involving a system of collective liability (see, e.g., Moore 1972) or in modern conflicts involving insurance companies (see, e.g., Ross 1970). To a lesser extent, outside negotiators transform conflicts into corporate events.

Homogeneity is relevant as well. Because negotiation requires communication, cultural closeness between the parties tends to facilitate it. A shared language obviously helps, as do other shared practices—another contrast with vengeance, where the most extreme cases frequently entail cultural cleavages.

Finally, negotiation requires mutual accessibility. As noted above, this is another contribution of lawyers. Physical availability is not necessary—as in vengeance—but only the possibility of communication, such as a telephone.

Negotiation structures resemble vengeance structures in their equality, organization, and mutual accessibility, but not in their cross-linkages and cultural homogeneity. Negotiation can, however, withstand the physical separation and mobility of its participants, though its ideal setting is less fluid than an avoidance structure. Neither a stable agglomeration nor an unstable aggregation, the social field most conducive to negotiation lies between the settings of vengeance and avoidance. It is a tangled network. And because it combines characteristics of both vengeance and avoidance, in the pure case the adversaries neither attack each other nor run away, but do something between these extremes: They talk.

SETTLEMENT

Settlement is the handling of a grievance by a nonpartisan third party. Only a significantly nonpartisan third party can achieve the trilateral structure that distinguishes this form of conflict management. The most familiar examples are mediation, arbitration, and adjudication. The mediator
acts as a broker, helping the adversaries resolve their conflict without taking sides, the arbitrator decides how to resolve a conflict but cannot compel compliance, while the judge both makes a decision and, if necessary, enforces it. These roles appear in many societies and have received extensive scholarly attention (e.g., Galtung 1965; Eckhoff 1966; Gulliver 1977; Fuller 1978; Getman 1979; Shapiro 1980; Merry 1982; Black and Baumgartner 1983).

Mediation, arbitration, and adjudication differ in their degree of authoritativeness, including their decisiveness and coerciveness. Mediation entails neither a decision nor coercion by the third party, arbitration entails a decision but no coercion, and adjudication entails both. While mediation is the least authoritative of the three, still less so is friendly pacification, a mode of settlement in which the third party seeks merely to separate or distract the adversaries (Black and Baumgartner 1983:99–100). The “camp clown” of the Mbuti Pygmies, for example, dampens conflicts by diverting attention to himself in a humorous fashion (Turnbull 1965:182–183). In modern societies, family members and other intimates may use friendly pacification. Gossip is the least authoritative of all—a kind of trial in absentia unknown to the principals (see, e.g., Gluckman 1963; Cohen 1972; Merry 1984).

Repressive pacification defines the other extreme of authoritative intervention. Here a third party handles the conflict as an offense in itself and seeks to crush it forcefully regardless of the adversaries’ concerns or complaints (Black and Baumgartner 1983:106–107). Colonial administrators repressively pacified indigenous populations involved in feuding and warfare (see, e.g., Evans-Pritchard 1940:152; Koch 1974:223; Reay 1974:205, 209), and adults relate similarly to fighting among children (see Black and Baumgartner 1983:107).

Consider now the social conditions associated with violent or otherwise highly authoritative settlement—adjudication and repressive pacification. Several variables are relevant:

1. inequality
2. relational distance
3. isosceles triangulation
4. heterogeneity
5. organizational asymmetry

The authoritativeness of third parties varies directly with their social superiority (Black and Baumgartner 1983:113). Friendly peacemakers tend to be about equal to the adversaries, whereas mediators, arbitrators, and adjudicators tend to be (in the same order) increasingly elevated above the adversaries. Repressive peacemakers are generally the most elevated of
5. THE ELEMENTARY FORMS OF CONFLICT MANAGEMENT

all, illustrated by the colonial administrators who once intervened in the tribal conflicts of Africa and Oceania. The tribesmen were effectively treated as “nonpersons” (Goffman 1961:341–342)—like wildlife—and their disputes as “disturbances of the peace” (e.g., Scheffler 1964:399; Koch 1974:223). Conditions of great inequality also produce corporal punishment such as whipping, torture, mutilation, and execution, but offenders of high status—closer to the third parties—may escape the harshest treatment. The Roman nobility, for example, were immune to crucifixion and to being thrown to wild beasts (Garnsey 1968:13).

