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# SOME ASPECTS OF NEGOTIATED ORDER, LOOSE COUPLING AND MESOSTRUCTURE IN MAXIMUM SECURITY PRISONS\*

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Even in total institutions, control is far from total. In custodial organizations, for example, staff and inmates negotiate their own interpretation of the social order, often rejecting formal rules and control techniques, and substituting alternatives that may be just as *formal*, although tacit, as those they replace. This creates "gaps" between formal organizational structure and individual behaviors which partially *decouple* formal rules from the behaviors intended to carry out those rules. This study integrates organizational and prison research to develop the concepts of *negotiated order*, *loose coupling*, and *mesostructure*. The goal is to examine the context in which negotiations occur and the manner in which negotiated order activates the interactions and understandings through and by which organizational structure is generated and maintained.

Cruel, unjust, exploitative, oppressive, slavery bound two peoples together in bitter antagonism while creating an organic relationship so complex and ambivalent that neither could express the simplest human feelings without reference to the other (Genovese, 1976:3).

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As Strauss (1978:ix) has suggested, even the most repressive of social orders are inconceivable without some form of negotiation. In such total institutions as maximum security prisons, staff and inmates may negotiate their own interpretation of the social order, often constructing an alternative that may be just as *formal*, although tacit, as that it replaces. The concept of negotiated order provides a useful way of displaying how such social orders emerge and become processed in the *mesostructure* of organizational life.

*Negotiated order* is the consequence of give-and-take interaction within settings predefined by broader, and usually more formal, rules, norms, laws, or expectations, in order to secure preferred ends (or "stakes").

The negotiated order on any given day could be conceived of as the sum total of the organization's rules and policies, along with whatever agreements, understandings, pacts, contracts, and other working arrangements currently obtained (Strauss, 1978:5-6).

Although friendly critics of the perspective have argued that it has not been adequately attentive to issues of power, history, politics (Day and Day, 1977, 1978), or social structure (Benson, 1977, 1978), advocates (e.g. Scheff, 1968; Strauss et al., 1963; Strauss, 1978, 1982; Kleinman, 1982; Hall and Hall, 1982; Busch, 1982; Maines, 1977, 1978, 1982a; Sugrue, 1982; Levy, 1982; Horowitz, 1981; Fine, 1984; Luckenbill, 1979; O'Toole and O'Toole, 1981) have illustrated that the perspective is appropriate for clarifying such issues. Two supplemental concepts, *mesostructure* and *loose coupling*, facilitate examination of the interrelationship between organizational structure, social order and interaction.

Mesostructures (Maines, 1982b) are those intermediate areas or interstices in which the latency of negotiation arises in response to interactional and structural conditions.

Mesostructures are realms of human conduct through which social structures are processed and social processes become structured. The negotiated order thus requires a mesostructural analysis in which structure and process are tightly and complexly joined. It is not just that new processes lead to new structural arrangements, or that structural change leads to associated processual change . . . but that structural arrangements exist in and through processes that render those structures operative (Maines, 1982b:277-78).

Mesostructures are more than simple informal arrangements. They take on the character of *formal* structures *within* ostensibly formal organizational structure, creating in effect an *alternative* framework through which the organization operates. Over the short term, mesostructures rarely alter the existing organizational structure, although this may be a long-term consequence as organizations attempt to adapt to changing internal conditions. Because mesostructures are always in flux, negotiated order allows organizational research to examine how the interrelationship between structure and behavior creates a *loosely coupled* system of interactional exchanges out of which this mesostructure emerges.

The concept of *loose coupling* is a cognitive mapping device that sensitizes researchers to the consequences of tensions between social structure and interaction (e.g., Goldin and Thomas, 1984; Weick, 1969, 1976, 1980; Manning, 1979;

Thomas, 1980, 1981, 1983a, 1984; Rubin, 1979). The metaphor implies a loose "fit," or slippage, between, for example, prison organizational apparatus of security or administration on one hand, and the means by which these are to be carried out and the intended results on the other. As Bennis et al. (1958) have suggested, organizational power does not always reside in the established positions of an organization. Negotiations relocate power in ways that tacitly decouple aspects of authority in total institutions from the ends such power is (at least ostensibly) intended to serve. When this occurs, formal organizational links to participants' behaviors are loosened, thus becoming partially *decoupled* from and replaced by discretionary behaviors, alternative rules, tacit understandings, and strategic interaction techniques. This in turn creates dramatic possibilities for *mediating* formal organizational structure through a diverse repertoire of social behaviors intended to resolve the contradictions between what the organization says should be done and how functionaries propose to do it. This has a certain ironic outcome in that rule violations, illicit behaviors, or informal forms of social control may—while ostensible weakening authority—serve to provide alternative forms of control which allow the organization to fulfill its control mandate. This decoupling process is complex and never complete, but only partial, tentative, and continually in flux.

