

THE POLICE AS THIRD PARTIES

Mark H. Moore, Professor (617) 495-5188  
George L. Kelling, Research Fellow  
KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY  
Donald Black, Research Associate and Lecturer  
HARVARD LAW SCHOOL  
July 15, 1981

## ABSTRACT

The study proposed here seeks to develop tentative definitions of police competence in the handling of grievances by one citizen against another, and to suggest strategies by which this competence might be fostered. It capitalizes on current theoretical developments in the interdisciplinary field of dispute settlement, with special reference to how third parties intervene in the conflicts of others. A recently developed typology of third-party roles will be used to analyze how the police handle grievances, and effort will be made to identify factors relevant to variation in this process. The methodology of the study consists of three inter-related elements: 1) discussions by an expert panel; 2) interviews with officers about how they manage grievances and with what effects; and 3) exploratory observations of grievance situations handled by the police in the field.

Principal Investigators Mark H. Moore  
Donald Black  
George L. Kelling  
(617) 495-5188

TABLE OF CONTENTS

	<u>Page</u>
Issues .....	1
Methodology .....	13
Management Plan and Project Milestones .....	18
Anticipated Products .....	21
Appendix A - A Typology of Third Parties	
Appendix B - Bibliography	
Appendix C - Research Team Vitae	
Appendix D - Budget and Budget Narrative	

## ISSUES

The evolution of any profession is characterized by the organization of a body of theoretical knowledge, the cultivation of derived practical skills, and the determination of a value system (which controls the use of those skills). Several features of this triad of knowledge, skills, and values must be emphasized. First, the process is ongoing. Knowledge is constantly developing and must be appropriated for professional use. Second, relevant knowledge develops both within and external to a profession. Theorists, practitioners, and researchers not only develop new bases and elaborate upon existing paradigms, but also monitor other intellectual fields so that the findings and theories of scholars outside the area can be adapted. For example, the practice of medicine is predicated upon sophisticated biological knowledge; social workers avail themselves of psychological and sociological theories. Third, these knowledge-based skills are exercised on two principal levels. They are applied organizationally (or institutionally) and individually. For example, medical understanding of trauma leads to the creation of distinct units within hospitals characterized by a unique constellation of staff members and specialized equipment which maintain special relationships with other hospital units (e.g., intensive care). Skills likewise operate on an individual level and practitioners apply them in a client-professional interaction. Professional performance may thus be evaluated at an aggregate level (that of the trauma unit) and on an individual level (the performance of a particular physician). Finally, skills may or may not

be linked empirically to outcomes.\* In the best of worlds, outcomes would always be directly linked to skills (outputs). But given rapidly evolving knowledge and constantly changing problems (to continue with the medical analogy — new drugs or Legionnaires' disease), there are times, even in the most established professions, when the linkage between applied skills (outputs) and outcomes is assumed rather than empirically verified. Confronted with a new problem, the practitioner (or, for that matter, the entire occupation) applies "tried and true means" which are based on general theory and which seem likely to produce a desirable outcome.

#### The Competence of the Police

Although it might be argued that the police are not, narrowly speaking, a profession, it is useful to think of policing in such terms when one attempts to link skills (output) to outcomes. The empirical knowledge base that has developed about policing has followed a simple model which has generally concentrated on the impact of various institutional and organizational practices of the police. Additionally, this research has principally focused on crime-related functions of police work. Service work has traditionally been treated as a low priority.

Much of the justification for this assertion is found in the work of Wycoff (1981a, 1981b, 1981c), and Whitaker, et al. (1981). As Wycoff points out in a recent review, "the dependent variables used in most of

---

\*The concept of outputs, or activities, refers to what organizations and individuals do: programs, skills, treatments, services offered, etc. Outputs are to be distinguished from outcomes. Outcomes are effects that result from outputs. In the case of police work, outcomes would include fear reduction, feelings of security, dispute resolution, apprehension of criminals, etc.

the studies [reveal] two points: 1) very few have focused on the immediate goal of crime management or the ultimate goal of citizen comfort, and 2) the majority have looked for a police effect on reported crime — an outcome influenced by so many other factors that the police influence may not be discernible among the rest" (1981: 84). This focus is discussed by a variety of authors including Goldstein (1977), Kelling (1981), Wycoff (1981b), and Whitaker, et al. (1981). The most serious consequences are that:

- (1) There are no adequate definitions of quality police practice so police officers can only be evaluated with surrogate measures of performance.
- (2) As a result, there are no documented links between what police officers do (outputs) and the effect of what they do (outcomes).
- (3) It is impossible therefore to determine the impact of police officers' education, sex, height, race, or a whole range of other independent variables on police officers' performance.
- (4) Since we do not know the impact of these background variables on performance, we cannot devise training or supervising strategies to offset the impact of background on performance when it is deleterious to performance.

#### The Measurement of Police Competence

Two major projects have attempted to design alternate measures of police performance: the National Commission on Productivity and the American

Justice Institute's Project on Police Performance Measures.

The primary objective of the National Commission on Productivity was to ascertain the reason(s) for the decline of productivity in the public sector in spite of growth and rising expenditures in that sector. When the commission focused on the police they predictably chose to support readily available traditional measures, usually crime related, rather than reassess their appropriateness given the known invalidity of such measures and the complexity of the police task.

The American Justice Institute's study (AJI) focused exclusively on the police. This effort identified 46 police department objectives that they grouped into five categories: (1) crime prevention, (2) crime control, (3) conflict resolution, (4) services, and (5) administration. Even though the study recognized that crime fighting comprised half of the objectives, it avoided focusing on such a narrow range of police objectives by giving attention to areas traditionally ignored in police performance measurement. The AJI project considered police handling of interpersonal conflict, personal stress, inter-group conflict, traffic, information/assistance, general services to the public and to other agencies, police integrity and community leadership. Although this approach is refreshing, some serious limitations of this work have been observed by Whitaker, et al.:

There are numerous serious drawbacks to AJI's performance measurement program, however. First, its claims to comprehensiveness are misleading, and despite its scope, numerous aspects of police work are ignored. The measurement tools are particularly weak in the areas of conflict resolution and services. Here very diverse problems and processes are grouped together and glossed over. General client or expert evaluations are relied upon without specification of what constitutes

performance in these categories. An inherent limitation is the exclusion of distributional issues. Performance measures that reflect on questions of equity are completely lacking (1980: 7).

#### Innovation in Police Performance: Domestic Crisis Intervention

The one remarkable attempt to identify and develop individual police officer skills was in the area of domestic disputes. Based on studies conducted during the 1960's and discussions with police officers, one of the potentially difficult and often violent matters with which the police have to deal is domestic disputes. Anecdotal evidence suggests that injury to officers, including death, is a constant threat. Domestic disputes are complex and difficult, and criminalizing them often creates more of a problem than a solution. Legal authority for intervention on a noncriminal basis does not exist. Yet they are a problem with which the police have to deal; citizens call for help, and these situations are potentially dangerous to the disputants and their families. The police have no alternative but to respond.

Bard (1970), a psychologist, began work on domestic disputes in the late 1960's. He reasoned that crisis intervention techniques applied in domestic disputes would manage the crisis, provide psychological "first-aid" on the scene, and, through referral to appropriate agencies, involve these disputants in long term treatment. In a multi-year effort with the New York City Police Department, Bard worked to identify necessary skills, train officers in the use of those skills, have officers use those skills, and finally measure the outcome of their use. Although there were problems with the evaluation, this was the first time that police in the United States systematically had attempted to isolate a social problem, modify an existing theory, identify the skills which that theory suggested would



assist in managing that problem, and train officers in those skills. In many respects this was a model of program development which was ahead of its time. The fact that the evaluation had problems did not detract from the rigor of the overall approach.

The salient features of Bard's approach were:

- (1) the identification of a specific problem with which the police had to deal;
- (2) the specification of a theoretical approach (interactionism) which seemed relevant to that problem;
- (3) the modification of the theoretically derived skills (crisis intervention) to policing;
- (4) the teaching of those skills;
- (5) the implementation of a pilot effort to refine those skills; and
- (6) the evaluation of impact.

Essentially, this proposal concentrates on (1), (2), and (3) above.

#### Theoretical Background

Despite an enormous growth of empirical knowledge about the police during the past fifteen years, little has been learned about precisely how individual officers exercise their authority in field settings. Instead, most students of the police have been content simply to demonstrate repeatedly that officers have a great deal of "discretion," or freedom to handle incidents as they see fit, and that the written law is only one of many factors that are relevant to the decisions they actually make. Systematic research on the use of this discretion by patrol officers —

specifically detailing what they do under what conditions — has been limited largely to the decision to arrest (e.g., Piliavin and Briar, 1963); La Fave, 1965; Black and Reiss, 1970; Black, 1971; Lundman, 1974; Lundman, Sykes, and Clark, 1978). Only a few students have featured the many other actions officers might choose besides arrest (see especially Cumming, Cumming, and Edell, 1965; Bittner, 1967a; 1967b; Black, 1970; Bard and Zacker, 1976; Black, 1980: Chapter 5). In regard to the handling of grievances between specific individuals, for example — the focus of the present investigation — little is known about the various strategies and tactics officers employ, their determinants, or their consequences. Perhaps this is because police work has so long been viewed primarily as a process of law enforcement, the first stage in the system of criminal justice. This is, after all, its popular image, and also the version of police work emphasized by lawyers, judges, and the police themselves.

#### Law Enforcement versus Peacekeeping

In recent years, social scientists have sought to revise the conventional view that police work is essentially a mechanical process of law enforcement. Beginning with Banton's work in 1964, it has come to be recognized that police officers are peacekeepers as well as law enforcers, in other words, that much of their work involves the re-establishment of social order (or "order maintenance" — see Wilson, 1968: 16-17; see also Bittner, 1967b). Moreover, it has been recognized that peacekeeping not only involves much that arguably lies beyond the province of criminal law, such as the handling of family arguments, neighborhood squabbles, and landlord-tenant disputes, but also that officers frequently are willing to disregard clear violations of the law in the interests of restoring order, such as when they ignore an "assault" between a husband and wife or a "theft"

involving friends or neighbors (see, e.g., Black, 1980: Chapter 5). This conception has provided an important qualification to the conventional view of police work. Even so, it has limitations of its own.

The distinction between law enforcement and peacekeeping is, unfortunately, not as easy to operationalize empirically as it might first appear. At what point, for example, does an assault between intimates such as members of the same family become a problem in law enforcement rather than peacekeeping? How do we know when an arrest is made to maintain order rather than to enforce the law? Does law enforcement pertain only to stranger crime and vice, or is it something more (or less)? How do we identify a peacekeeping problem before we know how the police will handle it? What do we measure? If the distinction is not a false dichotomy, with too much overlap, contradiction, and vagueness to be meaningful, and if it is not circular, applicable only after the facts are known, it can at least be said that more elaboration of these conceptions will be necessary before they can be applied rigorously to concrete problems, scientific or practical. The distinction between law enforcement and peacekeeping is only a beginning, then, and may well raise more questions than it answers.