Relational distance between the third party and the adversaries has the same effect as social superiority: The greater it is, the more violent the settlement is likely to be (see Black and Baumgartner 1983:113). Friendly peacemakers tend to be very close to those they disentangle, mediators a bit less so, followed by arbitrators, judges, and repressive peacemakers. Repressive pacification in colonial settings again defines the extreme: The administrators are usually not only socially superior but also entirely unacquainted with the people they handle. So are judges who pronounce the death penalty.

The relational distance between a third party and each adversary must be approximately equal if the process is to be significantly nonpartisan (see Simmel 1908b:149–153). Imbalance breeds partisanship (see Black and Baumgartner 1980:200–201). Third parties substantially closer to either adversary are likely to be disqualified from handling the case (see, e.g., Barton 1919:87; Lewis 1961:229; Ayoub 1965:13). The third party and the adversaries therefore tend to form an isosceles triangle of relational distance, with the former at the apex (Black and Baumgartner 1983:113; see also Black 1984b:21–23). Settings lacking third parties equidistant from the adversaries—isosceles triangulation—generally have little or no settlement behavior at all. A village completely bifurcated by kinship, for example, is unlikely to have an internal system of settlement for handling conflicts that cross family lines (see, e.g., Nader 1965). When socially superior or relationally distant third parties are lacking, no settlement of an authoritative nature is likely to occur. Hunters and gatherers, typically both egalitarian and intimate among themselves, often do not even have mediation, much less arbitration, adjudication, or repressive pacification (see, e.g., Turnbull 1961, 1965; Woodburn 1979; Lee 1979).

Cultural distance—heterogeneity—has the same relevance as relational distance: The greater it is, the more authoritative the settlement procedure is likely to be. Again the extreme example is the imposition of colonial authority by a foreign power, such as when Europeans enforced their conception of law and order in Africa and elsewhere. Cultural
equidistance from the adversaries — another form of isosceles triangulation — is also important, since cultural closeness, like intimacy, engenders partisanship (Black and Baumgartner 1983:114). In an intertribal conflict, for instance, a third party from either tribe — even if a stranger to all concerned — will normally not be acceptable to both sides. Culturally skewed procedures, however, appear to be considerably more common than relationally skewed procedures (see, e.g., Beidelman 1966, 1967).

Authoritative third parties usually represent a corporate entity, often a government. Capital punishment inflicted by legal officials is thus a form of corporate behavior, but it virtually always applies to individuals and is in this sense organizationally asymmetrical (see Coleman 1982:19-30). Most vengeance is organizationally symmetrical, whether between two groups or between two individuals, as is negotiation. Avoidance may be organizationally asymmetrical, but usually in the opposite direction: An individual is more likely to avoid an organization than vice versa.

The most authoritative settlement thus entails inequality between the third party and the adversaries, relational and cultural distance, isosceles triangulation, and organizational asymmetry—a social field we might term a triangular hierarchy.

TOLERATION

Toleration is inaction when a grievance might otherwise be handled. Although arguably not a form of conflict management at all, toleration is sometimes consciously advocated or adopted as the most effective response to deviant behavior, disagreement, or disruption (see, e.g., Parsons 1951:Chapter 7; Lemert 1967). For example, members of organizations may use “unilateral peaceableness” to handle volatile situations (Boulding 1964:47–48). Whether to forestall further conflict or not, people continually “lump it,” “turn the other cheek,” or “bite the bullet” (see, e.g., Felstiner 1974:81; Galanter 1974:124–125; Yngvesson 1976; Merry 1979; Baumgartner 1984b). Toleration is the most common response of aggrieved people everywhere.

A matter of degree, toleration is measurable by comparing what might otherwise occur under the same circumstances. When a group exacts blood vengeance for one killing but does little or nothing in response to another, its behavior in the latter is extremely tolerant. The same applies when a case of inaction might otherwise result in police intervention, arrest, or prosecution. We can also compare the degree of toleration across societies and historical epochs. There is noticeable variation, for example,
in reactions to drunkenness, adultery, homosexuality, and homicide. Nothing automatically attracts social control.

Moreover, we can specify the social conditions most conducive to toleration (i.e., those least likely to provoke vengeance, avoidance, or anything else). One is social inferiority. Underlings such as slaves and students are unlikely to rebel violently against their superiors, and when their superiors fight or victimize each other, they rarely do more than gossip. Social inferiors may not be subjectively tolerant of their superiors, but behaviorally they are exceptionally so.