It is hardly surprising that prison inmates and staff are "discovered" to negotiate informal arrangements, obligations and relationships. Nor has there been a lack of studies describing the social order of prisons. Conventional studies, however, stress the *informal* relationships that exist. It is the argument here that such arrangements are more than informal in that they recreate mesostructures that co-exist and often compete with the "authorized" structure. Although only a partial first step, this study supplements previous research by detailing more fully how order is negotiated in total institutions, and describes how prison negotiations reflect, at least in part, an accommodation by *both* inmates and staff to modify formal organizational policy. It will conclude by suggesting several research directions by which negotiations might be integrated into broader organizational analysis.

## METHOD

The data were collected between January, 1980 and December, 1983 from a mid-west, maximum security prison of approximately 2,000 inmates. Open-ended, unstructured, recorded and unrecorded interviews and conversations were conducted with a perhaps ten percent cross-section of prisoners and staff. Additional data were obtained through inmate correspondence, telephone conversations, and interviews with staff and former inmates of this institution. Available prison documents (e.g., disciplinary reports, policy memorandums, legal documents) were also used, especially as a means of corroborating participants' information. Supplemental data were additionally drawn from personnel and inmates at one maximum and one medium security institution, and from one women's facility, all located within 30 miles of the focal institution. Participation in a variety of resident activities in cell blocks, cells, and work, living, and recreation areas provided

additional data. Some prisoners also conducted recorded interviews or provided written accounts and documents of prison existence.

Gathering data in prisons often involves what Marx (1984) has called *dirty data*, because sometimes information is revealed that is embarrassing or damaging to staff, prisoners, and even researchers. This may on occasion require that discussion be strategically tailored to protect the identity of informants or researchers. The data here are presented in third person (even though most were obtained first-hand) to conceal identities of participants in those episodes which may be potentially harmful.

## NEGOTIATIONS IN PRISON

The welfare of both staff and inmates in maximum security organizations depends largely on their ability to maneuver in the interstices of institutional control and the freedom allowed by rule ambiguity, operational necessity, and staff discretion. Yet, negotiation does not, as Strauss (1978, 1982) has suggested, occur in a vacuum. It reflects diverse contexts, styles, and subprocesses which may be asymmetrically available or effective, and contingent upon the nature of the organization and its relationship to the environment. The following discussion will identify several types of negotiation contexts, and then identify how styles and subprocesses of negotiation are used within these contexts.

### Negotiating Contexts

Negotiations occur in overlapping *contexts* which interact to shape the emergent mesostructure. Negotiation contexts may be subdivided into the *structural context* (Strauss, 1978:99) the *mesocontext*, and the *awareness context*.

#### *Structural Context*

The *structural context* is relatively stable and predetermined. It is that area within which the negotiations take place in the largest sense (Strauss, 1978:98). This includes the organizational interconnections to the larger environment, the mandates, rules or other formal procedures of operation, as well as the resources available, the organization's recruitment possibilities and strategies, and occupational or social ideology. It fixes the limits of interaction, which occurs in prisons with controlled access, largely impenetrable physical barriers, and rules and policies restricting movement. The structural context is also shaped by external factors (e.g., fiscal factors, political agendas, criminal justice organization, public ideology). Even such factors as the economy and unemployment may reflect the broader social structure, and thus subtly shape negotiations. In a tight economy, for example, industrial workers may seek short-term employment when indefinitely laid off. Permanent staff positions may be accepted temporarily, and thus line personnel often have no long-term commitment to organizational goals (in this institution the turnover rate for line personnel has averaged about 110 percent for the past five years). The recruitment of staff, who tend to be unskilled or transient, contributes to a context in which rule-following is seen as a way to

avoid trouble or attain personal ends rather than of contributing to organizational goals. For example, when a local multi-national industry lays off employees, some seek temporary employment as guards. Temporary personnel may find the job distasteful, as one guard expressed when he complained that "I hate this job. But it's getting me through computer school." Another guard, known as an "attitude case," accepted the job when the City of Chicago collectively "fired" a number of workers, and he was awaiting the results of a class-action suit seeking reinstatement. He explained his apparent willingness to circumvent or violate rules by claiming "I won't be here long enough to worry about it." For whatever reasons, he wasn't.

### *Mesocontext*

Within the structural context emerges the *mesocontext*, in which a variety of mechanisms for altering the asymmetrical hierarchical power relations combine to redistribute partial advantage, although hardly ever equally. Unlike the structural context, the mesocontext may itself be in part a product of negotiation. Unlike conventional formal organizations in which participants have at least minimal and tacit commitment to the organization's ends and means, in prisons, administrators, staff and inmates may possess conflicting goals. Negotiation thus occurs within this context of shared and conflicting goals, hierarchical power arrangements, asymmetrical knowledge distribution, differential access to resources, and rule ambiguity.

