

# **Narrating Social Structure: Stories of Resistance to Legal Authority<sup>1</sup>**

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Using stories of citizens' resistance to legalized authority, the authors propose that the act of storytelling extends temporally and socially what might otherwise be an individual, discrete, and ephemeral transaction. Adopting a concept of power as a contingent outcome in a social transaction, they emphasize that not only dominant, institutionalized power but also resistance to institutionalized authority draws from a common pool of sociocultural resources, including symbolic, linguistic, organizational, and material phenomena. Although such acts of resistance may not cumulate to produce institutional change, they may nonetheless have consequences beyond the specific social transaction: the authors propose that a chief means for extending the social consequences of resistance is to transform an act of resistance into a story about resistance. Based upon an appreciation of the structural conditions of power and authority, stories of resistance can become instructions about both the sources and the limitations of power. Because such stories are told in interaction with other stories, they become part of a stream of sociocultural knowledge about how social structures work to distribute power and disadvantage.

## INTRODUCTION

If hegemony refers to that which is unthinkable, resistance must depend at some point in thinking the unthinkable. How does this happen?

<sup>1</sup> This article has had a long genesis, benefiting from the insightful comments of the *AJS* reviewers, as well as from the attendees and participants at sociology colloquia at Columbia University, Princeton University, and the University of California, Santa Barbara; the Law and Society colloquium at New York Law School; and the October 2002 Narrative Workshop in Boston. The work was remarkably improved by the generous readings and critique of Douglas Goodman, Michael McQuarrie, Frank Mun-

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

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

Variably referred to as secondary adjustments (Goffman 1961), tactics (De Certeau 1984), or “weapons” of the weak (Scott 1985), these everyday acts of resistance represent the ways in which relatively powerless persons accommodate to power while simultaneously protecting their interests and identities. Institutional ethnographies—of the wards of mental hospitals, assembly lines, classrooms, bureaucratic offices, barracks, prisons, and courtrooms—provide us with evidence of the universality of such practices (see, e.g., Hodson 1995*a*, 1995*b*, 1997*a*, 1997*b*). As Goffman (1961, p. 305) observed, “Whenever worlds are laid on, underlives develop.”

Paying attention to these tactical forms of resistance has been criticized on a number of grounds. First, because mundane oppositional practices are often clandestine and purposively ambiguous, it is not always clear how the practitioners of such acts interpret what they are doing. In the absence of such knowledge, some scholars have asserted that others may be attributing greater agency and a more highly developed oppositional

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consciousness than is warranted by the evidence (Rubin 1995; McCann and March 1995). Second, a focus on everyday resistance supposedly abandons a vision of transformative politics by a preoccupation with what appear to be individual, often momentary, trivial acts. Individual acts of resistance may do worse than simply fail to challenge power and inequity. Lacking the solidarity of organized social movements, the petty sabotages, backbiting, and tricks of peasants and powerless workers rarely unsettle institutional power (Tarrow 1994, p. 101). By providing temporary relief from the burdens that power imposes, tactical resistances may make insufferable conditions tolerable. In doing so, some argue, they inoculate power from sustained and more powerful challenges.

These criticisms derive from a conception that social structure and power stand before and apart from the resistant practices that oppose them. From the point of view of these critiques, resistance is merely a response to power, known only in the imprint it leaves on social structure. As Fitzpatrick (1999, p. 51) notes, these critiques posit “implicitly or explicitly an anterior order—power, society, or hegemony, for example—and locate resistance as that which stands outside of, and opposed to, this order.” When resistance is understood only as an excrescence of power and structure, the sociological significance of resistance lies only in the success of its collective mobilization and opposition. Thus, resistance has often been analyzed for its ability to mobilize collective action, to perturb or alter arrangements of power, and to initiate change in social structures.

Yet to dismiss everyday forms of resistance on the grounds that they are individualistic and temporary is to foreclose sociological inquiry concerning the relationship between power and resistance. Although this kind of resistance may be opportunistic and individualistic, as its critics suggest, it is neither random nor idiosyncratic, as we will show below. The openings for resistance derive from the regular exercise of power. Resistance does not, in other words, seize upon lapses of power so much as it relies on the persistence of and familiarity with a particular social organization. Through everyday practical engagements, individuals identify the cracks and vulnerabilities of institutionalized power such as the law. Goffman recognized this connection between resistance, power, and structure when he described resistance, or “secondary adjustments,” as a diagnostic of power relations. “From a sociological point of view, the initial question to be asked of a secondary adjustment is not what this practice brings to the practitioner but rather the character of the social relationship that its acquisition and maintenance require. That constitutes a structural as opposed to a consummatory or social psychological point of view” (1961, p. 201). Rather than imagine resistance as an episodic or occasional response to power, we begin this analysis following Goffman by reconceptualizing

resistance as a diagnosis, a consciousness, of the constitution of social structure and power (see also Abu Lughod 1990).

