

MAKING RESISTANCE THINKABLE:  
DESIRED DISTURBANCES OF EVERYDAY LEGAL TRANSACTIONS

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If hegemony refers to that which is unthinkable, resistance must depend at some point in thinking the unthinkable. How does this happen? Through what process is that which is taken for granted and unnoticed revealed and made problematic? How are openings for resistance - the revelation of the taken for granted - created in situations where the probability of greater power lies with others? In this paper we suggest that resistance is enabled and collectivized, in part, by the circulation of stories narrating moments when the taken for granted social structure is exposed and the usual direction of constraint is, if only for a moment, upended. By telling stories of resistance, actors name and thus expose "what goes without saying" (Comaroff and Comaroff 1991). By narrating those moments when they were able to best power, actors extend temporally and spatially individual acts of resistance.

Although scholars have long documented the resistant practices of powerless persons, they have given these activities considerably less attention than they have to more organized challenges to power such as revolutions, strikes, boycotts, or class action suits. The reasons for this focus are obvious and defensible. These forms of collective action often mark ruptures in the historical record. Because they are understood as being responsible for history "veering off course," such acts of rebellion seem to warrant study (Comaroff, 1994:xi). More recently, however, scholars have claimed that the seemingly small acts of defiance engaged in by persons in subordinate positions also make history, albeit a history that often seems to remain "on course." To the extent that they too are "world-making" activities (Goodman, 1978), these acts of resistance also warrant our attention.

Variouly referred to as secondary adjustments (Goffman, 1961), tactics (de Certeau, 1984), or "weapons" of the weak (Scott, 1985), these everyday acts of resistance represent the ways relatively powerless persons accommodate to power while simultaneously protecting their interests and identities. Institutional ethnographies -- of the wards of mental hospitals, assembly lines, classrooms, bureaucratic offices, barracks,

prisons and courtrooms -- provide us with evidence of the universality of such practices (see for example Hodson 1995a, 1995b, 1997a, 1997b). As Goffman (1961:305) observed, "whenever worlds are laid on, underlives develop."

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### **Relational Foundations of Power and Resistance**

Our effort to document the 'world making' possibilities of everyday acts of resistance builds on scholarship describing the relational (or constitutive) basis of social organization, in particular how social transactions<sup>1</sup> generate both power and structure. Recent work in practice theory emphasizes connections between what Goffman (1967) called the interaction order of face to face exchanges and social structures understood as ongoing productions of social interaction (Connell 1987, Giddens 1979??, Bourdieu 1977, Sewell 1992). Relational perspectives stress the embeddedness of the "very terms or units involved in a transaction" (e.g persons, actions, and linguistic terms) in dynamic process (Emirbayer 1997:287). This relational or transactional "approach embeds the actor within relationships and stories that shift over time and space and thus precludes categorial stability in action... The classification of an actor divorced from analytic relationality is neither ontologically intelligible nor meaningful" (Somers and Gibson 1994:65,69). In these approaches, individual experiences and perceptions of the constraints and resources operating within a situation are a central feature of social practices and processes. Perceptions of authority and power, including assessments of legitimacy and injustice, are necessary to act in any social system; they generate conformity to social expectations at the same time as they permit and sometimes encourage resistance to norms, authority, and power.

Power has been conceptualized as "the ability to achieve foreseen and intended effects" in a social interaction (Wrong 1979), "the mobilization of people's concerted activities" (Smith 1990:80), and as the recursive accumulation of these interactions and activities in a pattern of domination (Giddens 1979:88; cf. Lukes 1974). In these formulations, power is the outcome of social transactions and thus is identified (at the outset of an exchange) as a differential probability of achieving foreseen and intended effects. Thus power is not a thing that can be possessed. Rather, power is a probabilistic social relationship, a series of transactions whose consequences are contingent upon the contributions of all the parties, those who turn out to be more powerful (superordinate) and those who turn out to have been less powerful (subordinate). As a relationship among two or more persons, power relies upon the subordinate's response. Because it is contingent upon a performance by the subordinate party, power is intrinsically linked to the possibilities of resistance. "Even in the most oppressive and cruel cases of subordination," Simmel (1950: 180) wrote, "There is still a considerable measure of personal freedom." Succinctly synthesizing this conception of power, Foucault (two lectures p. 98) offered methodological instruction on how to study this transactional process.

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<sup>1</sup> Insert footnote about use of tern interaction vs. transaction

"... [P]ower, if we do not take too distance a view of it, is not that which makes the difference between those who exclusively possess and retain it, and those who do not have it and submit to it. Power must be analyzed as something which circulates, or rather as something which only functions in the form of a chain. It is never localized here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised in a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. They are not only its inert or consenting target; they are always the elements of its articulation [our emphasis]."

