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## Structural Communication and Control Communication: An Interactionist Perspective on Legal and Customary Procedures for Conflict Management

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*Law and other modes of conflict control are defined processually by the interaction of control communication and structural communication. Communication produces social order through both substantive and formal ordering processes, and control communication systems of various kinds impose forms of order congruent with their own inherent formal and substantive natures upon the structural communication subject to their operations.*

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IF THE BROAD PROBLEM IN POLITICAL ANTHROPOLOGY IS TO UNDERSTAND the origin and variety of inequality in human society, that in legal anthropology is to understand the maintenance of inequality. One field is concerned with the what and the why of social order, the other is concerned with the how. Although the legal anthropologist finds it necessary to place practical limits on the scope of his or her research (Epstein 1974), the theoretical development of the subfield depends on the consideration of certain basic problems. One of the most fundamental of these is identifying the "societal DNA" (Parsons 1968:380) that ensures the replication of a pattern of order from one moment to the next in the social process. Parsons has suggested that the key to this basic problem lies in the conceptualization of the more powerful dimensions of normative culture, such as economics and politics, as systems of communication, and anthropologists—especially Bateson (e.g., 1972) and those influenced by his work—have explored the roles of communication patterns and sequences in producing predictable forms of social behavior. The ordering impact of communication processes is especially critical in law and social control.

Analysis of legal and customary procedures for conflict management in terms of control communication and structural communication affords a focus on the dynamics of the social conflict situation, whether at the interpersonal or macro level. This kind of analytical stance allows legal anthropology to explore in some depth the problem of fit or appropriateness between particular forms of conflict control and specific social settings. Both the form of the proceeding and its substantive categories must be taken into account if one is to understand how justice, as defined by the situation, is served, and why a neutral or universal procedure is not possible. Foucault's argument against the utility of the people's court as an instrument of popular justice after a revolution reinforces this point. He contends that reconstituting a form such as a court, despite the most radical changes in personnel, perpetuates the old order both through ideology and through the relationships imposed on participants in their courtroom interactions (Foucault 1980). Explicit conflict management institutions such as courts, therefore, exert a powerful and predetermined

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ordering influence on relations among societal elements—even among whole strata or classes—no matter who is on the bench and who in the dock. The study of communication about conflict, as it is related to structural communication, can provide insight into the basic question of how such an influence takes effect. On the basis of the discussion presented in this paper, I put forward the suggestion that control communication replicates its own patterns of form and substance in the social processes to which it is applied.

### Rule, Power, and Communication in Legal Theory

Communication affords a useful approach to two problems that have hindered theoretical development in the study of law: overcoming the bias of legal exclusivism (Hunt 1978; Greenhouse 1982) and establishing a satisfactory account of the causal relationship between law and other social behavior (Moore 1978).

Legal exclusivism is the tendency to see law as uniquely central among social phenomena; such a stance obviously distorts the application of general cultural or sociological explanations to the workings of legal processes. A break with this position is potentially provided by sociological jurisprudence (e.g., Pound 1942), in which law is conceptualized as one example among many in a broad category of social control mechanisms. But Hunt (1976) argues that this way of conceptualizing law has never realized its potential for countering legal exclusivism in either jurisprudence or legal sociology. This survival of exclusivism may derive from—and partly determine—the practice in legal sociology of concentrating empirical studies on distinctly legal topics, so that the resulting literature is a mass of data and limited generalizations about the behavior of lawyers, jurors, and judges, and about the workings of institutions such as courts, police departments, and prisons (see Abel 1980). As Kelsen (1941) points out, this kind of emphasis bears on legal efficacy, which, when considered a precondition of legal validity, reunites sociology with analytical jurisprudence. And analytical jurisprudence (e.g., Hart 1961) provides a prime example of law seeking an explanation of itself within its own boundaries.

Legal anthropology, by contrast, has the advantage of having expended a major part of its empirical efforts on social groups that lack highly specialized legal institutions and roles. While some of the most influential legal anthropologists have argued that informal mechanisms of social control—such as those observed among the Eskimo, for example—actually represent a form of law (e.g., Pospisil 1971; Hoebel 1954), such assertions merely provide more evidence of the pervasiveness of legal exclusivism. In this case, exclusivism is taken to the extreme of turning the conceptualization of law as social control on its head and defining virtually all social control as law, a position that seems to function mainly as a counter to denigrating characterizations that might be offered of tribal societies as “without law.” Such positions have not restricted the scope of anthropological investigation in small-scale societies because the institutions that have been identified as legal have generally been functionally integrated into the total social processes of the groups. The confusion arises, as Moore (1978) notes, when anthropologists study their own societies and begin to use the term “law” in unconventional and unconvincing ways. Such usage at the least reinforces the tendency to see law and legal institutions as the central, paradigmatic form of the phenomena under study, and from the perspective of trying to understand law as a sociocultural process, this presupposition begs the question.