In the following section, we describe power as a contingent outcome in a transaction in which one actor, drawing upon diverse resources, is able to realize her objectives. Both dominant, institutionalized power and resistance to institutionalized authority draw from a common pool of sociocultural resources, including symbolic, linguistic, organizational, and material phenomena (Steinberg 1999*a*, 1999*b*). Some actors, however, are advantaged by having greater access to the schemas and resources that are effectively deployed within these transactions. Thus, while power can never be possessed categorically at the outset of a transaction, some actors enjoy a greater probability of realizing their aims. We emphasize the embeddedness of hegemony and, thus, the recursive and everyday uses of power. Within this framing, an act of resistance can be understood as a conscious attempt to shift the dynamics or openly challenge the givenness of situational power relations. Resistance signals the exploitation of structure to disturb ongoing expectations, and as such it is premised upon the apprehension of power, injustice, and structural opportunity.

Although acts of resistance may not often cumulate to produce institutional change, they may, nonetheless, have consequences beyond the specific social transaction. After presenting our research methods, we explain how resistance may be consequential even when it does not initiate collective action or immediate organizational change. The meaning of what seem like petty acts lies in their narratives. The process through which an event is made into a story is sociologically significant in and of itself. We argue that all stories are social events. In other words, stories are not just about social reality; “social reality’ happens in stories” (Abbott 1992, p. 435). We will show that stories of resistance express, as an integral part of their narratives, a recognition of social structure as it operates within transactions. Each story recounts the way in which an aspect of social structure (e.g., role, rule, hierarchy) was deployed to achieve a momentary reversal of the more probable relational outcome. From an analysis of the stories of resistance told to us, we develop a typology of resistant practices that is derived from the ways in which aspects of social structure are mobilized in the transactions and recounted in the stories. By describing inversions of social structure that achieve a momentary reversal of power, the narratives of resistance reveal the tellers’ consciousness of how opportunities and constraints are embedded in the normally taken for granted structures of social action. Moreover, the stories make claims not just about the structures of social action and the possibility of resistance but also about the justice and morality of resistance to authority.

Thus, a chief means for extending the social consequences of resistance,

we propose, is through the transformation of an act of resistance into a story of resistance, a story that by its telling extends temporally and socially what might otherwise be a discrete or ephemeral victory. In the discussion and conclusion, we suggest some possible implications of this work for further research. We cannot yet establish the relationship between these narratives of resistance and more collective stories of resistance that are developed and shared by social movement participants, and it would seem sociologically naive to assume that these individual narratives (we use the word “individual” guardedly, acknowledging that these draw from and contribute to larger cultural narratives and frames) simply aggregate or cumulate into social movement narratives. Yet it would be similarly naive to assume that movement narratives are imposed on inchoate, unnarrativized individual experiences. There seems, in other words, some gap—unexplored—between the stories people fashion locally about their experiences of relative powerlessness or injustice and the movement stories that mobilize participation. One might say that we approach the topic from the bottom up while many of the sociologists of social movements approach it from the top (collective) down. We are trying to conceptualize, theorize, and identify a method for studying the organization of and deference to power and authority.

#### RELATIONAL FOUNDATIONS OF POWER AND RESISTANCE

Our effort to document the “world-making” possibilities of everyday acts of resistance builds on scholarship describing the relational (or constitutive) basis of social organization, in particular how social transactions generate both individual exercises of power and more durable social structures.<sup>2</sup> Recent work in practice theory emphasizes connections between what Goffman (1967) called the interaction order of face-to-face exchanges and social structures understood as ongoing productions of social interaction (Connell 1987; Giddens 1979, 1984; Bourdieu 1977; Sewell 1992). Relational perspectives stress the embeddedness of the “very terms or units involved in a transaction” in dynamic processes (Emirbayer 1997, p. 287; cf. Somers and Gibson 1994, pp. 65, 69). In these approaches, individual experiences and perceptions of the constraints and resources operating within a situation are a central feature of social practices, processes, and structures. Perceptions of authority and power, including assessments of legitimacy and injustice, are necessary to act in any social

<sup>2</sup> Recent literature has argued persuasively (e.g., Emirbayer 1997) for a relational conception of social action in which transactions (mutually constitutive exchanges) rather than interactions (defined in this relational conception as exchanges between formed and distinct entities) are the basic units of social action.

system; they generate conformity to social expectations at the same time as they permit and sometimes encourage resistance to norms, authority, and power.