#### An Alternative Perspective

The present investigation proceeds from a tradition of social science research and theory that has developed largely without reference to the police and crime: the study of dispute settlement or, in particular, the study of what happens when people have grievances against one another. Although in many cases, probably most, people handle their own grievances, other persons — third parties — often become involved on one side or the

other, or as neutrals who try to contribute to a resolution of the matter dividing the principals. Social scientists in the field of dispute settlement have been almost exclusively concerned with the phenomenon of third-party intervention (for representative studies and literature reviews, see Gibbs, 1963; Gluckman, 1965; Abel, 1974; Nader and Todd, 1978; Koch, 1979; Roberts, 1979). This emphasis is entirely suitable for purposes of the present investigation, since the police are third parties par excellence. In fact, the theoretical core of this investigation might be described as an effort to bring to the study of the police a perspective that derives from the interdisciplinary study of dispute settlement, especially that pertaining to the intervention of third parties. As will be discussed below, the police perform a wide variety of third-party roles, partisan as well as nonpartisan, and with varying degrees of involvement. It will also be seen that a focus upon third-party intervention cross-cuts the distinction between law enforcement and peacekeeping, but is sensitive to much of what that earlier distinction was originally intended to illuminate.

#### Varieties of Third Party Behavior

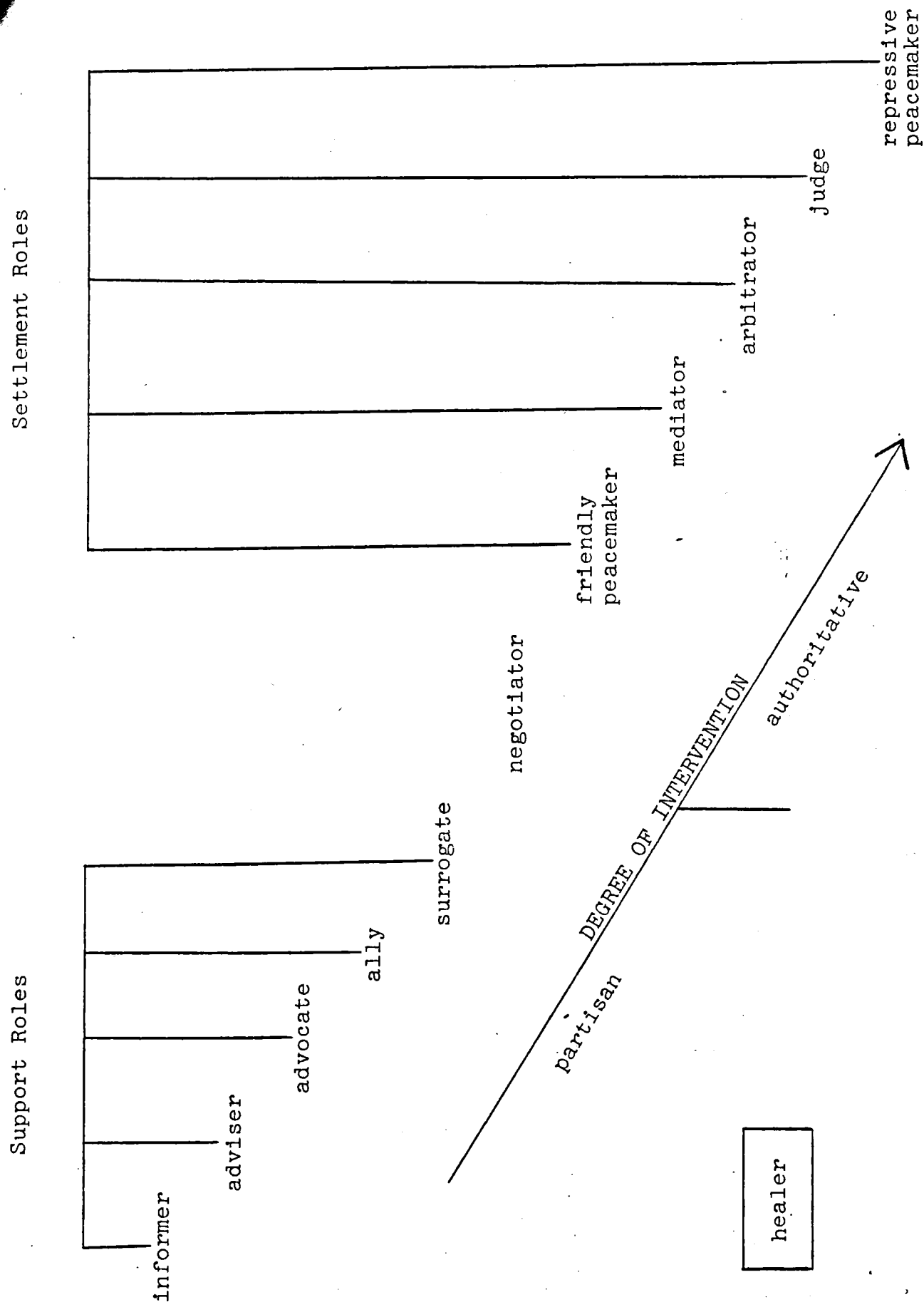
As a first step in the analysis of third-party intervention by the police, it is necessary to structure the range of variation to be explored. In this regard, the present investigation benefits from work already accomplished by students of dispute settlement, who have devised typologies specifying the various roles played by third parties from one conflict to another. For the most part, these schemes have featured only third parties who assume a stance of impartiality. Thus, for example, one typology includes the categories of mediator, arbitrator, and judge (Galtung, 1967),

while another contains those of mediator, judge, and administrator (Eckhoff, 1965). An especially pertinent typology — notable for having been developed in the course of police research — mentions the roles of those who engage in authoritative resolutions, several varieties of mediation, and counseling (Bard and Zacker, 1976). Other typologies emphasizing impartial third-party intervention are those of Koch (1974: 27-31), Sander (1976), and McGillis and Mullen (1977: 4-25).

The research proposed here begins with a typology of a different sort — one which considers as third parties all those who become involved in other people's conflicts, including those who are openly partisan. Such a scheme has already been developed by two of the present investigators, Black and Baumgartner, as part of a larger program of cross-cultural research on strategies of conflict management (Black and Baumgartner, 1982); attached as Appendix A of this proposal; see also Morrill, 1981, applying the typology to the handling of domestic disputes by police officers). As demonstrated in Figure 1, this typology isolates twelve third-party roles ranged along two axes of intervention, the partisan and the authoritative. In the first category are five support roles, those of the informer, the adviser, the advocate, the ally, and the surrogate. Among themselves, these roles are characterized by an increasing degree of partisan involvement in conflict, entailing the investment of ever more resources and the assumption of ever greater risks by the third party. An additional five roles, involving the exercise of authoritative intervention, may be termed settlement roles. These include the friendly peacemaker, the mediator, the arbitrator, the judge, and the repressive peacemaker. Across these roles there is an increasing degree of authoritative involvement, with the third parties becoming ever more active in the imposition of a settlement.

# A TYPOLOGY OF THIRD PARTIES

Figure 1



Finally, this typology contains two additional roles, one — the negotiator — that combines partisan and nonpartisan elements, and one — the healer — that lies apart from the others altogether, since it entails no open recognition that a conflict exists at all.

As emphasized above, police officers are frequently called upon to intervene as third parties in the conflict of others. It would appear that in meeting such demands for their services, the police at one time or another engage in virtually all twelve roles in the Black-Baumgartner typology. An officer in a field encounter may side with only one party in a dispute, for example, and thus adopt a support role, or he or she may remain neutral and perform a settlement role. If a supporter, the officer may simply impart information (and so function as an "informer") or give advice (as an "adviser"). Greater degrees of support are seen when an officer pleads the cause of a citizen before someone else, and so acts as an "advocate," or when he or she risks physical injury to advance the interests of one of the parties, and so performs the role of an "ally" or even a "surrogate." An officer may also remain neutral and seek to advance a solution fair to both parties. When simply seeking to defuse a conflict without regard to the issues in contention, the officer acts as a "friendly peacemaker." An officer may address the issues but suggest no specific resolutions (and so function as a "mediator"), propose a solution without enforcing it (as an "arbitrator"), or both advance a solution and seek to enforce it if necessary (acting as a "judge" of a sort). An officer may also demand that the parties in conflict abandon their dispute, regardless of its substance, under a threat of some kind (such as arrest). When this happens, he or she acts as a "repressive peacemaker." Finally, an officer might perform the role of "negotiator" by speaking for one side in working out a solution with

the other, or of "healer" by defining a party to the conflict as someone in need of psychiatric care.

Conceptualizing police responses to grievances in terms of this typology — one developed to deal with conflicts involving third parties across societies and situations — frames the problem of much individual officer activity as an issue in the larger field of dispute settlement. It thus makes it possible to bring to the study of police behavior a new perspective, and also to enrich the understanding of dispute settlement in general with insights drawn from an analysis of a distinctive and socially strategic body of professional third parties.



## METHODOLOGY

In working toward tentative definitions of police competence in the handling of grievances and preliminary proposals for maximizing such competence, the present study will undertake three inter-related tasks: 1) deliberations by an expert panel designed to yield specifications of competent police practice in this area and judgments about the feasibility of introducing and encouraging such practices in contemporary police organizations; 2) interviews with police officers about a range of matters pertinent to the larger issues; and 3) exploratory observation studies of actual police handling of grievances, particularly in light of administrative devices designed to influence their conduct. The latter two tasks will address a range of empirical research questions including the following: What third party roles do patrol officers actually play in handling grievance situations? Which roles are more frequent, which less? How do the roles vary in practice? Which officer characteristics (e.g., sex, race, age, education) are associated with which roles? Which citizen characteristics are associated with which roles? What, if any, differences are evident across the roles in such indicators of effectiveness as officer satisfaction with encounters, citizen satisfaction with encounters, amiability of encounters, and so forth? In the remainder of this section of the proposal each of the three research tactics is discussed in more detail.

### The Expert Panel

The first step in this project is the formation of an expert panel composed of the staff (Moore, Black, Kelling, Baumgartner, and Edwards), one outside police researcher who has been concerned with the application

of theory to practice, Dr. Peter Manning, and three police professionals who have been practicing police officers and have had additional experience with research and/or personnel evaluation. (The resumes of the members of this group - Keith Bergstrom, Charles Brown, and Robert Kliesmet - are found in Appendix C. Their credentials are discussed further in the description of the research team.) The panel will perform several functions. At its initial meeting, the panel will review the typology used in this study and consult regarding its refinement for practical use. As a heuristic exercise, it will watch and respond to the film Law and Order. Incidents in which there are grievances will be analyzed in light of the typology. Considering the dynamics of the scene of each grievance a variety of goals will be identified in light of probable community and departmental norms and policies, the apparent desires of the disputants, and the role played by police officers. Based on the above, their familiarity with police practice, and their own experiences, panel members will then identify behavioral activities which they hypothesize will obtain a variety of goals. Tentative definitions of competence will be established.

At a second meeting held after preliminary raw data from the field research has been made available to its members, the panel will readdress the issue of its first session. Goals will be specified for cases discovered through interviews or observations; the officers' style and mode of intervention will be classified; causal relationships between behaviors and outcomes, desired and not desired, will be explored. This process will then be repeated with what the panel judges to be ideal goals, behaviors, and skills in mind. By this process, competence will again be tentatively defined. Based on the panel's work in the first and second sessions vignettes of cases will then be written up in two forms: the first will be the raw data and the panel's

interpretation of what took place and the second will be in idealized form with the definition of competence made central.