Another source of toleration is intimacy. People endure all manner of offenses by people close to them, including not only rudeness and insult of various kinds but also physical intimidation, beatings, and rape. In modern societies, criminal offenses between intimates are far less likely to be reported to the authorities (see, e.g., Block 1974; Williams 1984). In tribal societies where vengeance commonly follows homicide, within a family it is rare. The Bedouin of Cyrenaica, for instance, regard the killer of a fellow family member as "one who defecates in the tent" and, at most, temporarily exile him (Peters 1967:264; for other examples, see Goody 1957:97; Middleton 1965:51). As people grow closer, they "normalize" conduct that earlier would have spurred them to action (Lemert 1964:86). And third parties intimate with those in conflict tend to hang back or to employ the gentler modes of intervention such as friendly pacification or mediation (Black and Baumgartner 1983:113; Black 1984b:22–23).

Cultural closeness has the same effect as relational closeness. People who are vicious toward foreigners will more readily forgive their own kind. Organization induces toleration as well. Conduct regarded as outrageous in an individual—lying, cheating, violence—may be countenanced in a group such as a government or corporation (see, e.g., Black 1976:Chapter 6). Toleration increases still more when the aggrieved party belongs to the offending group itself, a situation that simultaneously combines several conditions conducive to toleration (inferiority, intimacy, homogeneity, and organization).

Much toleration also occurs in urban settings with swarms of heterogeneous strangers, social fragmentation, individuation, and continual turnover (Boswell 1980:33–38; Baumgartner 1984b, 1988). Toleration thus arises under opposite conditions, where social relations are either very tight or very loose: extremely close, homogeneous, stable, and possibly even oppressive or distant, heterogeneous, unstable, and free. Only in a polarized field of social life can all these conditions operate at once. Past societies rarely divided daily life between such drastically different worlds, but modern societies increasingly do (see Black 1976:Chapter 7).
We can identify five modes of conflict management—self-help, avoidance, negotiation, settlement, and toleration—and the social fields associated with their most extreme versions. Vengeance, a form of self-help, reaches its highest level in stable agglomerations, where people are equal, independent, organized, socially separated, and yet frozen together in physical space. Two other forms of self-help, discipline and rebellion, are characteristic of parasitical hierarchies, where people are unequal, segmented, socially distant, functionally unified, and immobile. Avoidance arises in unstable aggregations, without hierarchies of authority, where social relations are fluid and fragmented, and where people are mutually independent and individuated. Negotiation thrives in tangled networks, where people are equal, cross-linked, organized, homogeneous, and mutually accessible. Settlement develops to its highest level in triangular hierarchies, where people are unequal, socially distant, organizationally asymmetrical, and where their relational and cultural structure resembles an isosceles triangle. Lastly, toleration is most likely at opposite extremes of social life, either very tight or very loose, which only a polarized field can contain in a single setting.

CONCLUSION

The models above predict and explain the elementary forms of conflict management. The more a social field resembles one of them, the more accurately we can anticipate its pattern of conflict management. Where the fit is only partial, a less developed pattern should occur. For example, a stable agglomeration of individuals should have less vengeance than a stable agglomeration of groups, a parasitical hierarchy between intimates should have less discipline than one spanning a greater distance in social space, and a triangular hierarchy with relatively little inequality should have less authoritative settlement than one with more inequality. Settings that mix characteristics of different fields should mix the forms of conflict management. Modern America’s complex society contains all the social fields modeled here to some degree, and all the forms of conflict management as well. People everywhere participate in multiple fields of social relations—family, neighborhood, peer group, workplace, marketplace—each with its own pattern of conflict management. A modern adult may thus wield discipline at home, experience it at work, use avoidance in the neighborhood, seek third parties to handle strangers in the community, and
demand vengeance against foreigners. Conflict management is as variable as social life itself.

But why? Why is each form of conflict management associated with a particular configuration of social relations? Why is vengeance associated with stable agglomerations, avoidance with unstable aggregations, and so on? What is their affinity? A deeper pattern underlies them all: Conflict management is isomorphic with its social field.

Each form of conflict management reproduces its social environment. Social settings with a high level of avoidance—unstable aggregations—exhibit much relational mortality apart from the handling of grievances. The Ndembu of Zambia, for example, have such a high rate of relational mortality that their social life is described as “fissile” (Turner 1957:xxii). Villages, lineages, and families continually split apart, but not all this fission involves conflict. Spatial mobility is the Ndembu way of life, and their management of conflict reflects this larger tendency (see Turner 1957: Chapters 5–7). A similar pattern appears in the suburbs of modern America: The constant fluctuation of relationships in neighborhoods, associations, and workplaces often has nothing to do with grievances, yet avoidance increases this fluidity all the more (Baumgartner 1984b, 1988). In the marketplace, too, shopping for something better is both how business is conducted and how conflict is handled (see Hirschman 1970).