Power has been conceptualized as “the ability to achieve foreseen and intended effects” in a social interaction (Wrong 1979), as “the mobilization of people’s concerted activities” (Smith 1990, p. 80), and as the recursive accumulation of these interactions and activities in a pattern of domination (Giddens 1979, p. 88; cf. Lukes 1974). In these formulations, power is the outcome of social transactions and thus is identified (at the outset of an exchange) as a differential probability of achieving foreseen and intended effects. Thus power is not a thing that can be possessed. Rather, it is a probabilistic social relationship, a series of transactions whose consequences are contingent upon the contributions of all the parties, those who turn out to be more powerful (superordinate) and those who turn out to have been less powerful (subordinate).

As a relationship among two or more persons, power relies upon a subordinate’s participation and response. Because the successful exercise of power is contingent upon a performance by the subordinate party, power is intrinsically linked to the possibilities of resistance. “Even in the most oppressive and cruel cases of subordination,” Simmel (1950, p. 180) wrote, “there is still a considerable measure of personal freedom.” In the course of offering methodological instruction on how to study transactional processes, Foucault recapitulated this conception of power.

Power, if we do not take too distant a view of it, is not that which makes the difference between those who exclusively possess and retain it, and those who do not have it and submit to it. Power must be analyzed as something which circulates; or rather as something which only functions in the form of a chain. It is never localized here or there, never in anybody’s hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised in a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. They are not only its inert or consenting target; they are always the elements of its articulation. (Foucault 1980, p. 98)

This relational conception of power suggests that power is not realized only, or primarily, in open contest and struggle. “Power relations are asymmetrical in that the power holder exercises greater control over the behavior of the power subject than the reverse, but reciprocity of influence—the defining criterion of the social relation itself—is never entirely destroyed” (Wrong 1979, p. 10). Both subordinate and superordinate may share values and goals and experience no conflict of wills, and yet one

party's influence in the relationship may be stronger.<sup>3</sup> Moreover, power often operates in unseen ways through institutions and cultural symbols, becoming so routinized that the distribution of influence, as well as the benefits and costs, in these transactions is relatively invisible. When this occurs, alternative ways of organizing relations are no longer apparent. Simmel (1950) described this institutionalized domination as a transformation of personality into a superpersonal value. He cited as a prominent example the idea of law, in which subordination to a person is transformed into subordination to a principle. This principle may be further transformed from a normative claim about how things should be done to a factual description of how the world works. Fuchs (2001) describes this accumulation and sedimentation of transactions over time and space as the production of social structure (see Hebdige 1979; Hall et al. 1978; Connell 1987; Silbey 1992).

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

"Hegemony" is often used to refer to just this kind of systemic power (Comaroff and Comaroff 1991, pp. 24, 23; cf. Bourdieu 1977, p. 167). Transactional advantage becomes stabilized as privilege when a pattern of action becomes habitual. We want to emphasize, however, that hegemony does not arise mechanically from particular social arrangements; instead, hegemony is produced and reproduced in everyday transactions, where that which is experienced as given is often unnoticed, uncontested, and seemingly not open to negotiation.

Power—whether hegemonic or contested—is exercised by drawing upon the symbols, practices, statuses, and privileges that have become habitual in social structures. Although structures—what we construe to mean the schemas and resources that pattern social life—often confront us as external and coercive, they are more accurately understood as emergent features of social transactions, (re)produced with each repetitive act and transformed with each innovation or unfaithful repetition (Sewell 1992). Enacting and exercising power, actors draw from this pool of com-

<sup>3</sup> Wrong (1979) excludes those forms of physical violence that, although directed against a human being, treat him as no more than a physical object.

monly available structures: symbolic, linguistic, organizational, and material phenomena (Swidler 1986). No social act is *sui generis*; to be part of a social transaction, intersubjectively interpretable and possibly consequential, all acts draw upon this common cultural material. Every social transaction, including those of state institutions and legal processes, has the capacity to reproduce or challenge familiar arrangements and ways of doing things.