Moore avoids this result in suggesting the study of “regularization” processes as the basic strategy for understanding the social construction of order. Such processes “include all the ways in which conscious efforts are made to build and/or reproduce durable social and symbolic orders” (Moore 1978:6). From this broadly formulated statement of the object to be investigated, there are a number of paths that the analyst might take, and each direction suggests its own answer to the second major problem in theory building, that of how law and other regularization processes cause changes in other forms of social behavior.

Restatement of the issue in terms of relementation, which includes “all those attempts to organize and control behavior through the use of explicit rules” (Moore 1978:2), re-

tains the analytic centrality of the sanction-backed rule and leads toward power as the explanation of how rules shape behavior. Power theories of law (e.g., Austin 1954; Kelsen 1945; Hart 1961), whether phrased in terms of rules or, as among rule-skeptical realists (e.g., Llewellyn 1931; Pospisil 1971), authoritative decisions, see social order as the outcome on the societal level of individual decisions to conform. Individuals base such decisions on the desire to avoid negative sanctions and, to the extent that the rules embody the individual's own values, the internal pressure of conscience.

Individuals are not only influenced by rules, they also use them to influence others. Recent work by anthropologists concerning the relationship between rules and order has shown that an important dimension of the problem is best understood by considering the way rules are invoked in conflict discourse (Greenhouse 1982; Bilmes 1976). The insights provided by this approach and by work concerning the language (Frake 1969; Comaroff and Roberts 1977; O'Barr 1982) and the larger patterns of communication (Gulliver 1979; Arno 1980) involved in particular kinds of conflict management suggest that a communication-centered formulation of the general problem of understanding regularization processes would be fruitful.

I argue that the study of communication about conflict represents a perspective that complements and expands the scope of rule-centered analyses. A communication theory deals with the problem of legal exclusivism in a relatively elegant way. From this point of view, the essential theoretical connection between an Eskimo song contest, for example, and a federal court hearing in which Native Americans are pursuing litigation is not that they both involve "law," or that they both produce authoritative decisions binding on the immediate participants and others in the same social categories—both assertions that involve some conceptual strain—but that they are both institutionalized ways of communicating about conflict.

Looking at law as conflict discourse does not deny that law is also a form of coercive order based on rules or decisions, and it does not discount the importance of power in its workings. Power may well define certain limits of conflict discourse (Moore 1985), but a communication-centered statement of the problem concentrates on the impact of the process itself and points toward aspects of the causal relationship between regularization processes and other social behavior that power theories neglect. One difference concerns the boundaries of intentionality involved. Reglementation concentrates on explicit attempts to use rules, but in the study of institutionalized forms of communication about conflict the object of investigation is the exchange of messages concerning existing or potential disorder, which may or may not involve the intentional use of rules. By adopting an interactionist stance, the communication approach does not posit individual intention as the atom of social ordering, as the rule/power theories do, and can better focus on effects of regularization processes within and among social units larger than the individual.

### Structural and Control Communication

To account for causation and delineate a model of the social ordering process it is necessary to depict both elements of the equation—regularization and the behavior it shapes—in common terms. Power theories, cast in terms of rules backed by sanctions, imply a vision of society as an intricate network of power relationships operating in overlapping spheres, from the interpersonal dyad to the family, group, and nation (Pospisil 1971) or even a world system (McDougal 1980:161–162). A communication theory, by contrast, must portray social organization as well as regularization processes in terms of meaning and message exchange. In describing social ordering from this perspective, I propose using the terms "control communication" and "structural communication."

By structural communication, I mean the broadly defined message aspect, of structural significance to participants, of direct social experience. Social actors read, in their interactions with one another, a statement of their relative structural positions. If they act like patron and client, or like competitors—as determined by reference to behavior normally

associated with relationship categories recognized within the group—their actions convey to one another and to the observer/analyst that they have such a relationship. This is structural communication, and as such it carries messages simultaneously on two levels. It says that the actors involved are competitors, for example, and at the same time, as part of the gradually accumulating body of observed historical fact within group experience, it says "this is how competitors act," or "this is what we *mean* by 'competitor.'" The interaction is defined by group expectations, and having been categorized it becomes part of its own definition, displaying a definitional circularity between immediate experience and history, case and precedent, that lies at the heart of implicit social ordering.

But social actors do not always accept one another's actions without question as appropriate, and when they explicitly invoke relationship categories in explaining actions or debating the propriety of an act, they are engaged in control communication. It is this mode of communication that links the various forms of conflict management, from the Eskimo song contest to the Kpelle moot or U.S. district court, that anthropologists study. Each instance involves, in its essence, discussion of the appropriateness of given behavior in light of relationship categories that characterize the social structure of the group.