Structural context and mesocontext combine to shape negotiations in several distinct ways. For example, maximum security organizations are controlled through a complex system of power and coercion. Negotiations occur in a structural context of rigid stratification between administrators, line staff, and inmates, and a mesocontext which creates an alternative power hierarchy based on racial imbalance and biases, potential and actual violence, tension and fear. Inmates are often able to circumvent formal power arrangements, and especially since the 1970s, one mechanism for partially neutralizing organizational power has come through the growth of street gangs (e.g., Jacobs, 1977; Irwin, 1970, 1980), which comprise an estimated 75 percent of this institution's population (Thomas et al., 1981). Negotiations based on group power can be direct, as when prison gang leaders cooperate with prison administrators to mediate potentially explosive disputes, generate compliance to rules by other prisoners, or serve as liaison between prisoners and administrators in return for favors which benefit either the general population, or more often, specific individuals or groups. Although gangs are not "officially" acknowledged by the administration, leaders can on occasion be used. For example, when certain types of information are required, gang leaders may be "requested" to cooperate, as occurred in the rape of a civilian woman, when "chiefs" (i.e., gang leaders) were summoned to provide information on the crime. This suggests that not only do such groups shape the context in which negotiations occur, but they also provide a power base for engaging in conventional negotiations and bargaining, and in return for their participation receive at least tacit recognition or amenities.

Racial biases may also shape the mesocontext, affecting staff and inmates alike (Kruttschnitt, 1983). This may facilitate willingness of ethnic staff to interact more closely with like-ethnic prisoners (in this institution, White's comprise about seven percent of the population). While this does not necessarily lead to Black staff favoring Black inmates (Jacobs and Kraft, 1978), it does reduce staff morale and may increase the likelihood that they will bend rules when their own ethnic-based interests conflict with those of the administration. As one high-ranking Black staff supervisor remarked in explaining his apparent rule transgressions and discretionary behaviors, "in a fight over Black-White issues [with the administration] I've never won." Another Black guard explained that he rejected his supervisor's policies limiting staff/inmate interaction because he felt his White supervisor was "racist" and didn't understand how to deal with Blacks.

#### *Awareness Context*

The *awareness* context (Glaser and Strauss, 1964) might be termed the phenomenological aspect of negotiations, because it refers to the interpretation of experience of participants by which they become aware of the possibilities and strategies for negotiation. Initiating negotiations may be relatively easy, as in "live-and-let-live" attitudes, or more difficult, as when initiating illegal activity. As Strauss (1978:226-227) has observed, there are a variety of cues participants may "flash" by which to invite negotiations. In prisons, too, such cues occur, and often began minimally, then escalate. One staff person explained how cues are interpreted prior to "inviting" licit negotiations:

[Interpreting cues] is real hard [to tell you]. I've been proven wrong before. I don't know. Usually, the way I start out, certain people—I always have somebody come out and clean my office, the area where I do my work and stuff, the hallways, where the telephones are, so I just pick around and find people who can handle something like that and not nose around into what I was doing behind my desk, and not trying to get conversations twisted around to something out of line. If they want to talk about [current events] or something, just common stuff you'd talk to somebody on the street about they seem at least halfway decent. A lot of people, when you talk to them, are going to twist it around to sex, or twist it around to drugs. Those people I just pretty much let them go by their own way, because I knew eventually they would try to get me to bring in drugs for them, or something like that, and those type of people I just avoid. That way I don't have the problem.

The process of negotiating is *learned* and emergent, as one guard explained.

[Negotiations] pretty much evolved. Certain people you know you can give them an inch and they aren't going to try to take a mile, you give them an inch and you don't have to worry about a situation ever arising again.

The past experience of staff with the inmates, or the inmates' reputation learned through prison documents or through discussions with other guards also provided an interpretative framework by which to infer the meaning of a prisoner's overtures. Both staff and prisoners reported such subliminal cues learned from prior experience as body posture, eye contact, or mode of speech also signaled a potential participant's intentions.

Negotiations, once begun, can be terminated either directly or indirectly. Direct termination involves simply breaking off through some explicit notification that "there shall be no more business." Indirect termination is more complex. Two techniques are common. The first is *tactical avoidance*, in which participants develop various strategies to signal that they no longer wish to interact. For prisoners, this can be risky if the stakes are high, since staff possess a variety of coercive techniques if they wish to continue. For staff, however, risks are less, and the options more varied. For example, staff can simply avoid previous participants, or if this is not possible, convey avoidance by other means, as one guard explained:

You always have the option of "well, got work to do," and go back and do your work, and it always works, especially in my job, since you have paperwork to do all night. You're constantly doing paper work, and a lot of times, if the [guards] on the hall, they have tickets to write, they'll tell me what happened, then I'll write the ticket for them, because a lot of them are almost illiterate when it comes to writing things, and I'll do a lot of their paperwork too. So I can always find paperwork to do.

A second technique is to begin enforcing rules which previously had gone "unnoticed," or to begin writing disciplinary tickets for minor infractions to signal that the previously negotiated arrangements have changed. This happened to one high-placed gang leader who lost his power and became the target for a variety of staff reprisals in which he was disciplined for successive "petty" rule infractions. Guards indicated this was their way of not only "repaying" him for abuse of his power, but also to let him know that he no longer enjoyed privileged status, an interpretation also shared by this inmate. This behavior can be risky, however, since "long-timers" may eventually regain power and themselves retaliate.