Discipline similarly mirrors subordination. Patriarchal families have more discipline than egalitarian families. Business organizations with strict hierarchies, such as banking firms, have more than decentralized and segmentary organizations, such as accounting firms and restaurant chains (Morrill 1986:Chapters 2, 4). Grade schools have more than universities. Where everyday life is dictated from above, so is the management of conflict.

Vengeance is an exchange. Its hallmark is balance: “an eye for an eye, a tooth for a tooth,” one life for another (called “negative reciprocation” by Warner 1958:162; compare Sahlins 1965:148–149). It is most developed where wealth, armed forces, and other resources are balanced as well. In herding societies, for example, various mechanisms, including bridewealth offerings and livestock raids, commonly equalize neighboring groups (see Sweet 1965). Negotiation arises where people are interlinked and continually bargain over their conditions of life as well as their conflicts. Settlement likewise reflects its social setting. A judge is to the parties in a case what a ruler is to the ruled. In many simpler societies, judge and ruler are one and the same: the chief. Settlement mirrors not only political hierarchies but also economic, religious, and domestic hierarchies.

Conflict management is not a unique genus of behavior, then, but recapitulates and intensifies its larger environment. It expresses and also
† dramatizes its social field in a pure and concentrated fashion. Modern courts of law thus elevate the judge and require exaggerated etiquette, and similar rituals frequently accompany blood vengeance, duels, discipline, the termination of relationships, and negotiations between tribes and nations. And because it resembles the whole of which it is a part, conflict management may diagnostically identify various locations in social space. Ultimately it may even reveal the elementary forms of social life.

ENDNOTES


This essay was originally presented in the Distinguished Scholar Lecture Series, School of Justice Studies, Arizona State University, Tempe, February 9, 1987. I thank the following people for commenting on an earlier draft: M. P. Baumgartner, Albert Bergesen, Albert K. Cohen, Mark Cooney, Kathleen Ferraro, John Griffiths, John Hepburn, John Herrmann, Allan V. Horwitz, Pat Lauderdale, Calvin Morrill, Michael Musheno, Annamarie Oliverio, Roberta Senechal, and James Tucker.

1. The present chapter could as well be called "The Elementary Forms of Social Control." For a discussion of this conceptual issue, see Black (1984b:5, note 7).

2. This typology was developed with M. P. Baumgartner and presented jointly in a talk entitled "Toward a Theory of Self-Help" at the Center for Criminal Justice, Harvard Law School, Cambridge, Massachusetts, February 19, 1982.

3. Related concepts of "field" are applied to this subject matter in Goody (1957), Collier (1973:253-255), and Moore (1973).

4. In physics, a field is a "region of influence" (Whitrow 1967:68).

5. Horowitz proposes that honor is more developed where men have little wealth and must achieve social status by violence and deference from others (1983:Chapter 5).

6. Ayers reports that honor was defended by all classes of the Old South (1984:Chapter 1) and suggests that it migrated to northern cities with blacks (1984:275).

7. A Kabyle legend tells of a particular tribe that sent blacks against an opponent in war. The opponent capitulated rather than dishonor itself by fighting such a lowly foe. The losers thereby preserved their honor while the winners lost theirs (Bourdieu 1966:200).

8. Cultural distance refers to differences in the content of culture, such as differences in religion, language, and aesthetics (see Black 1976:74).
9. This pattern is consistent with Durkheim’s (1893) theory that functional interdependence (the "division of labor") increases compensation ("restitutive sanctions") at the expense of punishment ("repressive sanctions").

10. In botany, a number of plants are regarded as an agglomerate if they are "crowded into a dense cluster, but not cohering" (Random House Dictionary, unabridged edition, 1967).

11. Baumgartner remarks that "there is considerable isomorphism between upward and downward social control — so much, in fact, that there appears to be a greater affinity between the two than between either of these and the forms of social control found among equals" (1984a:336).

12. Wilson defines parasitism as a kind of symbiosis “in which one partner benefits as the other suffers” (1971:389).

13. Slaves may be killed in non-punitive circumstances as well, such as to satisfy the grief of a bereaved master, to accompany the burial of a deceased master, or for ritual purposes (see Patterson 1982:191).