Finally, the expert panel will convene at the end of the study to consider the findings and generalizations derived from the field research and subsequent data analysis. After retracing one last time the process of identifying police competence and effectiveness, the panel will suggest strategies by which desirable police practice might be fostered. They will also assist the staff of the project in designing a research program to test the relationship between the theoretically derived definitions of competence and actual outcomes, and which could assess the viability of formulated policy recommendations.

#### Interviews

One of the two major sources of data for the present study will be a series of interviews conducted with police officers. The goal of these interviews will be to elicit information from officers about how they categorize grievance situations and the range of possible responses to them, how they actually handle such matters, how they believe other officers handle them, and what police actions they find especially effective and desirable. The officers will also be asked to respond to the typology of police roles used in this study and to practical suggestions generated by the researchers. In particular, after the series of vignettes have been compiled by the researchers in light of the expert panel's deliberations, officers will participate in a replication of the panel's activities and will be asked for their impressions, judgments, and comments on the panel's definition of competence. Most of the interviews will be conducted with individual officers; some will occur in group sessions; others will be in the station. There will be an open-ended dimension to the interviewing process,

as well as a more structured component in which police reactions to a number of hypothetical situations will be solicited. Special effort will be made to talk with officers from a diversity of backgrounds and social locations. Overall, it is projected that approximately 100 - 150 interviews will be conducted.

### Observations

For purposes of this study, the second major source of information about the police handling of grievances will be a number of direct observations in the field. These will occur in areas where there are a large number of calls for dispute settlement by the police. The sample period in which observations take place will be determined by the number of grievance calls which normally occur during a particular shift and by departmental administrators. Effort will be made to observe officers who are considered to be among the best in handling dispute calls, as well as those from a variety of backgrounds. The goal will be to obtain between 50 and 60 cases of third-party intervention by police officers. Detailed descriptions of each encounter will be drafted. These will include information about what the officer was doing at the time he or she was dispatched, how he or she appeared to feel, how the officer drove, what was said, how the officer approached the scene, where and how the officer initiated the contact, the body positions assumed throughout the encounter, and the termination of the encounter. They will also include material drawn from reports by the officers themselves about what they were feeling during the encounters, what they intended to do, why, and related subjects.

\* \* \*

Information from the interviews and direct observation -- supplemented by what is available in the current literature -- will be pooled during this

study to create two different data banks, both with potential uses beyond the present investigation. One will be a file structured under a variety of variable headings, including those pertaining to characteristics of officers, types of incidents, third-party roles adopted during grievance encounters, and outcomes of police intervention. By the end of this project, a substantial, organized body of information about how the police handle grievances will be assembled. Material from this file will be retrieved for further analysis after the investigatory stage of the project is completed.

In addition, a group of detailed, descriptive vignettes of actual cases handled by the police will be compiled. As little interpretation of these cases will be made as possible, so that together they can stand as a body of raw data. Rather than selecting specific features of an incident for consideration, as the data file discussed above does, this compendium of cases will amass a great deal of detail about select encounters in their entirety.

## ORGANIZATION AND MANAGEMENT PLAN

This is a joint project between the Program for Criminal Justice Policy and Management at Harvard University's Kennedy School of Government and the Center for Criminal Justice at the Harvard Law School. It will be conducted under the direction of Dr. Mark H. Moore and Dr. George L. Kelling of the Kennedy School of Government and Dr. Donald Black of the Center for Criminal Justice. Other project staff includes Dr. Mary Patricia Baumgartner of the Center for Criminal Justice and Mr. Steven M. Edwards of the Kennedy School.

Central to the project is the work of an expert panel. Chaired by Dr. Moore, this panel will include researchers Black, Kelling, Baumgartner, and Edwards of the project, Dr. Peter Manning of Michigan State University, and three persons familiar with police operations: Mr. Keith Bergstrom, Mr. Charles E. Brown, and Mr. Robert B. Kliesmet. Dr. Moore's extensive experience in constructing and analyzing case studies uniquely qualifies him to chair such a panel. Not only are the researchers highly qualified for this project by virtue of their past work in scholarly areas pertinent to the study (see attached vitae), but they have also established a network of communications and reviewed each others' writings throughout the years; thus they will function well as a team.

### Project Milestones

This project will commence with the first convening of the expert panel, which will meet during the first, sixth, and tenth months of the one-year schedule. The purpose of the first meeting will be to organize and to determine the most appropriate ways to develop case materials relevant to the existent theoretical model. Topics to be discussed include site selection, field observation procedures, and the structure of the in-depth interviews. The second meeting will be held during the sixth month for the purpose of surveying the field experiences, profiling the grievance cases, and providing guidance regarding future discussions with the police. At the final meeting, conducted during the tenth month, panel members will design a model for empirical testing, discuss definitions of competence, and outline the final report (for more detail on the work of the expert panel, see the Methodology section above).

Field work will begin shortly after the first meeting of the expert panel. Interviews will take place during the first eight months of the project, while direct observations will be concentrated in the third and fourth months. Systematic data filing will occur throughout the eight months of field work; compilation of the vignettes will be accomplished in months five and six. The ninth and tenth months will be devoted to final analysis of the materials and the structuring of a final report. The report itself will be drafted during the eleventh and twelfth months, and submitted to the expert panel for review at the end of the study.





## ANTICIPATED PRODUCTS

The deliberations of the panel, interviews with the police, and observation studies will yield the following products: a) a statement specifying what the goals of policing ought to be in the area of grievance management; b) a set of hypotheses about the influence of officer, citizen, and incident characteristics upon a variety of possible police actions -- both those judged desirable and those undesirable; c) a series of suggestions about how, given both the proposed goals and the forces which can affect them, effective police practice might be fostered; and d) a research design which would test whether the tentatively recommended skills and techniques would in fact obtain the desired results in a field setting. These products will be presented in the form of a final report.

## APPENDIX A

### A Typology of Third Parties

A TYPOLOGY OF THIRD PARTIES\*

by

Donald Black and M. P. Baumgartner

Center for Criminal Justice

Harvard Law School

First Draft

February, 1981

\* This essay was prepared in the course of a larger project directed by Donald Black and supported by the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, and by the Program in Law and Social Science of the National Science Foundation. An earlier version was presented to the Disputes Processing Research Program, University of Wisconsin, and the Center for Criminal Justice, Harvard Law School. We thank the participants at these sessions for their helpful comments.

In this essay we present a classification of the various roles through which people intervene as third parties in the conflicts of others. Such a classification, or typology, is a necessary first step toward a general theory of the third party, since it specifies the primary range of variation that a theory of this kind should address. Although our typology is the product of an extensive review of anthropological, sociological, and historical materials on the management of social conflict, it will undoubtedly need revision and refinement in the light of future inquiry. What follows, then, should not be construed as more than preliminary. Even so, it is intended to be comprehensive.

At the beginning, it should be noted that in one respect our conception of third parties departs quite radically from that seen in earlier efforts of a comparable nature. We include in our typology virtually all individuals or groups who intervene in any way in an on-going conflict, including those who are overtly and unabashedly partisan from the outset, such as lawyers, champions-at-arms, and witnesses. In contrast, earlier typologies have treated as third parties only those who are--or who claim to be--nonpartisan, such as mediators, arbitrators, and judges (e.g., Galtung, 1965; Eckhoff, 1967; Koch, 1974: 27-31; Shapiro, 1975: 323-325; Sander, 1976; McGillis and Mullen, 1977: 4-25; but see FitzGerald, Hickman, and Dickins, 1980).

We include partisans as third parties because, in the first place, it does not seem to us that a distinction between partisans and nonpartisans can be drawn and maintained as easily as might be supposed. On the one hand, many third parties who claim to be

neutral in a conflict are actually biased in favor of one side or the other. That this is a possibility is known to every lawyer who goes to court, and it may also be the case in more informal modes of conflict management, such as mediation in a tribal society, a private association, or a family. Apart from bias apparent during the settlement process itself, moreover, the whole point of resorting to a third party is often simply to determine which principal the settlement agent will ultimately support. A modern judge typically chooses which side of a conflict the state will take, for example, and arbitrators frequently decide to throw their weight entirely behind one party as well.

On the other hand, people who intervene as supporters rarely if ever do so without first assessing the merits of a case. Lawyers, for example, do not automatically accept the business brought to them by potential clients, but first evaluate the issues in question in much the same way that a judge or arbitrator would do so (see, e.g., Macaulay, 1979). The same applies to kinfolk and friends who come to the aid of their fellows: There is a limit to the conduct that they will defend, and there are alleged offenders whom they may be reluctant to oppose. Even under the pressure of collective responsibility, wherein all of the members of a group are held liable for the conduct of each, cooperation depends upon an assessment of each matter at issue, and there is a point beyond which any group will refuse to be identified with one of its wayward members (see Moore, 1972; Posner, 1980: 43-44). In short, supporters commonly relate to conflicts partly in the manner of settlement agents, and vice versa. For this reason alone it would seem unwise to ignore

partisan intervention in a theory of the third party.

Beyond these considerations, another reason for including supporters in a typology of third parties is that they play so important a role in the actual management of conflict. In some cases, they may be the deciding factor in how the issues in dispute are defined at the outset (see FitzGerald et al., 1980: 14-15; Mather and Yngvesson, 1981: 00-00), and in whether and how they are subsequently resolved. At every stage, the social status and other characteristics of each supporter, as well as the number and organization of the body of supporters as a group, contribute to the structure and process of the conflict situation. Not only do their attributes have significance for the conduct of the principals, but also for that of any settlement agent who might become involved. In fact, the relationship of a supporter to a settlement agent may prove critical in the ultimate fate of a dispute.

#### THE TYPOLOGY

Our typology is designed to classify third parties along two major dimensions: the nature of their intervention--whether partisan or not--and the degree of their intervention. It identifies a total of 12 roles, including five support roles (informer, adviser, advocate, ally, and surrogate) and five settlement roles (friendly peacemaker, mediator, arbitrator, judge, and repressive peacemaker). Each is ranked according to the degree of intervention it entails (see, e.g., Gluckman, 1965: 222; Sander, 1976: 114; compare, e.g., Abel, 1974; Griffiths, 1982). In addition, we include one role that combines partisan and nonpartisan elements (the negotiator), and one that

lies beyond these categories entirely (the healer). The 12 roles may be graphically represented as follows:

(TYPOLOGY HERE)

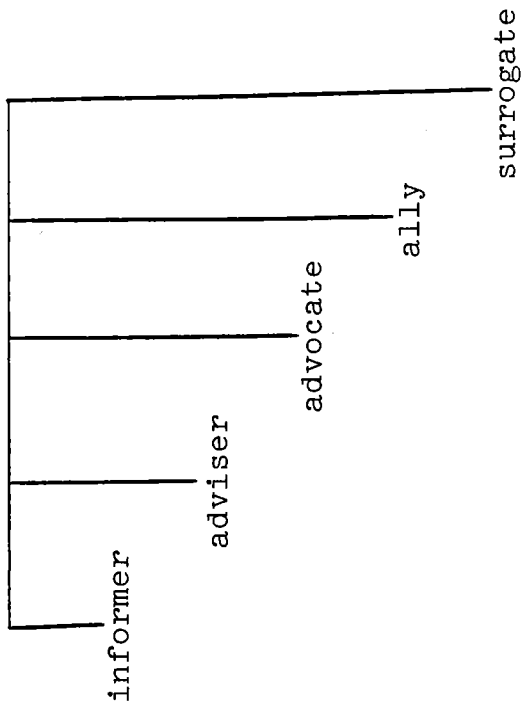
In the remaining pages we describe our typology in further detail, illustrating each role with examples from diverse settings across time and space. As we proceed, the reader should bear in mind that the typology does not describe a set of discrete categories, but rather a number of spans along each continuum of intervention, partisan and authoritative, with every role shading into the next.