These contextual varieties combine to create and shape the environment in which particular *styles* and subprocesses of negotiation actually occur to create the organizational mesostructure which brings life to the organization as it is experienced by participants.

### Negotiation Styles

Negotiation *style* refers to the particular modes of expression, interaction, manipulation and application of rules, symbols, or other resources available to organizational participants by which they bargain for advantage. Style can be overt, as occurs when both parties explicitly acknowledge the negotiations, or covert, as occurs when negotiations are tentative, tacit, or emerging. Some may overlap, and incorporate *subprocesses*, or themselves be used as *subprocesses* (Strauss, 1978). For example, a conning style may involve risk, lying or deception, and an intimidation style may invoke the mesostructural threat of gang or organizational power. Examples of subprocesses include cajolery, empathy, deceit, bribery, emotion (anger, guilt), or even friendship. Further, some styles may be used in tandem, as when tradeoffs and intimidation are used as a "carrot-stick" strategy. Several recurring styles help display how negotiations create the mesostructure within the broader structure. Among the common styles employed by both staff and inmates include *compromise*, *exchange*, *corruption*, *conning*, *hassling*, and



*intimidation*. These styles may overlap or be used simultaneously, and should therefore be seen as preliminary analytic distinctions rather than as mutually exclusive categories.

### *Compromise*

Compromise refers simply to avoiding or settling differences through mutual concessions. There are two salient subtypes of compromise. The first, *cooperation*, seems intended to avoid conflict, and the second type of compromise, *tradeoffs*, is a strategy for conflict resolution.

*Cooperation* occurs through tacit or explicit settlements which allow parties to at least partially gain usually mutual stakes. Prisoners and staff can both cooperate in limited but specific ways in attempts to reconstruct social existence in order to reduce the mutual costs of doing time, the most common goal of compromise. As one resident described with deceptive simplicity:

I have a happy medium with most of the officers because I'm straight up. I'm not causin' no problems, they don't cause me none. It's understood that I can make any job hard, and it's understood with me that they can make my time hard. So we *compromise*.

This "live and let live" attitude minimizes conflicts for all organizational participants, and is based on "rule following" and "not rocking the boat."

A more explicit form of negotiated compromise occurs when prisoners and guards conduct informal *tradeoffs* for mutual benefit. Trade-offs require *discretionary* waiving of administrative control by staff as part of usually unspoken, tacitly established give-and-take behavioral sequences in which each participant learns (often by trial and error) which behaviors will evoke which counter-behaviors. Although trade-offs can be based on shared goals between staff and prisoners, stakes are most often dissimilar. For prisoners, tradeoff stakes include reduced tensions, easier time, more privileges, less disciplinary action and some security. For guards, reduced tensions contribute to higher performance ratings, security, and higher morale. Unlike favors, in which reciprocal exchanges are made, tradeoffs involve a type of costs-benefits calculation. That is, staff and inmates consciously attempt to determine whether enforcing or complying with established rules or norms or with the "will" of the other is worth the risks or benefits that may follow. In this sense, tradeoffs are a form of *conflict resolution* when a potential or explicit antagonistic situation has arisen that must be resolved. For example, a group of inmates "raided" an ice cream dolly that another inmate was pulling down a corridor while a high-ranking supervisor stood by and watched. Although he had several mild options available to stop the raid, he indicated that he took no action because "it wasn't worth it." At first he justified his inaction by providing as an account his belief that "they deserve ice cream if they can get it." But he then conceded that intervention was too much trouble, and that he (like many staff) adopted a "look the other way" ethos and "live and let live" attitude to (a) make his own job easier by minimizing direct confrontation with inmates, and (b) avoid the trouble—in a relatively mild rule infraction—of writing multiple disciplinary reports. For the supervisors, as for others, this situational

and *non-routinized* decision was a tradeoff between strict rule enforcement and making his own "time" easier, and he chose the latter.

One resident active in prison agitation explained how a *routinized* tradeoff situation occurred to ease tensions in a cellhouse:

The system of control used by the guard staff was a human cooperative management system with flexible enforcement of rules. The social atmosphere was calm and relaxed and cooperative. Agreements were made by the top level guard staff with the inmates, that if they cooperated with the guard staff, the guard staff would cooperate with the inmates. The guards wanted the stabbings and beatings stopped, the cellhouse cleaned and maintained. After the agreement was made, the inmates got showers every day—before they were getting showers once a week—school and recreation lines were taken to their destination on time and regularly, there were even attempts to get inmates more recreation, easy access to telephone calls—some inmates were making on an average three phone calls a month before. Rules became more flexible, inmates did less cell time. Movement restrictions were at a minimum, and tickets, violation reports, were used more sparingly and prudently. It seems as if a cease-fire had been called and all the warring parties had curtailed their aggressing. Since ticketing was curtailed, there were fewer incidents of inmates being walked to the segregation unit, and subsequently there were less privileges being denied. Because of the less repressive measures used by guards, there were fewer formal grievances filed against guards by prisoners. There were fewer suits filed, and fewer incidents of threats and use of force by inmates.