While this alliance between power and social structure has been widely recognized (Gramsci [1971] 1999), what is less obvious is the close relationship that exists between conventionalized structures and resistance. Since power is exercised through the patterned distribution of resources and schemas, if there is resistance to this power it must also operate through the appropriation of these selfsame structures. Resistance, as much as power, is contingent upon the structural resources available to the relational participants. Because structures help constitute identities, and expectations, the tacit or explicit apprehension and enactment of social structure is necessary in order to act in any social situation. "Counter hegemony has to start from that which exists, which involves starting from 'where people are at'. Such a conception of counter-hegemony requires the 'reworking' or 'refashioning' of elements which are constitutive of the prevailing hegemony" (Hunt 1990, p. 316). Since hegemonic power conceals itself within relations, if there is to be resistance, it must be initiated by an apprehension or appreciation of how social structure organizes those relations. "The existence of objective condition, of possibilities of freedom, is not yet enough," Gramsci (1999, p. 360) wrote. "It is necessary to 'know' them and know how to use them."

In this sense, resistance represents a sort of practical theory of social action, the discovery of social structure operating within the commonsense world of everyday life. While professional sociologists may spend their lives constructing accounts of social processes, they are not alone in "doing sociology." Garfinkel described, for example, "the actual methods whereby members of a society doing sociology, lay or professional, make the social structures of everyday activities observable" (1964, p. 250). As we go about our daily lives, we operate on the basis of understandings of how and why people behave as they do and of how and why things happen. We are constantly testing and revising our practical theories against our observations and experiences, even as we interpret those observed events and experiences in the context of our theories. Garfinkel noted the critical role of such practical theories in generating resistance. "A knowledge of how the structures of everyday activities are routinely produced [enables] us to tell how we might proceed for the effective production of *desired disturbances*" (1964, p. 227) in those structures and relations.



RECOGNIZING RESISTANCE

If both hegemony and resistance are relational, continuously in process, and enabled by appropriating structural schemas and resources, how do we recognize resistance? Given their ubiquity, daily rebellious acts defy easy summary or description. They include such practices as pilfering, violence or threats of violence, tricks, institutional disruptions, foot dragging, humor, storytelling, and gossip. However, not every joke or act of petty theft is an act of resistance. In order to be understood as resistance, such acts must invoke a particular interpretation of the situation in which they occur. "To resist is to experience autonomy, to experience oneself as planning against one's [opponent], and to interpret the [situation] as avoidable or controllable" (Gordon 1993, p. 142).

Resistance entails a *consciousness of being less powerful in a relationship of power*. In contrast to much social action in which the invocation of interpretive schemas and mobilization of resources is implicit and often unconscious, resistant practices are distinguished by the self-consciousness of the actor, a particular understanding of self and other, of being up against something or someone. Although we rarely question the forms of regulation and control that make relatively untroubled social action possible, no less the achievements of basic sociality, personality, and agency, resistant practices are distinctive in their alertness to the ways in which social interactions are organized. Thus, to produce unexpected results within institutionalized interactions, resistance involves special attentiveness to and (re)deployment of the basic schema and resources operating in conventionalized transactions. To refashion what is otherwise taken for granted depends on the discovery and manipulation of social structures within the commonsense world of everyday life.

Second, resistance also requires a *consciousness of opportunity*, an opening in the situation through which one might intervene and turn matters to one's advantage. Thus, resistance represents a consciousness of both constraint and autonomy, power and possibility. Tactical resistance often involves "making do" with what a situation offers (De Certeau 1984), remaking "the situation as it stands" (Dewey 1981), "working around" existing technical or social constraints. Almost by definition, those who practice tactical resistance have limited access to resources that otherwise might be converted into power within the situation, such as money, social position, social networks, education, or other forms of cultural capital. As a consequence, resistant acts use, in unforeseen and inventive ways, the resources that are at hand, the very same aspects of social structure that support power and domination. This bricolage may involve a reworking of the material world, such as using American flags as clothing to protest military intervention in Vietnam or Iraq. It may also entail a cultural

bricolage that imports to a situation statuses, relationships, or meanings that are foreign to it. Notably, these acts are often practiced to escape, rather than to change or stabilize, a relationship of power.

Resistant acts also make *claims about justice and fairness*. Resistant acts involve assessments that power has produced unfair constraints and opportunities while also attributing responsibility for the unfair situation. However, despite the underlying justice claims, tactical resistance, unlike more collective forms of resistance or formal social movements, rarely announces or justifies itself as such. Because resistant practices are typically enacted by those who lack the capacity to openly challenge or contest power, these practices are often hidden, intentionally designed and executed to remain unrecognized and undetected by those against whom they are directed. By remaining clandestine, resistance thus “preserves, for the most part, the on-stage theater of power” (Scott 1985, p. 273) and provides no public accounting or justification. Even in those cases where tactical resistance is open and traceable to an individual, it tends to be practiced so that it can be denied, if its agent is called to task.