SUPPORT ROLES

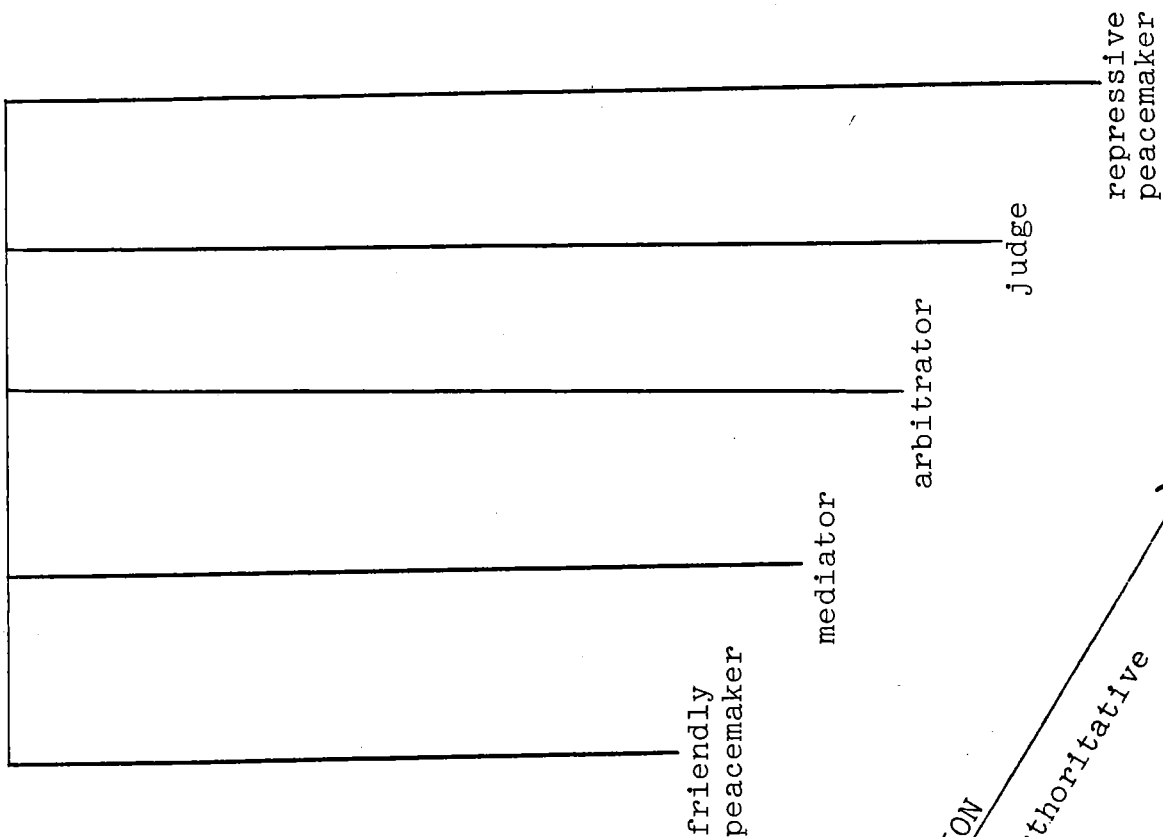
Although impartial arbiters are likely to come to mind as examples of third parties, and although they receive a disproportionate amount of scholarly attention, it seems clear that most people who interpose themselves in the conflicts of others make no claim to neutrality. Instead, they act entirely on behalf of one side, and are generally recognized as doing so by all concerned, from the beginning. These actors, performing support roles, are distinguished among themselves by the amount of assistance they give, and by the extent of risk and hardship which they assume as a result. Put another way, they differ in the extent of their investment in the conflicts which they make their concern. In the following pages, the five major support roles -- the informer, the adviser, the advocate, the ally, and the surrogate -- are discussed, and illustrations of each are given. The section closes with a note on opposition, the obverse of support.

THIRD PARTIES

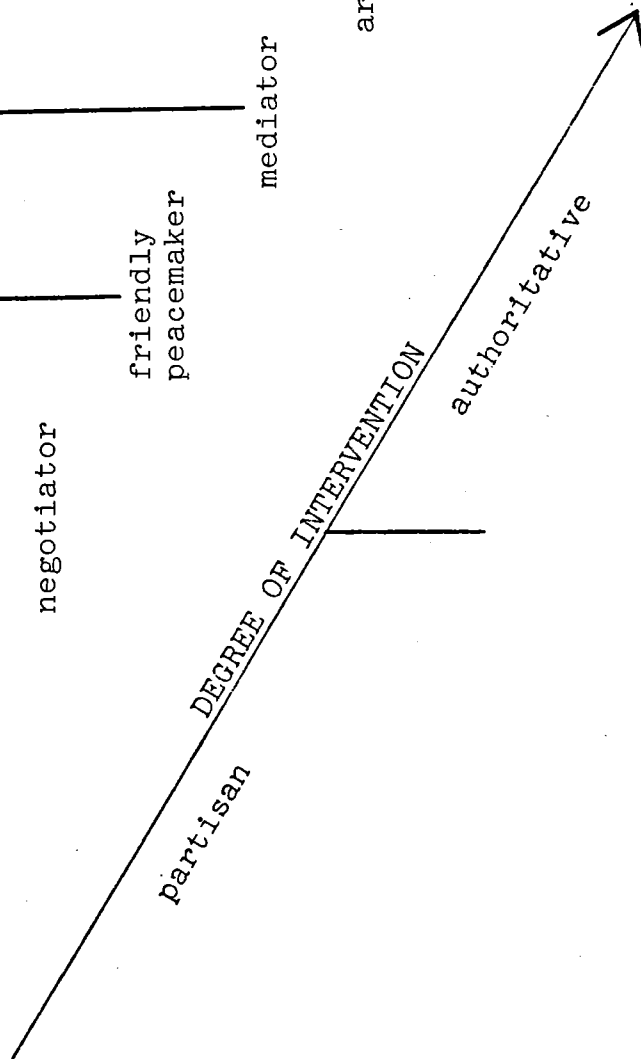
Support Roles



Settlement Roles



negotiator



healer



### Informers

Among the various supporters of people in conflict, the smallest investment is made by the informer. People who assist others in this way provide information or facts, but do not participate in resolving the conflict to which their information pertains. Their contribution is usually restricted to an early stage of the conflict, and is more likely than other kinds of support to be provided in secret.

Informers may be recruited by a principal or by another supporter, or they may step forward on their own. Often, in fact, the informer is simply a gossip. In intimate communities of all kinds, frequent chatter about the activities of others seems to be a prominent feature of social life (see, e.g., Gluckman, 1963; Merry, 1982). Some individuals even become specialists in transmitting information about their fellows, well-known as town or village gossips. Those who exchange information casually, and all the more those for whom doing so approaches an avocation, may communicate directly to people a piece of information pertinent to their conflicts. Still other informers may be paid for their services. In modern American police work, for example, informers are often paid--in money or other consideration--for information about narcotics offenses (see Skolnick, 1966: Chapter 6; Gould, Walker, Crane, and Lidz, 1974: 72-76). In ancient Athens, where prior knowledge of an opponent's arguments in court was considered especially valuable, there were many successful attempts to bribe attorneys or friends into divulging confidential information of this sort (Chroust, 1954a : 375-376). Others are neither gossips nor merchants in information, but step forth from a sense of moral outrage against an offender, sympathy

or affection for one of the principals, or dislike of his or her opponent. Finally, some people are coerced by threats or violence into giving information relevant to a conflict.

In some instances an individual may invest time and energy in the task of uncovering information relating to another's grievance or offense. Active participation such as this defines the role of the partisan investigator, a subtype of the informer. The prototypical partisan investigator is perhaps the modern private detective, a professional who, for a price, invests considerable resources in discovering and reporting what a client wants to know. Partisan investigators may be amateurs as well--"snoops" and "spies" of various kinds.

An exotic variant of the informer, also worthy of brief notice here, is the diviner. In many societies aggrieved parties can bring their questions about the identity or intentions of offenders to individuals skilled in the use of supernatural methods of discovery. Usually in return for material compensation, such specialists may read leaves, cards, or animal entrails, enter trances, perform rituals, or take other measures designed to uncover facts useful to someone else. Among the Azande of the Sudan, for example, witch doctors drink potions and dance themselves into frenzies so that they can determine who is responsible for a person's misfortunes (see Evans-Pritchard, 1937: Part 2). In seventeenth-century England, "wise women" and "cunning men" used a variety of techniques to reveal who had stolen something from their clients (Thomas, 1971: 212-222). And similarly, among the Qolla of Peru, skilled maestros are believed able to discover thieves (Bolton, 1974).

In some cases informers appear to be crucial to the conflict process, focussing the diffuse anger of a victim, or enabling a party to gain decisive advantage over his or her opponent. Yet in comparison with other kinds of supporters, they have as a group a low involvement in the conflicts upon which their activities bear. Having imparted their information, they retreat from the scene of the conflict itself, leaving others to act upon the facts they have provided.

### Advisers

Advisers give opinions about how to manage a conflict to one of the principals involved. Accordingly, they are third parties who assist in devising the strategy by which a dispute will be prosecuted. Unlike more involved partisans, however, they do not participate in executing such a strategy. In many cases, in fact, their contribution is made behind the scenes and remains unknown to the opposition.

In societies where they have evolved, attorneys frequently adopt the role of adviser. Giving advice to clients occupies a great deal of the time of contemporary American lawyers, for instance (see e.g., Carlin, 1962; Smigel, 1964: Chapter 6). In the Soviet Union, lawyers dispense advice from storefront "consultation offices" or from their posts as "jurisconsults" to enterprises and organizations (see Barry and Berman, 1968; Giddings, 1975). In an earlier period, Greek and Roman attorneys also advised clients on what to do about their interpersonal tensions (see Chroust, 1954a; 1954b).

Other advisers are frequently found in the persons of those

empowered to adjudicate disputes. Thus, one anthropologist who studied the Tiv of Nigeria has noted that

the sort of advice which we in the west have come to associate with legal counsel is, in Tivland, usually given by the persons who are going to judge one's case (Bohannan, 1957: 29).