This illustrates how discretion and tacit, yet consequential, mesocontextual rules emerge which can mediate both formal procedures and the problems of maximum security control as experienced both by staff and inmates alike. This creates a mesostructure not ordinarily possible within existing formal structure, in which all participants have new expectations and tacit, yet explicit, obligations and rewards. Such negotiated exchange modified the social organization, thus allowing other forms of peaceful negotiation. But negotiations and the order they produce are often ephemeral and require continual maintenance. This fragile order, created over time through experimentation, can be shattered when newcomers—in this case, guards—are unfamiliar with the negotiated order and respond to resident behavior either from within the framework of formal rules or their own discretionary expectations.

The relaxed, calm, cooperative environment gave way to frustration, tension, and an increase in resistance. Captain "D" and Lieutenant "E" immediately upon taking charge started enforcing inflexible and staunch adherence to rules, and regulation to lighting in cells at night. They modified the old cooperative management system to a strict authoritarian system.

These overcontrol methods led, according to prisoners willing to discuss changes, to fewer privileges and to an inability of guards to meet institutional goals (in that there were late lines for assignments and meals, and a reduction in daily services). When the delicate web of negotiated order was disturbed, it created a mesostructure of confusion and ambiguity. This led in turn to an increase in resistance through resumption of former illicit and undesirable behaviors by *both* prisoners and guards, which led to an increase in disciplinary tickets, an increase in staff-resident conflict, and a decrease in morale for all participants.

In sum, negotiated compromises (both cooperation and tradeoffs) possess the capacity both to reduce guard authority (when done for guard self-interest) or to

enhance guards' ability to do their job while improving the immediate and long-term conditions of prisoners.

### *Exchange*

Unlike compromise, which involves mutual, and often tacit concessions, exchange involves mutual bargaining for explicit gains. *Favors*, the most common form of exchange, are traded on a reasonably *quid pro quo* basis. Favors imply differential but reciprocal stakes in that each side desires something the other can provide, and is unlikely to otherwise obtain. Favors begin as one-shot and non-routinized, but if successful, may increase the probability of future bargaining for higher stakes. Favors granted by guards include discretionary special privileges (e.g., showers, telephone calls, extra commissary, protection, or contraband). In return, prisoners provide licit or illicit goods, or perform personal tasks.

One inmate, a painter, demonstrated how favors work. He left an isolation area with an empty paint cart covered with a tarpaulin. He returned about an hour later with several dozen steaks under the tarp, and proceeded to cook several in a micro-wave oven used to heat food, and froze the rest. A civilian observer asked, "Won't the guards nail you?" He replied, "Not if we give them some!" The guard in charge later agreed, indicating that he normally swaps favors to minimize his work load and make life with prisoners more bearable. Here, the guards ignored the numerous institutional rules the inmate violated and allowed the "favor" of access to resources, but in return expected reciprocation in the form of sharing the steaks. Another resident, a college graduate teaching in the prison general education program, explained that some guards were attending nearby colleges, and "would come by and say, 'hey, I don't have time to study.'" He would either do the administrative paperwork or similar tasks, or do their school assignments while the guards studied. He identified two types of reward for this activity. First, there would be certain direct favors exchanged, but he felt that a more important benefit was "the chance to see what goes on, how administration gets done." This knowledge could itself become an instrument to be used, sold, or manipulated for other advantages. He also felt that this type of activity helped to neutralize some of the power or authority of the guards by creating a minimal dependency relationship, which in turn weakened the guards' control not just over prisoners involved, but subtly compromised guards' authority over other prisoners as well. However, he, like many staff and prisoners, cautioned against over-generalizing the degree to which such "neutralizing" became a form of "corruption of authority," since guards themselves have ways of neutralizing such apparent relinquishing of control.

Other forms of favors are illicit, and occasionally illegal. Although such mutual rule-breaking increases the risks and consequences of discovery, it also increases the rewards. How alcohol, which is highly valued in prison culture, may be employed in exchange of favors and integrated with trade-offs as a subprocess is illustrated by the following civilian account in which staff discretion and reciprocation were traded for the "privilege" to engage in illicit behavior:

I was talking to two prisoners in their cell, and one said "Do you want to try some "stuff?" I said sure, and he brought out something [alcoholic] from half-gallon jars, and he said the first

bottle was "ready." It was quite nice . . . and we finished it. He brought out another half-gallon jug, and we drank that, and got even drunker. A guard walked in and gave [X] a small can of orange juice while I was there, and [X] joked that it was a "payoff" [the alcohol was made from orange juice]. I asked what I should do when guards walked by. He said

"Do whatever you want, just act natural. If they see you in here, they will probably just keep walking, and tell me later, 'aha, you're trying to get [Y] drunk' If [the guards] walk by, put the glass down. Natural. Everybody knows I make it, the guards know I make it. It's like a trade-off. I violate the formal rules, but the informal rules I get by on, and they know if they bust me when they come by, they won't get a little something when they want it. Guards may come by, and I'll give them some. If I get busted, they know they won't get any more. Just don't make it look like you're challenging them, their authority. [It won't be] a problem for you, probably not even for me. Nobody's going to fuck with me as long as I don't fuck with them."