Aside from explicit, institutionalized forms of communication about conflict, such as the court or moot, there are prevalent and subtle control communication modalities in the everyday life of every society, and they are perhaps uniquely amenable to anthropological perspectives and methods of investigation. Whenever accounts of problematic behavior are given, control communication takes place. The category includes the witness's account of an event in a court trial. News stories in the mass media constitute control communication also, as do scientific theories and political ideologies, because they are invoked to make sense of social conflict situations. Control communication is prevalent in private conversation as well as in public fora; discussion, evaluation, and gossip about social events take place in families and intimate groups and communication networks of all kinds.

Formal and informal modes of control communication are often strongly interconnected. In the United States, for example, the news media are interrelated with private discussion, and both influence public opinion and affect political, legislative, and judicial institutions. Scientific discourse about social behavior and conflict becomes intertwined with legal discourse when judges rely on psychiatric testimony in criminal proceedings or when they cite psychological analyses of the impact of segregation on school children, for example, in applying constitutional law.

In explaining how control communication in its various forms causes changes in social structure, I would first equate social structure and structural communication. Social structure can be conceptualized as an evolving constellation of relationships that are interlinked more or less densely and are either more or less coherent depending on the nature of the society. The link between relationship and communication is asserted in Bateson's proposition that "the relationship *is* the exchange of . . . messages." While the psychologist may say that formal abstractions such as "dependency," "hostility," or "love" are expressed by messages, Bateson (1972:275) argues, "[t]his is epistemology backwards: in truth, the messages constitute the relationship, and words like 'dependency' are verbally coded descriptions of patterns immanent in the combination of exchanged messages." Obviously, the argument applies as well to words like "power," "control," or "influence" used by social order theorists of the rule/power persuasion (e.g., Lasswell and Kaplan 1950) to characterize interpersonal relationships.

Although Bateson, in the quoted argument, is referring to relationships between persons in the context of explaining a psychological theory—that of the "double bind"—his conceptualization effectively depsychologizes the problem by focusing on patterns of message exchange rather than internal rational or emotional states. In dealing with the problem of social order, this interactionist perspective is especially useful because it applies not only to individuals but equally to other social entities, such as corporate groups, that do not have internal emotional or rational states but that are fully capable, through their

organizational functioning, of generating, transmitting, receiving, and acting on messages.

Although Bateson's conceptualization of social relationships can be interpreted as avoiding psychology, it has in some cases collided with biology. A widely discussed version of the double bind theory linked family communication patterns causally with a pathological type of communication behavior, schizophrenia, in certain individuals. Bateson objected that this reading was a too literal interpretation of his ideas (Lipset 1980:295), and arguably this application of the double bind idea has foundered in empirical tests (Jackson and Barton 1978). The reason may be that although schizophrenia may *be* a communication phenomenon, it does not follow that it is caused by communication. On the contrary, a body of medical opinion holds that the behavior in question is the result of organic malfunctioning. This biological line of explanation does not deny the possibility that normal communication behavior can fruitfully be considered as "caused" by prior communication input. In many instances the facilitating biological substratum of communication behavior can be taken as a given.

In the construction of a communication theory of social ordering, the lesson to be drawn from the failure of double bind theory in psychiatric therapy is that relationships—as patterns of message exchange—that are strongly determined by biological variables cannot be accounted for in exclusively communication terms. The examples that Bateson cites as psychological fictions—"love" and "hostility"—are problematic for the control/structural communication paradigm, but there are large classes of relationships, vital to social ordering and to the explanation of differences in forms of order from one society to the other, that have a dominantly cultural, nonbiological character. The relationship between landlord and tenant, for example, while linked to vital physical needs of the parties—shelter on the one hand and perhaps food or other necessities that money can buy on the other—is not determined by genetically programmed behavior to the extent that relations between lovers or enemies may be. The landlord and the tenant as individuals may *be* lovers or enemies, but that psychological relationship is not inherent in their respective connections with real property. Very often, in fact, neither the landlord nor the tenant is an individual. An insurance company or a government agency might be either in a given situation.