Many Tiv approach judges informally to ask them what course of action they recommend in a dispute, and as a result, numerous cases are settled without further ado. It is not, however, only in traditional societies that designated judges perform this function. In an affluent suburb in modern America, for example, it is not uncommon for the municipal judge to dispense advice to aggrieved individuals who come to him privately for consultations (Baumgartner, 1981). In some societies there are also specialized individuals who, for a fee or other consideration, give legal advice in the capacity of "broker." These are people with no official position and no formal training, but who nonetheless have a certain amount of influence in official circles and who have become experts in the operation of a legal system. Because of their unusual knowledge about how to manipulate the law, they are frequently approached for their opinions by fellow villagers. In a village of Lesotho, for example, a man in this position routinely helps others decide such matters as whether or not to initiate litigation and, if so, how best to manage their cases in court (Perry, 1977).

Traditional patron-client relationships also constitute fertile ground for the transmission of advice. The terms of such social arrangements generally include assistance to the client by the patron

in times of difficulty -- assistance which often amounts in practice, so far as conflicts are concerned, to the giving of advice. In ancient Rome, for instance, a powerful patronus might give his cliens legal advice as a way of discharging his obligations (Kelly, 1966: 27). Less formally, local gentry not specifically related as patrons to their lower-status neighbors appear nonetheless to be frequently approached for their advice.

Family members, friends, and other associates often assume the role of adviser when one of their number becomes involved in a conflict. Surveys of the contemporary American public, for example, reveal that intimates are especially likely to be called upon for advice and moral support when trouble arises (see, e.g., Schulman, 1979). Thus, one student of consumer problems in the United States notes that "the complainants' sense of outrage and injustice is often validated by friends, colleagues, and even supervisors who empathize with and may urge them to complain" (Addiss, 1980: 172). In other societies as well, intimates appear to play a crucial role in determining how offenses will be dealt with and peace restored (see, e.g., Ekvall, 1954; Jones, 1974: 67-68). Often such advice is situational and spontaneous: Among the Yanomamö of Venezuela and Brazil, fellow villagers are reported to give their opinions freely about quarrels in progress (Chagnon, 1977: 92), and the same is true of the Kapauku of New Guinea (Pospisil, 1958: 254-255).

Advisers may shape the character of a conflict considerably, by urging moderation or by agitating for a forceful response to a grievance. At the same time, some simply help plan the execution of a strategy, as was true of the ancient Greek specialists known

as logographers. These individuals, for a fee, served as ghost-writers of the impassioned speeches which litigants were required to make before the courts (Chroust, 1954a: 345-350). Regardless of the substance of the opinions provided, however, advisers invest comparatively little in the conflicts about which they comment. More active support is found in several other roles.

#### Advocates

Advocates are third parties who step forward publicly and plead the cause of the people they support. They range from spokesmen or spokeswomen who simply present a principal's position to sponsors who invoke their own reputation and social standing to secure advantages for someone else. As is true of informers and advisers, they may voluntarily seek to give this assistance, or they may be paid for their services. In some tribal societies, an advocate might step forth on behalf of an aggrieved individual simply to publicize the complaint for all to hear. Among the Hopi Indians of the American Southwest, for example, an elder esteemed for his oratorical abilities may air a villager's complaint by climbing to a rooftop and giving a stylized chant in which he pleads with an alleged offender to desist from a particular activity or to make amends for a misdeed. His performance is known as a "grievance chant" (Black, 1967). Similarly, the Cheyenne Indians of the American Plains have a "camp crier" who presents complaints when the offender is unknown, in hopes of ending the offensive behavior or possibly gaining a more specific form of satisfaction for the complainant, such as the return of a stolen article:

Appropriation of another's property seems not to have been too uncommon. Calf Woman says that lots of times she heard the crier haranguing about the loss of an article by somebody.... As an example, Deaf Ear lost his entire buckskin suit. A crier made the announcement. Still, no suit. A second crier offered a horse [as a reward]. "It is a well-marked suit. Any member of the family will know it. You'll feel badly if you are caught with it on," he warned. The suit was returned (Llewellyn and Hoebel, 1941: 226).

In modern societies, advocacy is one of the principal functions of attorneys. It is also undertaken by various other participants in legal life. Character witnesses, for instance, who vouch for the integrity of a disputant as a human being, effectively perform an advocate's role. In the Soviet Union, organizations of citizens are encouraged to appoint one of their number to appear in court as "social defenders" if, in their experience with a defendant as a neighbor or co-worker, they have found the individual to be a good associate (see Feifer, 1964: Chapter 4). One of the most developed forms of advocacy, compurgation, played a major role in the trials of early Germanic societies. The compurgator was an individual who swore a supporting oath to substantiate the claims of a principal, and in sufficient numbers (as determined by the circumstances of a case), and provided all gave a perfect recitation of the required formulas, their combined backing was decisive (see

Lea, 1892: 13-99; Pollock and Maitland, 1898: 634-637; Berman, 1978: 561-562). Early Roman courts had advocates of several kinds:

Hearsay evidence was permitted and any number of prominent persons might be heard on their opinions. The social prominence of such "witnesses," who went by the significant name of laudatores (praisers), in itself was considered an adequate substitute for real knowledge of the facts on their part. To have less than ten such laudatores was considered an outright disgrace (Chroust, 1954b: 131).

During the same period, Romans might hire clagues to appear in court during their trials, and, at appropriate moments, support their testimony with applause and cheers or assail that of their opponents with hoots and whistles (Chroust, 1954b: 132-133).

Advocacy also stands with advice as one of the principal kinds of support provided by patrons to their clients. Thus, in Japan:

If a kabun

→ [client] got in trouble with the police--caught for gambling, say, or fighting--his family would turn to the oyabun [patron] as the obvious one to go and moraisageru him--a curious word meaning "to secure release from custody on the informal guarantee of a social superior," literally, "to get back down" (Dore, 1978: 291).

Patrons in Latin America (Tumin, 1952: 126) and Thailand (Engel, 1978: 22) similarly engage in advocacy on behalf of their clients.



Among the Tiv of Nigeria, however, advocates for someone whose case is being aired in a moot are likely to be members of that person's age group, or peers (Bohannan, 1957: 168). The same general pattern appears to be widespread: Siblings speak up for siblings, coworkers for coworkers, and friends for friends. In fact, while less dramatic than other forms of advocacy, informal support of this kind seems to be far more common.

The investment made by advocates on behalf of those they support is greater than that of informers or advisers. Advocates are directly involved in the process of conflict management, and, especially as they move toward active personal sponsorship, may come to stake their own reputation for the benefit of the principal they support. Even so, their role does not generally require them to make significant material contributions to a conflict or to assume significant material risks because of it. For a higher degree of commitment a principal must turn to an ally or a surrogate.

#### Allies

Of all the people who give support to others, the ally is perhaps the most celebrated. Allies are a striking manifestation of partisanship, taking up personal burdens for the good of others. They may render themselves vulnerable to physical injury, for instance, or contribute from their own resources in order to help secure an advantageous outcome for the person or group whose cause they espouse. While they share the jeopardy of a party in conflict, they do not, however, take principally upon themselves all of the risks involved. Their support thus stops short of the maximum possible.

In tribal societies, alliance usually arises from kinship. In the typical scenario described in many accounts, a group of relatives assembles upon learning of an incident involving one of their number. After discussing the matter, they decide upon a course of action and approach the opponent, who is likely to be buttressed by supporters of a similar kind. In the ensuing confrontation, the family members may be prepared, if necessary, to exert force against the person or property of the opponent. If, on the other hand, a peaceful settlement emerges as a possibility, they may contribute goods--livestock, shells, or whatever--to enable their kinsman or kinswoman to conclude the affair. At the same time, they stand to benefit materially should the ultimate settlement be in favor of their side. This widespread pattern of kin alliance has been noted among the ancient Germans (Berman, 1978) and their descendants in feudal times (Bloch, 1939: Chapter 9), the Jalé of New Guinea (Koch, 1974), the Ifugao of the Philippines (Barton, 1919), the Nuristani of Afghanistan (Jones, 1974), the nomads of Tibet (Ekvall, 1954), the Nuer of the Sudan (Evans-Pritchard, 1940), the Ndendeuli of Tanzania (Gulliver, 1969), the Yanomamö of Venezuela and Brazil (Chagnon, 1977), the Bedouin of Libya (Peters, 1967), the Sards of Sardinia (Ruffini, 1978), and among many other peoples. A well-developed alliance system is found among the nomads of northern Somalia, who maintain organizations called "dia-paying groups" (literally, bloodwealth-paying groups) expressly designed to handle complaints by or against their members. A dia-paying group is composed of men who are genealogically related, though it also involves a contract specifying how much compensation the group

will demand in case of a homicide, injury, or insult against a member by an outsider, the proportion to be kept by the organization, the proportion that the organization will pay if a member commits an offense against an outsider, and so on (Lewis, 1959; 1961).

Allies are also frequently found beyond the family circle. In feudal Europe, for instance, it was the obligation of vassals to assist their lords in times of conflict (Bloch, 1939: Chapter 16). Circles of friends often act as allies for one another too. In modern America, an observer of the Hell's Angels motorcycle club has noted that in conflicts between an Angel and an outsider, club members "have a very simple rule of thumb;...a fellow Angel is always right. To disagree with a Hell's Angel is to be wrong--and to persist in being wrong is an open challenge" (Thompson, 1966: 71). In support of their fellows, moreover, Hell's Angels are quite willing to resort to violence (Thompson, 1966: Chapter 6). In ancient Athens, adult males of consequence usually belonged to a club or fraternity expressly designed to provide assistance to members in legal difficulty. One's fraternity brethren might donate from their own funds in order to hire the best professional assistance for their comrade, or they might use their personal funds to bribe the authorities on his behalf (Chroust, 1954a: 352-353).

Like other supporters, some allies expect to be paid for their services. Thus, mercenary soldiers may be hired by a nation or faction to fight alongside its own members in a violent conflict with another group. Or people may be bribed to hide and supply parties operating against their opponents in secret, even when this exposes them to the risk of punishment should they be discovered.

Allies may also be recruited by the use of coercion, a pattern often seen when people fight for another's cause or shelter fugitives.

Regardless of how they are mobilized, however, allies--by definition--always invest heavily in the conflicts which become their concern. What they do on behalf of a principal greatly exceeds that done by informers, advisers, or advocates. Even so, their involvement remains secondary to that of the principals themselves. In this respect they may be distinguished from those supporters who go yet further and assume the primary risks and burdens of a conflict, making it, for all practical purposes, their own. Such are the most supportive of all supporters--surrogates.

#### Surrogates

The surrogate substitutes for another person or group in the management of a conflict, largely or totally relieving a principal of responsibility and risk in the affair as a whole. Substitutes of this kind appear to comprise a significant proportion of all third parties, though they may be the least common of the several support roles we include in our typology. Surrogates come in a variety of forms, distinguished among themselves by the precise nature of their conduct and their liability, and by the circumstances surrounding their mobilization, whether voluntary or not.

One variety of surrogate, for example, is the avenger or champion who prosecutes another's grievance as if it were his or her own. In many societies, relatives of murdered or incapacitated victims of violence routinely assume a role of this kind. Thus, among the Cherokee Indians of southeastern America, the nearest relative of the person slain was expected to take the life of a member of the

slayer's clan (Reid, 1970: 90-91). Among the Ifugao of the Philippines, a close male relative of a murder victim is expected to retaliate by killing the murderer or someone in the murderer's family, and, until this is accomplished, the would-be avenger must wear his hair long as a visible symbol of his unfulfilled mission (Barton, 1919: 68-76, Plate 11). Not infrequently vengeance follows upon vengeance in a continuing exchange of violence, a pattern of conflict known as the feud (see, e.g., Thoden van Velzen and van Wetering, 1960; Otterbein and Otterbein, 1965).