Finally, because hegemony renders certain actions conventionally unthinkable, when it does occur, *resistance is often institutionally indecipherable*. In highly rationalized contexts of modern bureaucracies, indecipherability means that there are no standard operating procedures anticipating, no taxonomies classifying, no rules forbidding such practices. Nonetheless, while there may be no rules acknowledging or attempting to regulate specific acts, superordinates are not necessarily unaware of or bamboozled by such practices. It is just that the absence of rules or classification schemes makes these actions *officially* unreadable, without instructions about what to do under these circumstances. The fact that they cannot be deciphered by the formal rational organizations in which they occur insures that when and if they are detected, they will incapacitate that bureaucratic power, if only for a moment. Like more organized forms of challenge, acts of resistance create a measure of situational uncertainty. In what form or place resistance will appear is indeterminant. The overwhelming power of the situated authority can often limit the immediate effect of the individual resistant act and thus impede the mobilization and building of solidarity (Tarrow 1994). Institutions can also limit the long-term effects of repeated acts of resistance. Organizational practices are often restructured to make the resistant tactics once again decipherable and controlled. Indeed, we can often find the residues and marks of resistant practices in the evolving rules and procedures of modern organizations (see Lau 2000) and popular culture (the comic strip *Dilbert*).

COLLECTING STORIES OF LAW

If individual acts of resistance momentarily, or at best temporarily, stun power, do they have any other, longer-term consequences? Does resistance have the capacity to transcend the immediate social transaction? In the course of a study on the place and meaning of law in the everyday life of ordinary Americans, we were told thousands of stories, some of which were stories of resistance to legal authority (Ewick and Silbey 1998). In telling us of their efforts to oppose and resist legal authority, interviewees transformed a momentary transaction into a historical event, recorded not only in their own memory but reconstructed for an audience, if only an audience of interviewers who solicited and recorded it.

During 1990–93, we conducted in-depth, face-to-face interviews with 430 persons concerning how they experience, interpret, and use law. The interviews lasted an average of two and one-half hours. Respondents were selected through a multistage cluster sampling procedure from four counties in New Jersey. Counties were purposively selected for variation in racial composition, population density, and socioeconomic status. Within each county, census blocks stratified by race were randomly selected. From the census blocks, households were randomly selected. The resulting sample is representative of the demographic profile of the four counties according to the 1990 census. All but three interviews were conducted in the respondent's home. Each interview was tape-recorded. The transcriptions of 141 of the 430 interviews serve as the empirical basis of this article.<sup>4</sup>

We began the interview by asking how long people had lived in their homes, what they liked and did not like about their neighborhoods, and how they were the same as or different from their neighbors. Following this general, getting-acquainted opening, we inquired about any problems respondents experienced in the course of their daily transactions and relationships.<sup>5</sup> The particular situations about which we asked were inten-

<sup>4</sup> The selection of the 141 interviews to be transcribed was purposive rather than random (Trost 1986, pp. 54–57). We attempted to preserve the demographic representativeness of the original sample by selecting cases from a cross-section of social classes, races, genders, and geographical areas. Because our principal analytical goal in this part of the project was not to generalize to the population but to interpret the meaning and function of stories embedded in the interviews, we also based our selection of cases on the richness of the interview (in terms of length and degree of detail) and, in order to provide a context for the story, on our own familiarity with the case. For this reason, the resulting subsample of transcribed cases, while approximating the demographic profile of the entire sample, is drawn disproportionately from the approximately 100 interviews completed by Ewick or Silbey.