This relational conception of power should not be taken to suggest that power is realized only, or primarily, in open contest and struggle. Quite the contrary. Although power establishes a network through which it freely circulates ... one should [not] conclude ... that power is the best distributed thing in the world" (Foucault two lectures 99). Power often operates in unseen ways through institutions and cultural symbols, becoming so routinized that the distribution of benefits and costs (winners and losers) in these transactions are relatively invisible. When this occurs, alternative ways of organizing relations are no longer apparent. Simmel described this institutionalized domination as a transformation of the value of personality into a super-personal value. He cited as a prominent example the idea of law in which subordination to a person is transformed into subordination to a principle. This principle may be further transformed from a normative claim about how things should be done to a factual description of how the world works. Fuchs (2001) describes this accumulation and sedimentation of transactions over time and space as the production of social structure (cf. Hebdige 1979; Hall and Jefferson 1976; Connell 1987; Silbey 1992).

The institutionalization of power in this way produces commonplace transactions in which both the sources of power and the forms of subordination are buried or erased. In these transactions, no one seems to be demanding obedience, and subordinate parties appear to be normally socialized rather than obedient and compliant. The organization of relations and resources often obscures the mechanisms that systematically allocate status and privilege of diverse sorts. Over time, individual transactions may be repeated and may become patterned. Patterns may become principled and eventually naturalized, constraining engagements without the parties as such knowing from where or whom the constraint derives when, even if is experienced.

Hegemony is often used to refer to just this kind of systemic power where behavioral conventions and symbolic constructs "have come to be shared and naturalized" throughout a community, so embedded spatially, temporally, linguistically, and organizationally as to be almost invisible, so taken for granted that they "go without saying, because, being axiomatic, they come without saying" (Comaroff and Comaroff 1991: 24, 23; cf. Bourdieu 1977:167). We want to emphasize, however, that hegemony does not arise mechanically from particular social arrangements; instead hegemony is

produced and reproduced in everyday social transactions, where that which is experienced as given is often unnoticed and not open to negotiation and contest. Here, domination refers to patterns of asymmetry in the distribution of socio-cultural resources which can be *drawn upon and reconstituted in ongoing social interaction* (cf. Lukes, Giddens).

Power - hegemonic or contested - is exercised in social transactions by drawing upon the symbols, practices, statuses, and privileges that have become conventionalized in social structures. Although structures - what we construe to mean the schemas and resources that pattern social life - often confront us as external and coercive, they are more accurately understood as emergent features of repeated, temporally and spatially extended social transactions, reproduced with each repetitive act and transformed with each innovation or unfaithful repetition (Sewell 1992). Some structures are hegemonic, unnoticed and taken for granted; others are more visible. Given the emergent character of structure, every social transaction has the capacity to reproduce or challenge familiar arrangements and ways of doing things. Conversely, structures are not simply an aggregate accumulation of segmentable transactions; structures simultaneously constitute the parties, terms, and the transactions. Persons (as well as material and symbolic resources) are always simultaneously "undergoing and exercising this power" (Foucault p. 98) of social structures. Because structures furnishing identities, material and symbolic resources, expectations, and interpretive schemas, the tacit or explicit apprehension and enactment of social structure is necessary in order to act in any social situation. The hegemonic, taken for granted world which grounds social transactions becomes a potent resource for those who benefit from current social arrangements.

While this alliance between power and social structure has been widely recognized (Gramsci etc), what is less obvious is the close relationship that exists between conventionalized structures and resistance. Since power is exercised through the patterned distribution of resources and schemas, if there is resistance to this power, it must also operate through the appropriation of these selfsame structures. Resistance, as much as power, is contingent upon the biographical and structural resources available to the relational participants. "Counter hegemony has to start from that which exists, which involves starting from 'where people are at.' Such a conception of counter-hegemony requires the 'reworking or 'refashioning' of elements which are constitutive of the prevailing hegemony" (Hunt 1990). Since hegemonic power conceals itself within relations, if there is to be resistance, it must be initiated by an apprehension or appreciation of how social structure empowers.

In this sense, resistance represents a sort of practical theory of social processes, of social transactions and their accumulated consequences. While professional sociologists may spend their lives constructing accounts of social processes, they are not alone in "doing sociology." Garfinkel (1964) described, for example, "the actual methods whereby members of a society doing sociology, lay or professional, make the social structures of everyday activities observable." Goffman recognized this connection

between resistance and structure when he described resistance, or what he called "secondary adjustments" as a diagnostic of power relations.

From a sociological point of view, the initial question to be asked of a secondary adjustment is not what this practice brings to the practitioner but rather the character of the social relationship that its acquisitions and maintenance require. That constitutes a structural as opposed to a consummaroty or social psychological point of view (Goffman 1960: 201)

Importantly, this relational perspective on power has the capacity to reverse the familiar hierarchy of questions occupying sociologists, lay and professional. Instead of focusing on change, on why the familiar has become strange, we may need to inquire further about how what is always in flux, e.g. social transactions, become stable and seem to transcend - temporally prior and spatially exterior to - the transactions which constitute social life itself. Questions of stability rather than change would become problematic. \*\*\* not sure this works here \*\*\*