There are also societies in which people who are not physically incapacitated occasionally seek the help of a champion better able than themselves to deal with an opponent. Among the Comanche Indians of the American Plains, for instance, an aggrieved party might approach a renowned warrior for these purposes, and the warrior was under considerable pressure to accept this responsibility:

A war leader who refused to accept the request  
for aid in prosecution was to be deemed unworthy  
of his rank, for it was imputed that he feared the  
defendant. No war leader could admit fear  
(Hoebel, 1940: 64).

Similarly, in feudal Europe the code of chivalry dictated that able-bodied knights should not refuse to take up arms on behalf of any weak and needy person (Bloch, 1940: Chapter 23), while more prosperous citizens could have recourse to professional champions who would fight the battles of others for a price (Lea, 1892: 179-198). In modern societies, legal officials perform the role of champion when a citizen's grievance is prosecuted by the state as a crime (see below, pages 48-49).

Another variety of surrogate makes an advance commitment (or is committed involuntarily) to satisfy any claims that might arise in the future from the misconduct of someone else. Hostages, for instance, perform this role in many societies, including those of the ancient Germans and Celts, where it was common practice for one or both parties to give up hostages when forging an important agreement of some sort, such as an agreement to settle a dispute through composition. For as long as the agreement was honored, each principal was required to provide for any hostages held in a manner befitting their rank. Should a party renege, however, the hostages which he had given might be injured or reduced to slavery (see Berger, 1940a; 1940b). A related practice, still seen in the commercial life of the modern West, is the institution of suretyship, whereby a third party pledges to repay a debt if the original debtor should fail to discharge his or her obligations (see Berger, 1940a; 1940b).

Still another kind of surrogate is the scapegoat. This is an individual or group who, without having been appointed in advance, is compelled to bear the punishment for the offense of someone else. Thus, where collective responsibility prevails, so that any member of a wrongdoer's group may be sanctioned for the misdeed, revenge is frequently taken against a relative or associate rather than against the original perpetrator. Scapegoats may also be selected along racial or ethnic lines. In the American South, for example, traditionally any black might be seized and punished for the transgression of another black against a white person. And during the Nazi occupation of Poland in the 1940s, it was Nazi policy to punish randomly selected Poles whenever an offense was committed by a Polish national

(Gross, 1979: Chapter 9). Scapegoats are not always selected because of their similarity to the offenders, however. Among the Suku of the Congo, for instance, victimized individuals often bypass the offender and members of his or her family, retaliating in kind against someone from a third group altogether. This new victim may seek satisfaction by taking revenge against someone from a fourth group, and so on (Kopytoff, 1961). A further illustration is provided by the Tlingit Indians of the American Northwest Coast, who punished a scapegoat when a high-status individual was discovered in the act of theft. It was commonly decided that such misbehavior arose because the thief had been bewitched by a slave, who was thereupon executed and the matter closed (Oberg, 1934:149, 155). Some scapegoats voluntarily give themselves up for punishment on behalf of an offender. In modern society, such people are known colloquially as "fall guys." It is widely alleged that certain individuals serving time in American prisons are there because they have confessed falsely to misdeeds actually committed by higher-ranking associates in organized crime. Similarly, in traditional Thailand, men often accepted the blame for the misconduct of their higher-status patrons (Engel, 1978: 74). In Manchu China, where witnesses were commonly hired to testify to one party's innocence or another's guilt, surrogation was also available for a price:

There were . . . some who made a living by confessing guilt and submitting on behalf of real offenders to corporal punishment, and we hear of 'a band of devoted men' in the neighborhood of Canton prepared to risk transportation and even death for the sake of payment to their

families (van der Sprenkel, 1962: 71).

And, lastly, in a famous fictional account of a surrogate in revolutionary France, Sydney Carton substituted himself for Charles Darnay on the guillotine and lost his head (Dickens, 1859).

Whether given willingly or not, for free or for pay, the support provided by surrogates defines the greatest extreme of partisan aid. Although from the point of view of a principal the surrogate's contribution is enormous, whether it is the most likely to result in an early and enduring settlement of a conflict is another question altogether. Much of the remainder of this essay pertains to the roles through which third parties strive primarily to end conflicts in which they become involved, but first we comment briefly upon another dimension of support roles, namely, opposition.

#### Opposition Roles

In situations of human conflict, one side's supporter is another side's opponent. All five of the support roles, when seen from the perspective of the principal on the other side, may be understood as opposition roles. Opponents act to force concessions from a party to a dispute, to inflict injury, or to thwart efforts to obtain satisfaction from an adversary. Their conduct is calculated to make one party lose.

In a few cases it is possible to find concepts in the practical world which designate the reverse of a support role. Thus, informers may be labelled by those against whom they inform as "stool-pidgeons," "rats," or "tattletales." In the Soviet Union, citizens who step forward during a trial to denounce a defendant are called "social accusers," in distinction to citizen advocates who are called "social



defenders " (see Feifer, 1964: 104-106). And allies who assist the side of management in American labor disputes are known as "scabs" by those their actions adversely affect. In other cases there is no special vocabulary to distinguish support from opposition. Advisers, for instance, are simply advisers regardless of who benefits from their opinions. In the course of an on-going dispute, however, the distinction between supporters and opponents is sharp and significant.

Often it is possible to discern whether a given third party is primarily a supporter or an opponent. People in the former category are drawn into conflicts through their relationship with the principal whose cause they espouse; those in the latter group, through their relationship with the principal whom they seek to undermine. Thus, enemies or competitors of one principal may assist the other side in order to advance their own interests. In ancient Athens, for example, where paid advocates were despised and the usual excuse for assisting a litigant was a pre-existent bond of intimacy, a lawyer might openly admit his own hostile interest in the case:

As an additional justification for his appearance the lawyer could always make the unusual plea that he did so because he was an enemy of the opposing side or the opposing lawyer and therefore had a personal interest in the outcome of the case (Chroust, 1954a:359).

In many other settings, the best chance poor and powerless people have in their conflicts with more influential antagonists is to enlist the support of any of the latter's peers who happen to be their enemies as well. In at least one part of traditional India, for

instance, one "means of redress for an aggrieved lower-caste person, if his dispute was with his own patron, was to seek the help of his patron's enemies within the dominant caste" (Cohn, 1965: 92). In seventeenth-century France, a royal edict of Louis XIV accused low-status persons of actually fomenting and exacerbating discord between aristocrats for similar reasons:

It does appear that there are persons of ignoble birth . . . who have never borne arms, yet are insolent enough to call out gentlemen who refuse to give them satisfaction, justly grounding their refusal on the inequality of the conditions; in consequence of which these persons excite and oppose to them other gentlemen of like degree, whence arise not infrequently murders [i.e., duelling fatalities], the more detestable since they originate from abject sources (quoted in Baldick, 1965: 60).

In the political and international arenas as well, where numerous competing factions are commonly to be found, opponents frequently ally with their enemy's enemies. "Politics makes strange bedfellows" is a colloquial expression which speaks to the unlikely associations often forged on the basis of nothing more than a common opposition to the same people or groups.

In some instances, neither the role of supporter nor that of opponent seems primary--the third party's ties to both principals are equally important. It is always true, moreover, that the distinction between the two categories of roles ultimately breaks down,

with each constituting only a different perspective on the same partisan conduct. A fundamentally different kind of third-party intervention is seen in the behavior of people who adopt settlement roles--those who come between the principals and direct their energies toward obtaining a resolution of the conflict. The next section examines these roles in some detail.

### SETTLEMENT ROLES

Although most conflicts in all societies appear to have a bilateral character--with one side opposing another, and any third parties assuming the role of supporters--all societies also seem to have at least occasional conflicts in which third parties intervene without taking sides, thereby imparting to the matter a trilateral character. Where a third party acts in a predominantly nonpartisan fashion, we may classify the behavior involved in terms of the several settlement roles in our typology (see page 4 ). We now consider these roles, proceeding in order of the amount of intervention each entails.

#### Friendly Peacemakers

A settlement role found very widely is that of an individual or group who simply tries to influence parties in conflict to abandon their hostilities or, at least, not to escalate them. This is the role of the peacemaker. It is distinctive among settlement roles in one major respect: Unlike other third parties who relate to both sides of a conflict, peacemakers manage to do this without in any way addressing the matter at issue between the people involved. They strive merely to bring an end to the dispute, outwardly at

least, regardless of its causes or content. But there are two radically different ways in which the pacification of a conflict may proceed--one friendly, the other repressive. The first entails the least intervention of any settlement role, the second the most. Here we discuss the friendly variety of this phenomenon, returning to the repressive variety after surveying the roles that lie between them on the continuum of authoritative intervention.

A friendly peacemaker acts in the interests of both sides of a conflict and is, in effect, supportive of both without taking the side of either. Often this entails an effort to separate the antagonists from one another, by physical restraint if necessary, while in many cases the same result may be achieved simply by distracting them from their hostilities. In either case the peacemaker may seek to persuade the parties that their conflict is doing more harm than good for all concerned, that it is foolish, futile, or even funny, and that it should be brought to an end without further edo. Among the Cheyenne, for example, who stigmatize murderers as "putrid" and believe that they bring misfortune to the entire tribe until a purification ritual is performed, bystanders commonly try to convince angry people to restrain themselves:

People intervened when men quarreled violently.

What they said was "You must not." "You must not be a murderer." "You will disgrace yourself." "It is not worth it" (Llewellyn and Hoebel, 1941: 134; also see page 133).

The Shavante of central Brazil consider only disputes between men to be worthy of a hearing in their informal court (the "men's council"),

while those between women are viewed as "laughable and unworthy of serious attention" (Maybury-Lewis, 1967: 179). If women become violent to the point of seriously endangering each other, however, the men will pull them apart (see, e.g., Maybury-Lewis, 1967: 180). Among the Yanomamö of Venezuela and Brazil, women often throw the leaves of a magical plant on men who threaten to use their war clubs, since this allegedly "keeps their tempers under control and prevents the fight from escalating to shooting" (Chagnon, 1977: 37).

The Mbuti Pygmies of Zaire have an unusually well-developed system of friendly pacification, specialized in the role of the camp clown:

The only individual who might be recognized as occupying a special political position in the life of the hunting band, on any ground other than age, is the camp clown . . . . His function is to act as a buff between disputants, deflecting the more serious disputes away from their original sources, absolving other individuals of blame by accepting it himself . . . . The clown, however, never passes judgment or exerts authority (except through ridicule) (Turnbull, 1965: 182-183).

