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## Reflections on the Study of Informal Social Control

Robert M. Emerson

**I**N 1941, in an early attempt to free the concept of social control from the restrictions imposed by the model of formal legal codes and state-authorized legal institutions, Llewellyn and Hoebel analyzed the “law-ways” of the Cheyenne Indians as mechanisms for “cleaning up social messes” (20). Understanding how law-like processes arise and play out in both traditional and contemporary societies, Llewellyn and Hoebel argued, is best pursued by close analysis of “cases of trouble, dispute, breach, disturbance” (27).

Despite strong interest in social control generally, contemporary sociological and sociolegal scholarship devote little attention to the processes of informal, non-state control highlighted by Llewellyn and Hoebel. Nonetheless informal social control — the ways in which people deal with problems and disagreements with others, prior to and independently of the involvement of authoritative third parties — deserves close attention on a number of grounds. First, even societies with pervasive, state-powered legal institutions continue to generate local, bottom-up processes of control which do not, at least initially, directly involve centralized political authority or the actions of the state. Informal social

control is a central process in public place order, families and intimate relations, relations among neighbors, in informal social settings, and in the unofficial workings of a variety of institutions and organizations.

Second, in many instances it is the failure of informal social control that leads to the invocation of formal control measures. Many cases are taken to criminal and civil courts, for example, when one party comes to view as inadequate prior indigenous, informal efforts to deal with a problem (e.g., Merry 1979, 1990). And finally, beyond the analysis of social control per se, occasions of “trouble, dispute, breach, disturbance” are often deeply revealing of fundamental social concerns and processes that are indistinct or obscured under routine circumstances.

In recent years I have begun to examine processes of informal social control using concepts derived from the “micro-politics of trouble” framework originally developed with Sheldon L. Messinger (Emerson and Messinger 1977). In this work we proposed analyzing informal social control (we spoke of “informal reactions” to actions and actors who might eventually come to be identified as “deviant”) by examining the natural history of lay-defined “troubles.” As we outlined this approach (1977:121):

(A)ny social setting generates a number of evanescent, ambiguous difficulties that may ultimately be — but are not immediately — identified as “deviant.” In many instances what is first recognized is a vague sense of “something wrong” — some “problem” or “trouble.” Consideration of the natural history of such problems can provide a fruitful approach to processes of informal reaction

and to their relation to the reactions of official agencies of social control.

I am currently pursuing the study of informal reactions to “social messes” by collecting empirical materials on a variety of unofficial troubles — those involving strangers in public place encounters, college roommates, residents of a college co-operative, neighbors in apartment houses and residential neighborhoods, peers in workplace settings, and in families caring for a member with Alzheimer’s disease. In the comments which follow I want to offer some reflections on the distinctive qualities or features of informal control and to point toward some general principles for developing a sociology of trouble to analyze such control processes in these and similar informal settings.

Let me start with this general claim: We have not paid close attention to the distinctive features and processes of informal control because of a persistent tendency to conceive of such control in law-like terms. For even while emphasizing that no legal agents are involved, many approaches conceptualize informal control as fundamentally matters of *rule violation and punishment*. Consider Ellickson’s (1991) well-received study of how ranchers in Shasta County, California, settle problems involving cattle without invoking the law.

Ellickson conceives of a “system of social control” based on “rules of normatively appropriate human behavior. These rules are enforced through *sanctions*, the administration of which itself governed by rules” (1991:124). Sanctions include both rewards to encourage “prosocial

behavior” and punishments to discourage “antisocial behavior” (124–125). Informal control involves the enforcement not of formal rules but of “norms,” such as the Shasta County norm that “an owner of livestock is responsible for the conduct of his animals.” (130).

He notes that in contrast to laws, “norms are harder to verify because their enforcement is highly decentralized and no particular individuals have special authority to proclaim norms” (130). Such norms are enforced by local “social forces,” particularly by sanctions administered against another by one’s “friends, relatives, gossips, vigilantes, and other nonhierarchical third-party enforcers” (131, fn. 21).

This and similar conceptions of informal control are permeated by legal categories and assumptions. The basic framework — rules and sanctions — parallels and derives from governmental rules (laws) and punishments (“state enforcement”). The rules that are violated are not laws but informal “norms”, and enforcement is achieved not through state-imposed but unofficial punishments or “sanctions”. Thus informal control is characterized by many of the basic processes of legal control — identifying violations, judging and sanctioning those held responsible for such violations, etc. — although by means of unofficial mechanisms in the former case and state-authorized penal ones in the latter.

This norm-violation and enforcement/sanctioning imagery makes two key assumptions that neglect or obscure important features of ordinary processes of informal control, namely, (1) that informal control involves responses to norm-violating behavior, where the meaning of

behavior as norm-violating is pre-given and fixed; and (2) that informal control is primarily a matter of imposing sanctions, typically punishments, on norm-violators or offenders. I will consider each of these assumptions in turn.

(1) By conceptualizing informal control as lay responses to normative offenses or violations, theories neglect entirely how matters come to be identified as violations or offenses in the first place. Goffman (1961:133), for example, argues that involuntary mental hospitalization occurs with complaints involving “offenses against some arrangement for face-to-face living,” but does not address how such problems come to be recognized or how they develop over time; e.g., how complaining parties come to identify another’s actions as problematic and eventually as distinctive “offenses.”