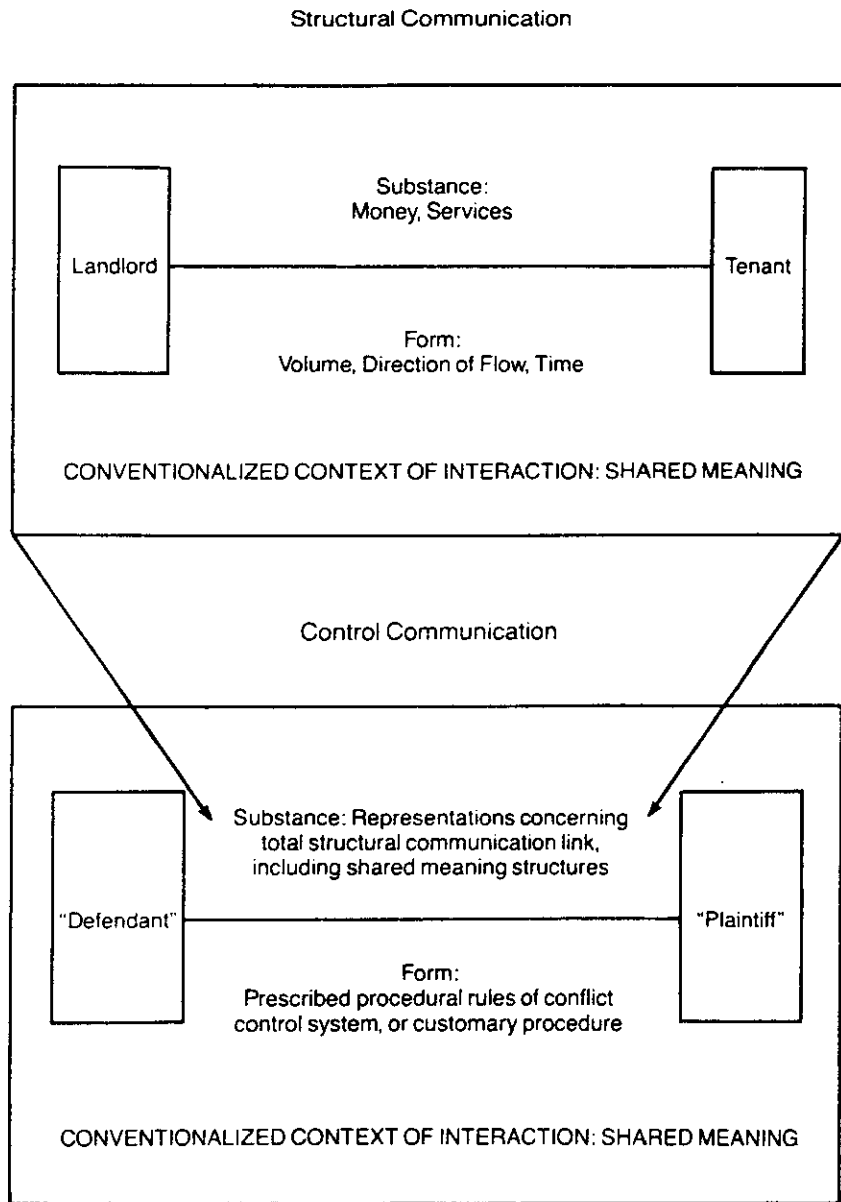
### Substantive and Formal Ordering

Communication episodes, as message exchange or transmission, have formal and substantive dimensions. Substantive or referential values have to do with the topics or explicit meanings of the messages, while formal characteristics, such as symmetry, direction, volume, and style, define the way the interaction is accomplished. Each dimension is the basis of an ordering process that imposes itself as the communication episode unfolds.

The landlord and tenant relationship, as a pattern emergent in social interaction, is defined substantively by flows of money and services related to the use of real estate. Each payment and each provision of services, with a given volume, frequency, and direction, constitutes structural communication, but only insofar as it takes place within a shared structure of meaning. For example, to be a message, constitutive of the relationship in question, the money transferred must be defined as "rent." In the everyday course of structural communication, the terms of exchange—substantive and formal aspects and the meanings attached to them—are not openly in question.

When such questions do arise, the parties may resort to control communication, which by definition takes the entire structural communication link as its substantive component. In Figure 1, conflict between the landlord and tenant, now shown as "plaintiff" and "defendant" to emphasize that their structural positions are defined by the pertinent communication link, has led them to discuss their relationship through modalities afforded by a legal or customary institution of control communication.

The control communication link has its own conceptual context of interaction or



**Figure I**  
**Relationship of control to structural communication.**

shared meaning structures, and its use imposes its categories on the problem in question. The parties may have had their own private understandings and intentions with regard to the relationship, but institutionalized control communication presses the relationship into a preexisting mold. In effect, the use of control communication has the capacity to redefine the experience of the parties, both in terms of historical understanding and future conduct of their structural relationship. By bringing the problematic relationship within its own terms of reference, control communication has brought about substantive ordering, and that is precisely its overt function.

Formal ordering processes are less clear-cut and well recognized, but just as the substantive aspect of control communication interacts with and brings about changes in structural communication linkages, the formal, procedural aspects also have an influence. Persons who use legal means, for example, to control conflict in their relationship must interact within the formal framework of legal communication, and the new forms of social order that evolve from the interaction—the “peaceful” relationships that are the output of the control process—may themselves partake of the formal characteristics of the control process. The most prominent role relationships in the American legal system are adversarial—one party versus the other—and authoritative—the decision maker over the other participants. Elaborations of American social structure that come about through the legal process are likely to incorporate elements of such formal characteristics.