[He] kept filling up [my pint glass] when I wasn't looking. We drank, and [the second inmate] was supposed to be keeping "lookout," so when a guard walked by we could put the drinks down. As we drank more, [the second inmate] became increasingly less alert on the door. He was propped up against the cell door, half in, half out. As we became increasingly drunk . . . guards kept walking by, and finally [the second inmate] simply did not see them, and didn't report them coming. We were no longer subtle, and were obviously drinking in front of the guards, so they finally came and broke up the "party" by saying they had to shut the cell doors.

Drinking reflected a favor-generating set of behavioral give-and-takes in which all participants, including the civilian, became players in a game in which organizational rules were violated as an outcome of a long, complex process of negotiations with prison staff. A later interview with the prisoner and access to the civilian's account indicated that the civilian as well was being repaid for a series of previous favors done for the inmate. In addition to receiving what ordinarily is a precious commodity (premium alcohol), the prisoner acknowledged that for the civilian, part of the "reward/favor" was being "admitted" to an "inner circle" in which the civilian was acknowledged as a "right guy." Here favors involved the subprocess of compromise (tradeoffs) to establish a *routinized* framework for exchange of favors.

### *Corruption*

Many negotiation styles may be organizationally illicit, but nonetheless legal. Some styles, however, fall clearly outside the *boundaries of legitimacy*. *Corruption* refers to those activities of participants that are both organizationally disapproved and illegal. For example, both inmates and staff may employ bribes to secure compliance, to obtain special resources (e.g., contraband, privacy to engage in illegal activity such as sex or violence), or to avoid punishment when a violation occurs. In corruption, subprocesses may include bribes (e.g., buying favors) or collusion (cooperation) for gaining illicit, usually non-organizational stakes. Interviews with prisoners indicate a belief that many guards "have a price," and one inmate "flashed" to a civilian a large roll of bills of large denomination (possession of which is a serious disciplinary violation) claiming he could "buy" a number of guards.

How corruption may operate was explained by a civilian working in one large maximum security prison. Operating in the ambiguous grey area that allowed

him/her to freely roam the prison, he/she inadvertently violated a tacit, but critical, rule that appeared to challenge the authority of staff. He/she was confronted by the ranking cell-house officer who threatened disciplinary action which would have been professionally damaging to the civilian. One prisoner, a gang-leader with whom the civilian was close, had observed the interaction from a distance, and came over to intervene. In front of two other guards and two prisoners, he began poking his finger at and in the chest of the officer, and berated the officer loudly and defiantly. He argued that no violation had occurred, and suggested that the officer "redefine" the incident. He accused the officer of "jumping off" (i.e., over-reacting). The prisoner told the officer that he had no right to make accusations, and after a brief, but volatile, discussion between the two, the resident walked the civilian to the cell-house door. He laughed, saying "'X' is ok, and he's taking too much money to go around to say anything. I'll take care of it." For whatever reason, the supervisor dropped the matter and showed deference to the civilian in subsequent interaction, even inviting him/her to participate in an exchange of favors, thus drawing the civilian into the network of reciprocity the guard shared with inmates. The point to be made here is that the rules, ordinarily invariantly precise in defining the guard-prisoner status, and explicit in providing penalties (including extension of release date) for even minor infractions of "insubordination," were blatantly violated by the resident in a manner quite inconsistent with the existing policies and norms. Although the officer himself never admitted his "corruption," it was independently acknowledged by others, and ordinarily only the most extreme threat of inmate reprisal would prevent high-ranking staff from punishing such a blatant offense.

Like some other forms of negotiation, corruption reflects a means of conflict avoidance, since to generate antagonism increases risk of intimidation, discovery, or retaliation. But unlike other forms of negotiation which have as the primary end the goal of doing "easier time," corruption plays on the avarice of participants and the goals extend beyond control strategies, involving as they do explicit attempts to generate material gain.

### *Conning*

The *con* refers to an attempt to attain one's goals through the subprocess of *deceit* (trickery, lying, an artful "sham" or story). It is usually one-shot, situational, and non-routinized, and involves *manipulating social reality* (information or definitions of a situation) in a manner which creates doubt, and builds plausibility for the hoped-for interpretation. In general, it requires successful challenging of the *apparent* meaning of a situation or incident and replacing it with a definition (and appropriate corresponding action) more favorable to the initiating party.