The camp clown, it would seem, is not wholly unlike the court jester of the European Middle Ages (suggested by Mary P. Rowe). Still another example of friendly peacemaking is provided by the religious leaders (sheikhs and wadaads) of northern Somalia, who resolve many disputes simply by insisting that each party swear an oath to be peaceful toward the other (Lewis, 1961: 217). Friendly peacemakers

are found in modern as well as in tribal and other traditional societies. Bartenders may play this role, for instance, and so may life-guards at public beaches (see Edgerton, 1979: 47-49), and the friends, relatives, and peers of people in conflict from all walks of life. Indeed, in some situations peacemakers of this kind are so near at hand and so quick to intervene when trouble occurs that those with complaints can hurl themselves at their opponents without fear of retaliation, knowing full well that they will be restrained before any harm can be done. A pattern of this sort has been observed in Japan:

It's amazing, really, how some people change when they're drunk and surrounded by a lot of people. They seem to go out of their mind, sometimes, but they know really that they're safe, because if they provoke the other chap to violence there are enough people there to keep them apart. And the next morning they'll all be smiles and greet each other as if nothing happened. But the one who spoke his mind will know the other one will remember what he said. He'll have got his point home. In fact people -- you could see it -- often used to come to a party with the express intention of picking a quarrel and getting something off their chest (quoted in Dore, 1978: 266).

It thus seems that friendly peacemakers not only keep hostilities from escalating but may sometimes help create a kind of forum for the airing of grievances, however little they intend to do so.

### Mediators

In scholarly as well as popular thought, the roles most associated with the idea of the third party seem to be those of the mediator, the arbitrator, and the judge (see, e.g., Eckhoff, 1966; Koch, 1974: 27-21; Shapiro, 1975: 323-325). Such roles are actually found in only a limited range of social settings, however, and they include some of the most developed and specialized manifestations of social control that have ever been observed. The literature pertaining to them is quite extensive, but for present purposes a brief overview of each should be sufficient.

On the continuum of intervention portrayed in our typology, mediators appear just one step beyond friendly peacemakers (see page 4 ). Like peacemakers, mediators in their pure form refuse to take sides, but they differ from peacemakers in their willingness to acknowledge and, often, to delve into a problem existing in the relationship between those in conflict. Mediators seek to facilitate a solution of the problem by encouraging the parties to reach a mutually agreeable settlement, typically a compromise. Since theirs is essentially a role through which the disputants themselves are led to negotiate an outcome, mediation has been described simply as "supervised negotiation" (Hart and Sacks, 1958: 655) and, similarly, as "negotiation by brokerage" (Koch, 1979: 4). It may nevertheless include a broad spectrum of activities, ranging from complete passivity--so that a mediator's mere presence is the only contribution made--to highly aggressive conduct in devising and promoting the terms by which a conflict might be resolved (see Fuller, 1971; Gulliver, 1977). Ultimately, however, mediators defer to the principals with respect to

the terms of a possible resolution of the conflict. Beyond that point, when a third party unilaterally decides on the proper outcome, the degree of intervention reaches a level associated with the more authoritative roles of the arbitrator and the judge.

Social scientists, especially anthropologists, have described mediators at work in a number of societies (for overviews, see Witty, 1980: Chapter 1; Merry, 1981). But the scholarly literature may inadvertantly overrepresent the more active forms of mediation, if only because the variegated behavior of active mediators may seem especially worthy of detailed description. Passive mediation is probably far more frequent, and it has a force of its own that should not be underestimated:

By his very presence a quite passive mediator can encourage positive communication and interaction between the parties, stimulating the continuation or the renewal of the exchange of information. Because he is there, the parties are often constrained to observe minimal courtesy to each other, to reduce personal invective and to listen and to respond with some relevance . . . . This has been a quite deliberate strategy on occasion, for example, by some American industrial mediators. They attend a meeting between the two parties, but sit and say nothing and seek to show no particular reaction to what is said and done (Gulliver, 1977: 26-27, including note 13).



Passive mediation is also commonly used by police officers when handling interpersonal disputes (see Black, 1980: Chapter 5, especially 132-133). Thus, an American officer made the following observation about a colleague:

One police officer I really admired, he'd come into a family beef with a husband and wife throwing and yelling at each other. Then he'd set down on the couch and take his hat off, and he didn't say a word. Sooner or later the couple felt kind of silly. He'd take 45 minutes in each of these situations, but he never had to come back (quoted by Muir, 1977: 82).

Mediation among friends is likely to be very passive as well, and so is the sort of mediation--usually not recognized as such--often performed by children when a conflict erupts between their parents (see Baumgartner, 1981: Chapter 2).

Many of the mediators portrayed in the anthropological literature fall so far at the other extreme that they might almost be said to make authoritative decisions and so cross the line into arbitration (see next subsection). This applies, for instance, to the monkalun of the Ifugao, a tribal people of the Philippines:

To the end of peaceful settlement, [the monkalun] exhausts every art of Ifugao diplomacy. He wheedles, coaxes, flatters, threatens, drives, scolds, insinuates. He beats down the demands of the plaintiffs or prosecution, and bolsters up the proposals of the defendants until a point be reached at which the two parties may

compromise. If the culprit or accused be not disposed to listen to reason and runs away or "shows fight" when approached, the monkalun waits till the former ascends into his house, follows him, and, war-knife in hand, sits in front of him and compels him to listen . . . .

The monkalun has no authority. All that he can do is to act as a peace making go-between. His only power is in his art of persuasion, his tact and his skillful playing on human emotions and motives (Barton, 1919: 87).

Although the monkalun is one of the most frequently cited examples of a mediator in the anthropological literature, the description above suggests that he might reasonably be viewed as an arbitrator or even--in light of his threats of violence--as a kind of judge. Consider first the role of the arbitrator.

#### Arbitrators

Along the continuum of authoritative intervention, arbitration appears between mediation and adjudication (see page 4 ). Unlike a mediator, but like a judge, the arbitrator pronounces a resolution to the conflict in question, sometimes even designating one side as right and the other as wrong. Also like a judge, the arbitrator makes a decision without regard--outwardly at least--to the wishes of the parties involved. But, in contrast to a judge, the arbitrator does not have the capacity to enforce a settlement if it is subsequently violated or ignored. Accordingly, arbitrators give opinions rather than verdicts in the narrow sense.

Arbitrated opinions nevertheless operate as effectively as judicial verdicts in many instances. Often the principals agree in advance to abide by whatever an arbitrator decides, as happened, for instance, when Spain and Portugal agreed to let the Pope of the Roman Catholic Church determine how South America would be divided between them. In addition, the arbitrator's decision may be effectively enforceable by someone external to the arbitration process itself, such as close associates of those in conflict or members of the community at large. Considerable pressure to accept arbitrated decisions is commonly present, a pattern especially well-documented in tribal and other simpler societies where traditional leaders may be mobilized to resolve disputes by arbitration. When arbitrators make a decision in northern Somalia, for example, enforcement typically depends upon the response of the principals' relatives:

If their kinsmen wish to reach a peaceful settlement, either through fear of war or pressure from the [British] Administration, and if they consider that the [arbitrators'] decision is a reasonable one, they will see that it is executed. If necessary, pressure will be put upon the parties directly concerned to force them to accept the award. But the panel of arbitrators, in itself, has no punitive sanctions with which it can coerce litigants into accepting its judgements (Lewis, 1961: 228).

In modern societies, arbitrated decisions may be enforceable by a court of law, as in the American process known as "binding arbitration"

(for overviews, see, e.g., Mentschikoff, 1961; Getman, 1979). On the other hand, much arbitration also occurs without any mechanism of enforcement at all--other than a desire on the part of the disputants to avoid the displeasure of those making the decision or, possibly, of supernatural spirits. It has even been proposed that supernatural spirits are themselves used as arbitrators in some cases, such as when an ordeal or oracle is employed to resolve a dispute (Koch, 1979: 5).

One earlier society with a highly developed system of arbitration was ancient Ireland, where the practice has come to be known, somewhat misleadingly, as "brehon law." The brehon was among the most esteemed of men:

The brehon was an arbitrator, umpire, expounder of the law, rather than a judge in the modern acceptation . . . . [His] position resembled that of an eminent Roman jurisprudent, whose opinion was eagerly sought and paid for by people in legal difficulties. He heard the case, gave it the necessary consideration, and pronounced a decision in accordance with law and justice. This decision, though called a judgment, and eminently entitled to that name, was not precisely what the word judgment means with us. It was rather a declaration of law and justice as applied to the facts before him, rather an award founded in each particular case on a submission to arbitration. There was no public officer whose duty it was to enforce the judgment when given. The successful

party was left to execute it himself (Ginnell, 1924: 51).

Although the party favored by a brehon's decision was theoretically "left to execute it himself," in fact the pressures of kinship and popular opinion were usually entirely equal to the task of gaining compliance:

These combined forces went far to render executive officers of the law, as sheriffs, bailiffs, and police, unnecessary. They were practically irresistible, for they could go the length of outlawing a man and rendering his life and all he possessed worthless to him if he dared to withstand the execution of what a brehon had declared to be the demands of law and justice. They were quite as effectual as is what we now call the arm of the law (Ginnell, 1924: 51).

Much "international law" is also, in our language, arbitration, since most international tribunals have no capacity to enforce their rulings.

#### Judges

Even if most arbitrators know that their decisions will ultimately be enforced through one means or another, the fact remains that they do not have the capacity to see to this themselves. Hence, they are forever dependent upon someone else, and so have considerably less authority than judges. Judges do not merely give opinions; they give orders. They are dependent upon no one, except in the limited sense in which those with authority always must depend upon their subordinates for obedience (see Simmel, 1908: Part 3, Chapter 1). Judges, then,

address the matter separating the principals (like mediators), make a settlement decision (like arbitrators), and, if necessary, enforce it.

Many variants of adjudication appear in social space, each with different procedures, personnel, and jurisdictions (see Fuller, 1978). Some judges, for instance, are empowered only to hear complaints brought to them by citizens, while others can initiate cases on their own. Some are called upon only to decide whether specific charges are justified or not, while others delve into the details of an allegation. Some routinely decide which of two parties is in the right, while others commonly find both sides to have merit. In practice, these and other dimensions combine in a number of different ways.

Among the Tarahumara Indians of northern Mexico, for example, the gobernador, or mayor, holds public trials and punishes those he defines as offenders, but has no power unless a specific complaint is brought to him. Thus, one gobernador commented,

There are many bad things, but people do not complain. If they complain to me, then I must do something. If not . . ., we can only give advice and warn the people not to do these things (Fried, 1953: 295).

Among the Kpelle of Liberia, too, the chief's court will hear only specific complaints brought to it by citizens, and it normally ascribes blame to only one side (Gibbs, 1962). The same is true of most courts of law in modern society. The Lozi judges of Barotseland (now Zambia), however--the first tribal judges to be observed systematically by an

anthropologist--also seemed to hear only specific complaints, but they often resolved cases by declaring both parties at fault to some degree (see generally Gluckman, 1967). Still another pattern was followed by the courts of Manchu China, where one party had to be found wrong, and to suffer accordingly, in virtually every case. There could be no dismissals:

The unavoidable consequence of a legal case once started was punishment for at least one person. It could end in punishment for the accused, if judged guilty; if he were not, punishment would be assigned to the unjustified accuser (van der Sprenkel, 1962: 69; for a closely related process among the Ashanti of Ghana, see Rattray, 1927: Chapter 22).