Traditionally, the Anglo-American legal tradition has either denied its services or has been largely rejected by community members as an ordering agent in those aspects of social life that are not well served by adversarial relationships. In such areas as domestic life (except in the case of divorce) and in the normal workings of industry and business (again except in cases of breakdown) social ordering has been left to customary processes. A careful study of the ways that Americans communicate informally about conflict might reveal forms of procedure that afford more flexibility in the kinds of relationships that they are capable of establishing than is the case with legal procedure.

An example is provided by a case that was part of an ethnographic study of communication patterns in Honolulu families carried out by the East-West Communication Institute (Graham 1979). For the first 10 or 12 years after the family's establishment by the marriage of “Ethel” and “Jim,” the dominant pattern of the evolving system of communication among the spouses and their children was hierarchical. Authoritative statements on virtually all matters of family concern, even including the selection and preparation of food and the choice of clothing for all family members issued from Jim. According to her statements, Ethel enjoyed her subordinate role in the beginning, interpreting it as extraordinarily protected, but she eventually became dissatisfied and wanted a stronger voice in family affairs. One stimulus for the change in her attitude derived from Ethel's experience as a part-time college student during the latter years of the marriage. In class discussions and on exams, she said, the professors “wanted to know what I had to say—not my husband's opinion.”

After reading a popular psychological book on family conflict management, Ethel proposed a weekly family council as a forum for resolving conflicts and making decisions. The council was instituted, and it was run “according to the book,” which involved a dramatic reversal of the family's normal communication patterns. During the meetings all participants, husband, wife, and children of various ages, were to “speak as equals.” Although the council meetings continued every week for several years, Ethel said she knew from the beginning that it would not really work—that is, it would not democratize the family process in everyday routine—because after the first long discussion of telephone use, a sore point in parent-child relations, Jim announced that “as long as I pay the bills, we will do it my way.”

In terms of structural and control communication processes, an attempt was being made by Ethel to alter the formal characteristics of the family's structural communication patterns. Ethel wanted to transform an asymmetrical system, dominated by Jim, to a symmetrical, potentially adversarial system that allowed the formerly subordinate members a greater voice. To do this, she seized upon a control communication process that exhibited in its own procedural rules the pattern that she hoped to bring about in everyday interactions. The implicit assumptions, I would argue, are that conflict situations represent opportunities for introducing changes in ongoing relationship patterns, and that conflict management processes produce forms of order that replicate their own procedural patterns. Ethel viewed the family council experiment as a failure, and at the time of the interviews a divorce decree had been final between Jim and Ethel for six months. The two, and their children, however, were still bound by complex, strong ties of affec-

tion, obligation, and mutual interest. In a sense, symmetrical communication had finally been achieved between Ethel and Jim because Ethel, finding it painful to endure Jim's cryptic references to his new social life, had initiated a pattern of mutual avoidance, with communication between them mediated in both directions by the children.

In stable, long-established social situations, the normal means of conflict management or social control will exhibit a formal congruency with the relationships on which it operates. It follows that when a radically different form of conflict management or social control is introduced—as for example when a nonindigenous national legal system is imposed in a traditional village setting—the procedure may simply “not work,” it may be altered in practical application so that it begins to conform to the existing patterns of structural communication, or it may bring about a profound restructuring of everyday relationships.

The social restructuring possibilities presented by a formal discontinuity between a conflict management mode and the interparty relationships submitted to it represent a valuable resource in changing societies. In the United States, and in other countries with nationwide legal systems, going to court does not replace customary forms of conflict management. Instead it offers an option that may be selected by litigants who will not be satisfied with minor or superficial adjustments in their relationships.

The effect of the adversarial roles provided for the parties to a case in adjudication is to impose symmetrical communication on them, even though their out-of-court relationship may be highly asymmetrical. The contrast between the formal aspects of structural and control communication thereby introduced makes it possible that the relationship between the parties that is the outcome of the control process may be different from their preexisting one. Certain other characteristics of the process limit the outcome, however. The end product is not a compromise; one party loses and the other wins. The binding nature of the judgment, with the sanction of the state behind it, makes the consent of the losing party irrelevant. As a result, although the polarity of an existing asymmetry may be reversed, or the preexisting symmetrical relationship may be changed to an asymmetrical one, there is little possibility that a symmetrical relationship, other than an adversarial one, may be established as a result of the workings of an adjudicatory process.

### Interactions at the Macro Level

Moore (1978:20) has posed the question of how social order is established and maintained among interacting but politically autonomous corporate groups, given that there is no overarching legislative structure. A conceptual framework for discussing relationships among corporate units is essential in understanding social change at the societal level, and Moore's interactive, processual approach is a stimulating one. Along these lines, I would argue that the study of communication about conflict provides a uniquely accessible avenue to the understanding of social change. The process of communication, having an inherent generative capacity, provides a conceptual idiom suited to the exploration of innovation, while conflict is an indicator of actual or potential flux in social relationships. The possibility of moving beyond existing work in phenomenological sociology and anthropology in order to deal with the important dimensions of social life that set limits on the individual and that are beyond the scope of the social creativity of the individual depends on using larger-scale social entities as units of analysis.