Webb and Morris (1980) have suggested that staffs' fear of prisoners stems not only from a perceived threat to their physical well-being, but also includes a fear of being duped or made to "look poorly" in front of prisoners, other staff or the administration. One resident demonstrated to a civilian how "looking poorly" (or loosing *face*) can be employed as a conning resource. The civilian had managed

to release a resident from his cell, and gave him a tour through his cellblock. As they walked down a high tier of cells, they passed another resident returning from exercise who was awaiting a shower. The guide said softly, "Watch this, I'll show you how to con a shower," and they slowed and waited near the cell of the returned exerciser. A guard approached and said to the returnee, "Get ready for your shower." The guide walked over and said, "What about me?" The guard looked at him, then at the civilian, then back at him, and although it apparently seemed obvious that the guide had not been exercising, the guard asked, "Were you playing softball too?" "Yeh, I just got back," the guide replied. The guard hesitated after a long (perhaps 15 seconds) pause, and said, "OK, get ready." Prisoners in this cellblock, unless they are engaged in athletic activity or have a medical permit, are authorized only one shower a week, and additional showers are obtained through favors, "cons," and a variety of other stratagems. Whether this guard knew of the guide's ploy and that he had just been "conned," or just needed any reasonable justification to permit a shower and thus intentionally allowed himself to be "duped" is impossible to determine. The point here is simply that the guide felt confident in acting as he did because he was certain that the guard would not choose to "loose face" in front of someone who "looked official." The guide therefore felt sufficiently confident that the guard would use discretion and ignore the established rules to announce his intention in advance, then successfully carry through his ploy by drawing on his knowledge of interactional rules and repertoire of "conning behaviors" to "win" the shower.

Conning, although felt to be the most common form of interaction which inmates use, is probably not, and it may be the least effective. First, conning is one-shot, and cannot be done too often or "the word gets out" and the inmate loses credibility, on which the effectiveness of the con is based. Second, cons are risky, and if discovered the consequences could be more severe than had a con not been attempted. Angry staff may invoke disciplinary rules, or angered inmates may withdraw cooperation or retaliate when opportunity arises.

### *Hassling*

Hassling refers to minor provocative behaviors designed to goad, needle, or even anger another. Hassling is a non-routinized and situational way of increasing the costs of rule enforcement or transgression through confrontation. Unlike intimidation, it is not an analogue of group or individual power in that it does not require a base of power or influence, nor does it necessarily trade on threats of violence. Unlike tradeoffs, which resolve conflicts by *reducing* antagonisms and thus minimizing conflict, hassling *creates* antagonisms and conflict as a means of raising costs. One observer suggested that hassling might be understood as a form of "interactional chicken" in which one side challenges the other, risking an escalating game which tests which side will quit first. Unlike cons, in which conflict is avoided by the subprocess of deception or cajolery, hassles dramatically display potential conflict and require direct confrontation rather than "smoothness." Inmates break rules to avoid or initiate a hassle, or guards may hassle inmates to stop inmates from hassling them. The stakes are usually small and

immediate, but they can occasionally be long-term, as when staff hassle an inmate hoping he will "fuck up and we can send him to seg." Inmates, too, may adopt hassling of particularly disliked guards to make their job sufficiently unbearable so as to encourage a transfer or reassignment. Hassling can also be a subprocess used to initiate other styles of negotiation, such as compromise, when hassles become fairly routinized.

One form of hassling occurs through concerted "needling" of guards when undesirable behaviors occur, as Golden and Thomas (1984) have described. Another type of hassling occurs in prisoner litigation. An example of a hassle/counter-hassle occurred when a resident law clerk, according to his disciplinary report, followed existing administrative procedures by refusing to allow another resident to use his office typewriter even though ordered to do so by a "fish" (i.e., new) guard. The resident explained the administrative procedures to the guard, but the guard interpreted this as a challenge to his authority. He hassled the inmate by citing him with "mutinous behavior" and "inciting to riot" by refusing a "direct order" (which contradicted the previous direct order of the resident's supervisor). In violation of existing administrative procedures the resident was placed in disciplinary segregation. Upon release, the resident, as a counter-hassle, filed a law suit against the officer and administration as a means of challenging the discretionary power of staff, especially when such power violates established formal rules. In this case, there was no immediate threat to the guard, and the stakes involved not so much fear of litigation, but the trouble of paper-work or negative visibility. Litigative hassling does, however, raise the stakes for the institution, since it requires additional fiscal resources or creates the risk of embarrassment through public disclosure of misdeeds. Occasionally, hassles do result in at least minimal policy changes beneficial to inmates (Thomas, 1984).

### *Intimidation*

Intimidation refers to the negotiating style which employs a subprocess of fear or threat. It requires an individual or group power base. Prolific and successful jailhouse lawyers who seek redress through litigation (individual power-influence) or gang leaders (group power-influence) are two extreme examples of inmate resources that provide a base for intimidation in negotiations. Staff tends to draw on licit institutional power resources (e.g., the rules and the power to enforce them). But staff can also draw on the threat of violence by threatening (and carrying out) beatings (Possley, 1981), or even through threats to murder particularly troublesome prisoners (e.g., *Lamar v. Steele*, 696 F.2d 559, 1982).