14. The same applies to women in patriarchal societies.

15. The incompatibility between discipline and intimacy may explain why military organizations discourage fraternizing between officers and enlisted men.

16. Patterson reports, however, that the treatment of slaves is not associated with ethnic differences (1982:179).

17. It is not entirely clear that rebellion is less frequent than discipline. Discipline and rebellion may tend toward a natural balance or equivalence (see Rieder 1984:142). Or rebellion may even be more frequent than discipline. Social inferiors sometimes covertly resist their superiors on a daily basis, such as by minimizing their labor, pillaging, and vandalizing property (see Baumgartner 1984a; Scott 1985:especially 265–273). And rebellion does not necessarily involve direct action against superiors but may also be self-directed, such as when a slave mutilates himself or commits suicide — technically speaking, a form of property destruction. On self-injury as “social control from below,” see Baumgartner (1984a:328–331).

18. Durkheim calls suicide of this kind “fatalistic” and explains it with “excessive regulation,” a condition found among “persons with futures pitilessly blocked and passions violently choked by oppressive discipline” (1897:276, note 25).

19. Durkheim calls suicide of this kind “fatalistic” and explains it with “excessive regulation,” a condition found among “persons with futures pitilessly blocked and passions violently choked by oppressive discipline” (1897:276, note 25).

20. Baumgartner distinguishes “confrontational” from “nonconfrontational” modes of social control and classifies avoidance as a form of the latter (1984b).

21. Gluckman calls the former “multiplex relationships” and contrasts them with “ephemeral relationships” that involve “single interests.” He proposes the number of shared activities as a predictor of how disputes will be handled, arguing that those in multiplex relationships are more likely to be handled in a conciliatory than an authoritative fashion (1967:20–21).

22. In biology, an aggregation is defined as “a group of organisms of the same or different species living closely together but less integrated than a society” (Random House Dictionary, unabridged edition, 1967).

The social context of avoidance also resembles the phenomenon known in physics as "Brownian motion": the constant and irregular movement of tiny particles observable in a liquid such as a glass of water.
23. One exception is Durkheim's "fatalistic" suicide, which apparently occurs under some of the same conditions as violent rebellion. See Note 17. Another exception would seem to be self-punishment by suicide (see Douglas 1967:302–304).

24. This need not mean that negotiation itself is increasing but could also indicate that private individuals are increasingly unwilling or otherwise unavailable to act as negotiators.

25. This diagram is adapted from Engel (1978:77), whose version does not vary the positions of A and B to signify differing levels of social status.

26. Programs providing legal services for the poor in societies such as modern America are presumably intended to remedy shortcomings of the marketplace in this respect.

27. Gossip is democratic, occurring in diverse locations in social space including those beneath the status level of the offending parties.

28. Where social superiority and intimacy occur together, third parties typically display a blend of warmth and repression, a pattern frequently seen when parents handle fighting between their children. This mixed form might be called paternalistic pacification.

Therapy is a mode of third-party intervention defined by the participants as help and not as a form of conflict management at all (see Black and Baumgartner 1983:109–111; see also Horwitz 1982).

29. But social inferiors might be required to participate. For example, Roman law held that "if an owner was killed, all the slaves within earshot at the time had to be interrogated under torture and killed" (Wiedemann 1981:169). In nineteenth-century Mexico, servants were legally required to give their lives to protect their masters. Failure to do so was punishable by death (Romanucci-Ross 1986:11–12).

30. By the same logic, we could test these models by showing that social fields with completely opposite characteristics have the least conflict management predicted by each (suggested by Michael Musheno).

31. Lasswell observes that punitive child-rearing practices seem to occur in societies with punitive governments (1964:xii).

32. It may therefore be difficult or impossible to transplant a mode of conflict management between socially different settings.

33. For example, Jewish parents traditionally obey a seven-day period of mourning (shivah) when they disown a child for marrying a gentile. The Banyoro of Uganda may handle conflict between fellow clan members by "cutting kinship" (obwiko), a formal separation initiated when the aggrieved party utters a formula such as the following: "From now on, you shall not come to my place nor shall I come to yours, and your children shall not come to my place nor shall mine come to yours" (Beattie 1971:212; punctuation edited).

34. Self-similarity is a basic organizing principle of nature, as when a branch resembles a tree or a leaf a branch. Self-similar structures, known as "fractals," are recognized in such fields as physics, chemistry, geology, and astronomy (see, e.g., Gleick 1987:81–118; La Brecque 1987).