The examples I have discussed using the framework of structural and control communication processes, however, lend themselves to interpretation at the individual level. The parties to a lawsuit, for example, are only too easily identified as concrete individuals engaged in communication about some issue of conflict between themselves. This kind of conceptualization brings to mind questions relevant to studies of individual psychology, such as A's real motives for bringing the action, and B's personal understanding of the issues. From a structural point of view, however, such considerations, unless they can be shown to be systematic, are not pertinent.

A and B, from the structural perspective, are positions linked by a relationship to one another and imbedded in a complex network of other relationships. The difficulty is not so much with this conception, however, as with the idea of communication among abstract social entities. The problem becomes more acute as analyses progress from interpersonal conflict to that among governments, communities, or other segments of societies. How can one speak of communication—the transmission of symbolically encoded messages within an agreed conceptual framework—apart from the individual mind and understanding?

Perhaps the keys to the difficulties are the symbolic interactionist concept of the person as a product of social interaction, which leads away from the psychological focus on the individual as an autonomous unit, and the Saussurean distinction between the individual's act of speaking on the one hand and language as a symbolic system on the other. Language in this latter sense is the property of a community, not of any individual speaker.

From the group perspective, then, meaning—the essential element of communication that orders the conceptual context of interaction and permits the flow of messages—cannot be described by individual understanding, but instead by the understanding shared among the larger or smaller category of individuals relevant to the exchange. The generation and articulation of messages too are not attributable to autonomous individuals but to a process of social interaction that is definitive of the social entity involved.

Social entities beyond the individual that are engaged in conflict management through communication within a control system are relatively easy to identify and analyze when they exhibit hierarchical internal organization. The political organization of a group or community may be seen as a mechanism for centralizing the message articulation function of the entity. The process of message generation is dependent on internal systems of information control and theories of legitimacy held within the group. Forms of organization that provide spokespersons for more effective participation in control communication processes may have a continuing existence or they may be formed ad hoc as the conflict situation demands. One of the ways that a control communication system, whether law or a pattern of media use, influences the direction of social change is by imposing certain forms of message generation and articulation on social entities engaged in the conflict process.

A number of contemporary political and social conflicts may, on investigation, illustrate the impact of the formal, procedural dimensions of conflict management mechanisms on structural communication patterns within and among larger scale social entities. For example, American Indian communities in several states (Medcalf 1978) along with native Hawaiians are using the courts and political lobbying to win important concessions from the federal government with regard to land rights and reparations. The impact on such communities, however, must go beyond the substantive issues involved. The very fact of organizing themselves to pursue and win legal and political contests of this kind may have a more profound effect in pushing the communities toward a "mainstream" mold than any specific legislation that might have been devised to require it. In the United States, conflict issues, once defined, draw nonconforming social entities into a system of political intercourse the structure of which requires participants to become relatively similar in their internal political organizations. When groups are quite dissimilar to begin with, the interactive processes that Bateson identified as leading to symmetrical differentiation or schismogenesis may actually draw them closer together. Adversarial political and legal processes encourage confrontation and mutual antagonism among participants, but they also prescribe clear limits to escalation, so that the ultimate breakdown of the system that Bateson's scenario predicts is avoided. In order to play the game effectively, privatized, "mechanical" groups that stress the autonomy of individual units, for example, must evolve systems for the generation, validation, and articulation of univocal conflict messages, and in doing so they jeopardize their original internal patterns of political organization or structural communication.

Although courts have played an important role in civil rights conflict, other, less clear-cut and more fluid modes of conflict management have had an even more significant impact. The moral dimension, indicated by the conspicuous role of fundamentalist Christian institutions and concepts associated with the movement, has been particularly telling, and it has characteristically found expression in speeches and demonstrations covered by the mass media. The media, in fact, can be seen to be central actors in an encompassing conflict management institution that plays a primary role in virtually all community and national political conflict in U.S. society. This institution is not well understood and lacks a charter or set of explicit rules. It is the aspect of the general political process dominated by public opinion and might be called media politics.

I argue that media organizations—newspapers and television news units—often act as third parties in a somewhat amorphous conflict management process that is best understood from a communication perspective (Arno 1984a). Its very essence is the exchange of conflict-related messages among groups, and the formal nature of the exchange is determined by media practice. A media organization is not a third party in the usual sense—it is not a mediator or an adjudicator, for example—but it may be described in Simmel's (1950:154) phrase as a *tertius gaudens*, a third who rejoices when two others fight. U.S. journalism explains its own conflict role in terms of "fourth estate" ideology, according to which news media are guardians of the public interest, watchdogs against the excesses of the courts, administration, and legislature, not to mention the private sector. Simmel's formalist appraisal of the structural forces involved, however, seems to provide a more profound account of the behavior in question. A *tertius gaudens* derives its power from maintaining a three-cornered structure in conflict situations, and it cannot afford to ally itself permanently with any party. Accordingly, the mass media often take an "objective" stance, presenting the arguments of others without endorsement and searching out divergent opinions in order to emphasize sharp contrasts. In this latter regard, it is well to keep in mind that the news media are storytellers as well, and as such they are interested in the dramatic qualities of their presentations.