An example of how guards can intimidate inmates occurred when a ranking supervisor and his immediate subordinate, in their terms, "fucked with" an inmate in the presence of a civilian. The three were talking in the center of the cellhouse when a third guard came over to tell the supervisor that he had just found "some unauthorized [fruit] juice" in an inmate's cell. The supervisor winked, and said "have it tested" [i.e., use a hydrometer to determine the specific gravity of the liquid to assess its alcoholic content]. The three continued talking, and a few minutes later the guard returned and said "it tested out zero" [i.e., non-alcoholic]. The subordinate said:

Here's what you're going to do. You tell him it tested out at 15 percent [about 1 percentage point higher than possible for fermented beverages to attain without supplement, and about 8 to 10 percent higher than the "home-brew" inmates normally make]. Go tell him that we could walk his ass [i.e., place him in disciplinary segregation] and that the next time it happens, we're going to come down hard on him.

The third officer did this, and the subordinate laughed and said, "So I lied a little." They explained that they do this periodically to "keep them in line" and also to let inmates know what staff *could* do if they chose. That is, for a minor infraction, it is possible to *fabricate* evidence for a more severe charge, thus bringing heavier sanctions against those who "fuck with us." This was not a con, since all parties were aware of the actual situation, and the possible fabrication was not intended so much to hassle the inmate as to dramatize how guards could deceive the administration if they wised. Although it included a type of "hassle," the ultimate goal was that of intimidation, to remind this inmate (and others) that staff possessed a variety of illicit control techniques that they could and would use at their discretion. Ironically, the supervisor reeked of alcohol, and he had not been out of the institution since his shift began about six hours earlier, suggesting that he, too, violated institutional proscriptions against drinking.

Intimidation, then, relies on implicit or explicit threat, and involves invoking rules or suggesting recourse to violence. The stakes here were deferred, and would be collected later either as a "favor" (e.g., "we let you go, so you owe us one"), or through coerced cooperation, which would ostensibly reduce staff tensions. But this type of intimidation as a form of control is considered ineffective over the long term by some guards, because it can lead to unpredictable consequences if those controlled in this way have an opportunity to retaliate. It thus co-opts staff power, and may in the long run reduce the types of trust required for successful negotiation. Threats of violence or harsh sanctions thus become a subprocess in intimidation, and the danger is that especially the subprocess of violence requires occasional expression to reinforce the threat and make it credible.

## CONCLUSION

Although focusing on prisons, this study has implications for all interactionist research in formal organizations. The argument here has been that negotiations reflect a dialectical process of interaction which creates an alternative set of rules and behavioral strategies dependent upon, but partially autonomous from, the formal structure. From this emerges the *mesostructure* or organizational life which gives rise to social order colored by the forms of negotiations that occur. Many negotiation strategies have the ironic effect of further *decoupling* organizational rules from their intent. This dramatically alters the hegemonic power structure and generates as well a set of conditions *requiring* continual interaction for successful perpetuation of social order.

This research also challenges conceptions about the nature of prisoner behavior. As Wieder (1974) has suggested, the "inmate code" may be more a myth by which prisoners organize their social ideology in presenting accounts to outsiders than serve as a set of precepts for actual behavior. This discussion finds some



support for this thesis, especially the precept that one does not associate or interact with guards. In fact, it is only through continual interaction that "doing time" occurs. This discussion further suggests that the behavior of inmates is not idiosyncratic and limited only to "conners." Negotiations are a strategy employed by *both* staff and prisoners, out of which emerges a social order in which each can exist. Further, contrary to the view that negotiated interaction and manipulation may reflect a corruption of authority (e.g., McCorkle, 1978; Crouch and Marquart, 1980; Miller et al., 1978), negotiated order may reflect rational behavioral strategies which ultimately achieve what formal organizational policies cannot.

The negotiated order perspective suggests additional ways to examine a variety of organizational issues. *First*, both the forms and intensity of negotiations change over time. The research task is to analyze how contextual variations shape the form, content, and level of negotiation. It is also to see how dissimilar negotiating skills and differential access/opportunity to the game of negotiation effect the outcomes. This requires further distinction between structural context, meso-context, and awareness context as well as clarification and elaboration of the types of styles, subprocesses, and stakes involved. *Second*, as the form and content of negotiation changes, so may the stakes, consequences, and styles. For example, control strategies may tighten as forms of negotiation or the context of their occurrence change, which may decrease the stability of the prison and occasionally lead to violence. This occurred in the 1982 Jackson (Michigan) Prison riot when guards attempted to enforce rules that the administration opposed (Trojanowicz, 1982), and in Attica and in the 1980 New Mexico Prison riot, where elimination of discretion and personalized application of rules decreased inmate incentive to participate in and contribute to social control (Wicker, 1976; Stone, 1982). *Finally*, the concepts employed here provide a useful means for dramaturgical analysis to display how social order is created in the *backstage regions* of organizations through a multiplicity of interactional strategies that are normally concealed from both the public and from those responsible for controlling the organization (e.g., Manning, 1977, 1980).

When Statsny and Tyrenhaur (1982) asked "Who rules the joint," the question might be rephrased to ask instead "how does the joint (or any organization) get ruled?" The argument here has been that even tightly coupled and rigid organizations are "ruled" through a rich mosaic of negotiating patterns and styles. This essay should encourage further debate over and clarification and application of the concepts negotiated order, mesostructure and loose coupling as useful techniques for refining our understanding of the structuring of social order.

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