Another variable altogether is the number of judges. While modern trial courts in the United States and similar societies typically have only one judge (unless there is a jury), for example, so-called "popular tribunals" have several (e.g., Berman, 1969), and the Lozi court--or kuta--appears to have had about 20 (see Gluckman, 1967: 9-14). The kuta, in fact, provided an unusually elaborate mode of settlement. After the plaintiff, defendant, and their witnesses had spoken at a hearing, the numerous members of the court took over:

The kuta, assisted by anyone present, proceeds to cross-examine and to pit the parties and witnesses against one another. When all the evidence has been heard, the lowest induna [an official] gives the first judgment. He

is then followed by councillors [sitting] on the three mats (indunas, princes, and stewards) in ascending order of seniority across from one mat to the other, until the senior councillor-of-the-right gives the final judgment. This is then referred to the ruler of the capital, who confirms, rejects, or alters it, or refers it back to the kuta for further investigation and discussion. It is this final judgment by the last induna to speak which, subject to the ruler's approval, is binding (Gluckman, 1967: 15).

As possibly the best-known of all third parties, judges may not need further description. In the popular mind, however, judges are associated strictly with law, or governmental social control (Black, 1972: 1096), and so it should be noted that the conception of the judge advanced here is somewhat broader, including as it does any third party who resolves a conflict with an order backed by sanctions. Adjudication in this sense occurs in a wide variety of social settings, even in stateless societies that have, by definition, no law on a permanent basis. The nomads of northern Somalia, for example, traditionally adjudicate disputes within their lineage organizations ("dia-paying groups" or, literally, bloodwealth-paying groups):

Fighting between individual members of a dia-paying group when several members are present, leads to prompt and concerted action. The



disputants are separated; if necessary they are seized by young men on the instructions of the elders, and brought for trial before a dia-paying group council. When compensation has been determined . . . or a fine imposed it must be paid, or at least promised, or punitive action will be taken by the group as a whole.

A recalcitrant member of a dia-paying group is bound to a tree and several of his best sheep or a coveted camel slaughtered before him until he agrees to the judgment of his elders. The slaughtered stock are eaten by the elders (Lewis, 1961: 232).

Adjudication in our broad sense may also be seen in families, particularly those with a highly patriarchal structure, and in organizations such as business firms and voluntary associations where judgments against members may ultimately be enforced by their expulsion ("firing," "blackballing," "excommunicating," etc.). It should thus be clear that from the standpoint of our typology courts of law are but one among many settings where judges may be observed.

#### Repressive Peacemakers

We now reach the phenomenon of repressive pacification, a mode of conflict management involving the greatest exercise of authority by a third party that is ever seen. Paradoxically, it shares with the gentlest mode--the friendly version of pacification--one major characteristic: An indifference to the issues dividing those in conflict (see above, pages 23-24). Here, however, this indifference

does not express an overriding concern for the well-being of the parties but rather a total lack of concern if not contempt. Whatever grievance one or both principals might have against the other is likely to be dismissed, if it is noticed at all. The process is negative rather than positive in spirit, hostile, and possibly even wantonly destructive toward those involved. The point is simply to end the conflict as quickly as possible, violently if necessary, without regard to the consequences for the parties. If neither side is allowed to get the better of the other, it is only because, by dint of their conflict, both are deemed wrong and possibly worthy of punishment. Indeed, the conflict itself is regarded as a kind of offense against the third party.

Colonial settings give rise to much repressive pacification, since under these conditions the foreign administration often seeks to eliminate the use of violence by the native population. Traditional modes of social control such as blood vengeance, feuding, and fighting are therefore outlawed and subject to penal measures. That such traditional practices constitute the pursuit of justice for those involved is ignored entirely. The British, French, Germans, and other Western Europeans commonly related to their colonial populations in this way, and so have other conquerors. In northern Albania, for example, repressive pacification was employed during the Turkish and Austro-Hungarian occupations:

Friends were not the only interveners. Occasionally the Turkish government took a hand, declaring on penalty of imprisonment, internment and burning out that all feuds more than

seven years old were to be compounded by a money payment and not reopened. When during the 1914-18 war Austria-Hungary was in occupation of all north Albania, she also ordered blood feuds to be ended with a money payment (Hasluck, 1954: 259).

In Irian Jaya (West New Guinea), first the Dutch and later the Indonesians made similar efforts. In the district of Jalémó, for instance, the people learned that "a new kind of stranger who neither spoke nor understood their language would punish any form of violent behavior" (Koch, 1974: 223; for a similar policy by the Australians in Papua New Guinea, see, e.g., Reay, 1974: 205, 209). During the establishment of the Soviet Union, conflict handled by traditional means among some of the Asian peoples, especially in the northern Caucasus, was treated in much the same fashion, only in this case the settlement of disputes by compensation payments was also viewed as improper by the authorities:

The history of many peoples shows that usually, over a period of time, the vendetta is gradually replaced by a system of monetary compensation or blood money. The Soviet authorities prevented this natural evolution from taking place by making it a criminal offense to give or receive such compensation. At the same time, they set up procedures for the reconciliation of feuding families. Those who refused to be reconciled were deported (Chalidze, 1977: 119).

Repressive pacification occurs in many noncolonial settings as well. Among the Tikopians of Polynesia, for example, the chief of each clan is said to own his group's land, and so is able to repress disputes between his fellow clansmen by threatening to evict them:

He says to the disputants, "Abandon your fighting that you are carrying on there. Plant food properly for the two of you in my ground." The words "my ground" are not empty of significance. For if the men persist in their quarrel the chief will send a message, "Go the pair of you to your own place wherever that may be; go away from my ground."

In fact, they have no ground to resort to; their alternative is the ocean [i.e., suicide], so they capitulate (Firth, 1936: 384).

In modern America, the police routinely act as repressive peacemakers when feuds arise between juvenile gangs and so-called "organized crime families" and, for that matter, whenever they encounter fighting or other violence (which is nearly always a mode of conflict management between those involved). Finally, it should be noted that adults such as parents and teachers often relate in this manner to the disputes of children: The fighting itself is defined as offensive, regardless of why it occurs. From the standpoint of a repressive peacemaker, a conflict between people is not so unlike a conflict between cats or dogs.

#### MARGINAL ROLES

Although the most general division in our typology of third parties is that between supporters and settlement agents, two of

the roles we identify are not totally captured by either of these categories. One of them, that of the negotiator, synthesizes elements of both support and settlement behavior. The other, that of the healer, seems to belong in a class of its own, entirely beyond the rest of the third parties. We close our overview of the typology by examining each of these marginal phenomena in turn.

### Negotiators

For present purposes, it is important to distinguish between the concept of negotiation and that of negotiator. While the former refers to a particular process of conflict management, the latter refers to a particular role that might be performed in such a process. More specifically, negotiation is a process of joint settlement of a dispute (see Gulliver, 1979: 5). The person presenting one side's interests may be the principal himself or herself, or a third party acting on his or her behalf. In our typology, the role of negotiator always refers to a third party, to someone who represents a disputant and works out a settlement--negotiates--with the other side (perhaps the other principal, perhaps another negotiator). Since the original parties might negotiate a settlement on their own, however, it should be clear that negotiation does not necessarily involve anyone performing the special role of negotiator (compare, e.g., Gulliver, 1979: 3-6).

Negotiators perform a hybrid role, mixing support and settlement behavior. Like advocates or allies, they are partisan, openly taking one side, but like arbitrators or judges, they intervene in a conflict so as to resolve it (see Eisenberg, 1976: 662-665). They represent only one party, and yet they serve both. In modern society,

for example, lawyers often act as negotiators for their clients. In fact, the vast majority of civil complaints and lawsuits in modern America are resolved by a negotiated settlement--worked out by lawyers--rather than by a court judgment, and even criminal cases resulting in conviction usually are settled by negotiation of a guilty plea (known as "plea bargaining") instead of by a trial in court (see, e.g., Newman, 1956; 1966; Buckle and Buckle, 1977; Mather, 1979). Insurance adjusters are active negotiators as well. They are primarily responsible for successfully negotiating settlements in over 95 percent of all bodily injury claims against insured automobile drivers in the United States (Ross, 1970: 24-25, 141).

Negotiators are prominent in many societies, and in some are virtually the only third parties available to handle certain varieties of conflict. Among the Yurok Indians of northern California, for example, negotiators known as wegô, or "crossers," apparently handled most of the cases involving different segments of the tribe:

They were chosen by the parties at issue: two or three, possibly four, to a side. There were always expected to be more than one, since a single man could not properly maintain his case against several opponents. They were however supposed to be impartial enough to be able to reach a fair agreement with the representatives of the other side . . . . They examined the "litigants" and necessary witnesses, then went into conference and rendered a verdict . . . . Each wegô received from his client a standard fee of one large

dentalium shell. This fee was called we-na'ai, "his moccasin," because it reimbursed the wegô for the walking back and forth he had had to do in his commission (Kroeber, 1926: 514-515).

The role of the negotiator is also highly developed in the customary law of northern Albania, where each principal in a conflict may, in effect, hire an elder to work out a settlement on his behalf. Each must first deposit a "pledge," such as a gun or watch, with the elder of his choice in order to assure that a proper fee will be paid at the conclusion of the case. (The fee, incidentally, is referred to as "sandals" in one area, along the same lines as the "moccasin" of the Yurok negotiators noted above.) If the principals agree to accept the decision reached by the elders, the fee is paid, the pledge returned, and the case closed (Hasluck, 1954: Chapter 13). Settlement by negotiators is prominent in Thailand as well, where each principal commonly relies upon a phuyai, or "big person," to work out a resolution with the other side (Engel, 1978: 75-77). As a final example, it might be added that when the duel was a major method of dispute settlement in Europe, the "second," or assistant of each combatant, would often serve as a negotiator to end the conflict before blood was spilled. One early commentator even claimed that "there is not one cause in fifty where discreet seconds might not settle the difference and reconcile the parties before they came into the field." In the same vein, a famous fencing master is remembered for his observation that "it is not the sword or the pistol that kills, but the seconds" (both quotes from Baldick, 1965: 38).

## Healers

To close our overview, we turn now to an unusual species of third party that manages to intervene in human conflict without seeming to do so at all. This is the healer or, in modern language, the therapist. In some societies this role may be performed by an exorcist or sorcerer, in others by a psychiatrist or medical practitioner. Regardless of the particular form taken, however, all healers share a distinctive approach toward people who have grievances against one another.

Perhaps the most significant characteristic of healers is that they generally proceed without any explicit recognition that a conflict is the occasion for their intervention. On the contrary, their involvement is always understood as a kind of help, a treatment for someone who is suffering from an affliction beyond his or her control. The problem for the healer is to restore the afflicted individual to normality rather than--as in the other forms of intervention discussed above--to contribute to justice (see Black, 1976: 4-6). Even while this definition of the situation prevails, however, healers are actively involved in the enforcement of normative standards, in nurturing conformity in deviants, and in fostering amity between estranged persons. Insofar as the affliction requiring their attention is a pattern of conduct viewed as undesirable, healers act on behalf of a complainant, an alleged offender, or both. To this degree they are properly understood as third parties, and as specialists in the field of social control (see, e.g., Goffman, 1969; Black, 1976: 4-6, 118-121; Horwitz, 1981). In calling upon the services of a healer, even for help with their own affliction, people