Because of the roles they play vis-à-vis the parties and the audience in conflict situations, the mass news media in the United States present issues in terms of simplified, sharply contrasting positions. Spokespersons, who may be quoted or interviewed, are needed to demonstrate that the parties are speaking for themselves while the news media maintain their distance from either side and provide an open forum. In order to enhance the dramatic quality of the presentation, opposing spokespersons who are selected tend to have distinct personal qualities and contrast with one another in age, sex, appearance, or manner when a choice is possible (Henry 1981). Individuals become symbols for particular positions in conflict situations, and abstract issues are portrayed metaphorically, through the exploration of individual personalities, simultaneously with the literal exposition of the story. The stories themselves, given the necessity for rapid assimilation by the audience, tend to fit into patterns or storylines that have been relatively unself-consciously established through custom or precedent as part of the common ground of understanding among writers, editors, and audience (Arno 1984b).

The specific impact of mass-mediated conflict management derives, in terms of control communication analysis, from the patterns it imposes on conflict related message exchange. Characteristics of the news media's treatment of conflict, which I have attempted to sketch here in a very preliminary way, represent a potentially important field of investigation for legal anthropology as it explores holistically the social context of the more explicit forms of regulation, such as law in U.S. society. Court rulings and particular pieces of legislation are of central importance in the civil rights movement, for example, but an understanding of their genesis and impact must take television and newspaper coverage into account.

A cursory look at a particular instance in which the news media participated in an episode of conflict related to the overall civil rights movement can provide illustrations of some of the ways that the formal characteristics of this conflict management modality

can influence the parties and the nature of their evolving relationship as it is shaped by the conflict process.

Rioting broke out in Miami, Florida, in May 1980, a few hours after the news media reported the acquittal by an all-White Tampa jury of four Miami police officers who had been charged with beating to death, a year earlier, a Black Miami insurance executive arrested for a traffic violation. In the course of the riots, over three days, widespread arson and looting took place and 15 people were killed. The event was covered extensively in newspapers and in radio and television news broadcasts locally and nationwide. For purposes of the present illustration, I refer only to national newspaper coverage, as represented by stories in the *New York Times*. Similar lines of inquiry and argument could be pursued with reference to national television coverage and the local media.

In broad terms, the news media treat events such as the 1980 Miami riots as messages within a macro framework of social conflict discourse. Stories about the riots in the *New York Times* not only tell what happened—the number and circumstances of fires, killings, arrests, and so on—but also address the question of what the riots mean. They treat the events, in terms of my analysis in this essay, as control communication statements. From such a perspective, the pertinent questions go beyond the classic “5 Ws and H” of journalism: who, what, where, when, why, and how (Yu 1981). In addition, the news story identifies the author of the message, the intended recipient, the frame of reference within which the message is to be interpreted, and the meaning of the news event as a message. To articulate the substantive meaning of a control communication message is to identify the elements within the day to day flow of structural communication that are being referred to as well as to characterize the nature of the comment. Reporters and editors may not think of their stories in these terms, but they do refer to a reporter's role in interpreting and explaining events in relation to the general background of current trends and affairs (Hohenberg 1969).

The front page of the *New York Times* on May 19, 1980, carried two stories about the Miami riots. One story (Crewdson 1980a) was largely a factual account of the events, but it did connect the riots with the acquittal of the police officers, and by saying that the disturbance developed “as news of the acquittals spread through black neighborhoods,” it implicitly identified the Black community as the principal actor, instead of focusing attention on the rioters as individuals. Explicit “answers” to the riot-as-message were presented as well. By printing statements from the governor of the state and the head of the federal Justice Department's Community Relations Service, the story established state and federal governments as the other parties to the conflict.

The second front-page story on May 19 (Montgomery 1980a) interpreted the meaning of the riots more explicitly. Introducing the familiar theme of community leaders as spokespersons, the story stated: “black leaders here said today that they could see violence coming for months.” Instead of quoting Black community leaders, however, the author of the news story presented an interpretation of the riot's meaning by a professor at Florida International University who had studied Miami's Black community. On the following day, a story signed by the professor (Dunn 1980) elaborated on his explanation. A similar but more detailed story by another author ran on May 23 (Kershaw 1980). The gist of the stories was that the riots resulted from outrage over a series of police brutality cases that had been handled in a way that suggested anti-Black, pro-police bias by the local authorities, the suspicion of prejudice in the convictions of Black officials on corruption charges, and discontent with the Black community's economic position which had been damaged by a massive wave of immigration from Cuba to the Miami area.