Similarly, Black (1984:1) defines informal control as “any process by which people define or respond to deviant behavior” without invoking governmental authority, but does not examine the processes by which people actually identify behavior as “normatively undesirable” in one fashion or another. And Ellickson (1991:124) identifies social control as the enforcement through sanctions of “rules of normatively appropriate human behavior,” but assumes consensus concerning just what such rules or norms are and when they have been violated, thus ignoring how these judgments are actually made in specific instances.

These and other approaches,<sup>1</sup> then, assume that matters have already been more or less firmly shaped up as offenses or violations, ignoring the critical interpretive work through which people

invoke particular norms and frame particular events as certain kinds of “violations” — for example, as deliberately, intentionally motivated acts of wrongdoing rather than as acts produced by ignorance or accident.

It is important for analyses of informal control to examine how people over time come to experience and identify various sorts of everyday problems, discontents, and troubles, without assuming that these matters are inevitably understood as normative offenses right from the start. One would want to analyze the initial interpretations or understandings of problems that are made subject to efforts at informal control, and to trace out the kinds of changes and redefinitions that constitute the natural history of such control efforts. Such an approach recognizes that informal control need not necessarily arise in response to clear-cut, specific “norm violations”; as illustrated in “Conflict and Deviance in Roommate Relations,” there is often *a pre-history to attributions of normative violation or offense* that analyses of informal control need to recognize and examine. The key issues become how some behavior becomes identified as problematic, in what particular ways, and when and how particular norms are invoked to understand and define such behavior.

(2) The emphasis on negative sanctions or punishment in informal control is overstated, for many instances of such control do not involve efforts to punish, harm or deprive the other. Particularly in enduring relationships, such control is often directed at *correcting or remedying* situations or behavior which irritate or upset, at creating or restoring some kind of order. The

concept of remedies reframes the character of informal control as a practical matter of “dealing with” or “doing something about” discontents or troubles, not simply or primarily a moralistically-driven process of dispensing “sanctions.”

The goal is not to penalize the other, but to get that person to change his or her ways in desired directions; and while authority and coercion can be turned to in the attempt to get another person to change their behavior, these mechanisms often have limited effectiveness in most informal relationships (Goffman 1971b). For, given any limits in authority or coercive power, change in informal relationships and settings requires some degree of cooperation or participation from the other, as “control that is initiated outside the offender will not be very effective unless it can in some degree awaken corrective action from within” (Goffman 1971b:347). Punishments, then, are not usually effective devices for encouraging cooperation, and troubled parties generally rely upon negotiations, exchanges, inducements, rational appeals, and pleas for loyalty or solidarity to try to obtain cooperation in stopping or changing another’s problematic behavior.

In sum, the assumptions of initial norm violation and sanctioning derive from a legal model of informal control, and distort and misrepresent the beginnings and subsequent development of many instances of informal control. In particular, these assumptions cast informal control as a distinctly *moralistic* enterprise, rendering it fundamentally a process of identifying and punishing norm violators or wrongdoers. Recognition that much informal control involves efforts at correcting or remedying troubled situations

suggests that deeply moral concerns are not identical with informal control, but arise only in some situations under some circumstances. Other qualities characterize informal control on other occasions.

Here we may suggest, first, that remedies are more commonly pragmatic rather than moralistic acts. The dominant concern is not to condemn or punish the other as a wrongdoer, but to eliminate or stop the problem or situation that gives rise to the discontent. In this sense remedies are practical actions intended to stop or change some immediate local problem, to help work out or settle some trouble in one fashion or another. Second, remedies are distinctively prospective rather than retrospective in character, oriented more toward what is anticipated may happen in the future than toward what has happened in the past. The issue is to prevent reoccurrences of problems. The goal is to alert the other to one's discontent with the expectation that having done so the other will not behave in that way in the future.

And finally, remedies often involve highly idiosyncratic, situationally-specific "solutions" to some concrete problem. Such solutions may disattend possible judgments of wrongdoing, fault or blame, simply implementing actions to avoid, work around, work out or settle the trouble in one way or another. Thus there is little or no concern with the precedent-setting

implications of any particular remedy or with "treating like cases alike." As a result remedial actions frequently reveal the "rough, ready, and changing form" that Goffman (1971a:95-96) cites as characteristic of informal, face-to-face interactional processes of control.

Finally, it is important to note that a focus on everyday troubles and practical efforts to remedy them re-centers the analysis of informal control toward routine, mundane interactions and relational exchanges. I see such a focus on "little problems" as a useful corrective to the attractions provided by looking primarily at extreme, dramatic and/or striking actions involving processes of informal control, notably feud and vengeance, violence generally, and other sorts of major offenses (see Black 1984).

Major offenses, particularly those involving violence, are obviously a critical area of research with great import for the study of informal control. But many of these "serious" infractions start out as minor relational or interactional troubles; while some may quickly and dramatically escalate to produce serious, long-lasting consequences, others move in this direction only gradually and uncertainly, as initial remedial efforts fail, troubles persist, and ill-will slowly builds.

And more significantly, most minor troubles are ultimately either resolved or accommodated to, never reaching the level of "serious matters" in the first place.

## ★ Endnote

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1 Similar tendencies mark the sociolegal dispute transformation model, which directly addresses processes of informal control by focusing on how interpersonal disputes arise and evolve. This model assumes that the initial

occurrence of an "injurious experience" (Felstiner et al., 1980–1981), then examines whether or not its recipient comes to perceive it as such, attribute blame, and advance a claim based on it (Emerson 1992).

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