Guided by the newspaper writers' exegeses, the reader could understand the riots as a statement by the Black community of Miami. The statement was about structural communication between the Black community and the “establishment” in such areas as criminal justice and employment opportunities. The second part in the dialogue was taken by federal and state officials, as spokespersons for the general polity. The control communication “answers” to the riots included both statements of principles, as in a

quotation from President Carter explaining that "violence can contribute nothing to the resolution of problems or the alleviation of grievances" (Crewdson 1980b), and reports of actions, such as the U.S. Justice Department's decision to present the case that sparked the disturbances to a federal grand jury.

The general question I pose in this essay concerns the relationship between control communication and the patterns of structural communication upon which it operates. The principle of congruence between control communication and the structural communication associated with it provides an immediate key to other than verbal messages, and I argue that this principle is implicitly recognized by actors in conflict situations. The use of deadly violence by the Miami rioters to comment on economic and legal relationships between their community and the larger society, for example, constituted a desperate assertion by them that those everyday relationships were themselves a form of deadly violence. A Black youth, asked by a reporter to state the cause of the riots, responded "people like you all, killing us" (Montgomery 1980a).

The utility of newspapers and other mass news media as conflict management mechanisms lies in their reducing action to words. They do not disseminate violence itself but, as in the Miami example, reports of violence, including interpretative statements about the meaning of violent acts. The appropriate response becomes a counterstatement, and the conflict can be transmuted into a debate about the issues involved. The nature of the mass news medium as a forum, therefore, calls forth articulate leaders as spokespersons for the groups involved in conflict. Their objectives are to influence public opinion in the hope of precipitating a desired political outcome from the explicit reglementary processes.

The 1980 Miami riots were only a small episode within the societal civil rights conflict, but even in this truncated part of the larger case the analyst can discern the tendency of the mass news media as a control communication institution to shape the internal organizations of groups engaged in conflict discourse. The outstanding feature of the Miami case was actually the absence of the kind of leaders that the media needed (Nordheimer 1980). In a single day, the vacuum in local leadership attracted four national leaders of the civil rights movement to the riot site, where they attempted to "calm tensions" while making statements to the press and television reporters (Crewdson 1980b). At the same time, the government also sent spokespersons to Miami. The head of the Community Relations Service of the U.S. Justice Department announced early on that he had dispatched aides to arrange meetings between "local black leaders and Dade County officials in an effort to 'abate the tensions that now exist'" (Crewdson 1980a). In the next few days the president sent the attorney general, with two aides, to the riot area and then announced that he would tour the area himself. Mr. Carter's trip was put off, however, on the advice of the attorney general and the governor of the state (Montgomery 1980b).

Spokespersons from both sides of the conflict, leaders well schooled in the procedural workings of the mass media as control communication mechanisms, converged on the riot scene to be interviewed, photographed, and videotaped against the smoking ruins of the shattered neighborhoods. From there, the physical context clothing their words with metaphorical associations that linked them to the first explosive "message" in the sequence, the leaders spoke to their own groups, those in opposition to them, and to the mass audience whose opinion, as perceived by political, judicial, and administrative decision makers, might be reflected in social action. Virtually every aspect of the situation, and therefore the influence it might exert on social order, was shaped by the substantive and formal characteristics of the mass news media as a control communication institution. The Miami case is an illustration of the mechanisms through which the mass news media in the course of their own technological, organizational, and ideological development have evoked or imposed a certain style of leadership—among other effects—not only vis-à-vis the Black community but also the other social sectors it has confronted. In this regard, media represent only one instance of the general process whereby control communication produces order in the broader flow of structural communication within the society.

### Conclusions

Law and other explicit reglementary processes (Moore 1978) are related conceptually and practically to more generalized forms of conflict control embedded in everyday social and symbolic interaction. Neither kind of social ordering process can be well understood without reference to the other, and the relatively holistic approach that anthropology brings to the problem makes it appropriate that legal anthropologists seek a perspective that encompasses both. Studies that focus on conflict communication, among the larger social entities as well as individuals, may help to define a useful theoretical orientation.

In the situations of acute social conflict typically studied by legal anthropologists, some perceived failure or lack of order precipitates an intense episode of communication, which might take a variety of forms such as a moot, a surge of general gossip, an adjudicated hearing, or direct or mediated negotiation. The outcome of this focused communication about conflict, if it is successful as a conflict management mechanism, is a relative state of order—usually with some degree of change from previous states—in the pertinent social relationships. One observes every day the application of communication in courts, the mass media, and in private conversations to end conflict and bring about order, and the question that needs to be asked is how it works. The underlying processual linkage among such diverse institutions as law courts, intrafamily conflict management behavior, collective bargaining, and mass news media, I would argue, resides in the common pattern of interaction between structural and control communication.

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