<sup>5</sup> When respondents asked what we meant by "problem," we replied, "anything that was not as you would have wished it to be," leaving the widest latitude for the individual to offer his or her interpretation of events.

tionally varied and comprehensive, seeking to create rather than to foreclose opportunities for respondents to report diverse experiences and interpretations. We were seeking their experience and interpretations of the law and did not want to assume its place in their lives but rather discover it as it emerged in accounts of events. The list of probes included the sorts of events that people might very well define as legal problems and for which they might seek a legal remedy (events such as vandalism, property disputes, and work-related accidents). The list also included events and situations that were less obviously connected to traditional legal categories or remedies—such as the division of household labor, medical care, or curricular issues in schools. Although many of the kinds of situations about which we asked do not always, or even often, culminate in a legal case, they all involve situations in which a person might if they so chose, assert a legal right, entitlement, or status. Events of the sort that we asked about routinely generate cases for the legal system and appear on the dockets of local courts in the state. Although most people have these experiences, most do not treat them as legal matters. We were seeking to understand just how such interpretations are made, to define an everyday event as legal or not. Thus, if respondents claimed to have experienced a problem, we asked how they responded to the situation, what action they took, and what alternatives they considered but did not pursue. We did not ask explicitly about formal legal actions or agents until the very end of the interview. We waited to see whether, where, and how the law would emerge in our respondents' accounts.

The problem-inventory part of the interview was designed to produce a snapshot of the number, type, and variety of responses to potentially legal situations. The mention of a problem elicited a number of follow-up questions. This long inventory of probes was followed by a request to the respondent to speak further about any event of their choice. She (or he) was asked to describe the event in greater detail, to elaborate upon her experience of and reaction to it. These open-ended conversational questions were intended to elicit a narrative of the most problematic event by relinquishing control of the interview to the respondent, who could thus define the topics and themes and choose which details to include.

Our attention to narrative was engendered by noticing that, in responding to our long inventory of possible everyday problems—events that might have triggered a legal response—our respondents told us stories about themselves. Long before we moved to what we had constructed as the narrative portion of the protocol, they told us dozens of stories rather than just answering yes or no, this or that did or did not happen. Although some would answer our standard query—“Have you ever been bothered by (e.g., noise from neighbors)” —with a simple yes and little more until we probed, most of our respondents told us a story of relationships, con-

flict, and history, and they expressed their feelings about these. We had set out to understand what law meant in the lives of our respondents, how it was used or not used and why, but we began to realize that we needed to understand the role of stories in the experience of legality. What started as a project in legal mobilization turned into an analysis of narratives of legality.<sup>6</sup>

The analysis of the narratives' content proceeded at first by our reading through a subset of the 141 interviews and identifying themes that appeared recurrently. Based on that initial reading of 25 interviews, we identified approximately 60 themes, which we used to code the remaining interviews. These codes included references to capacity to act, willingness to act, time, inscription, property, bureaucracy, power, corruption, fairness, money, and costs, as well as references to formal legal actors such as judges or police. Obviously, any given narrative was coded as containing multiple themes, such as "police" and "humor," "resistance" and "time," or "self-reliance" and "right." There were often several dozen themes. The codes were typed into the computer file of each of the transcribed interviews. We were thus able to search efficiently for any reference to any of these themes (or keywords). Relying on these codes, we generated a separate data source comprising files for each code or theme. In each of the theme files were all the references to a given theme as it appeared in any of the 141 interviews. In order to preserve the context of the reference, surrounding pages were also copied and included in each theme file. In this way, we are able to identify more or less complete narratives as they were told to us in each interview. We now turn to a description of how our analysis of respondents' stories of resistance derived from theories of narrative and social action.

#### WHAT IS IN A STORY?

It has been noted that people tend to explain their actions to themselves and to others through stories (Mishler 1986; Bruner 1986, 1990; Sarbin 1986; Pillemer 1992; Pillemer et al. 1995; Ewick and Silbey 1995). In his book of essays *The Content of the Form*, Hayden White (1987, p. 1) observed that "so natural is the impulse to narrate, so inevitable is the form of narrative for any report of the ways things really happen, narrativity could appear problematic only in a culture in which it was absent." Rather than offering categorical principles, rules, or reasoned arguments,

<sup>6</sup> In this work, "legality" is understood as an emergent structure of social action that manifests itself in diverse places, including but not limited to formal institutional settings. Legality operates as an interpretive framework and set of resources with which the social world (including that part known as "the law") is constituted.

people report, account for, and relive their activities through narratives: sequences of statements connected in such a way as to have both a temporal and moral ordering (see Ricoeur 1984–88). Some authors argue that stories, as a form of social action (Austin 1962), reflect and sustain institutional and cultural arrangements, bridging the gap between daily social interaction and large-scale social structures (Todd and Fisher 1986; Reissman 1993; Lèvi-Strauss 1964–71; Thompson 1984; Faye 1980). In other words, stories people tell about themselves and their lives both constitute and interpret those lives; stories are media through which identities are negotiated. Finally, stories enact and construct, as they describe, the world as it is lived and is understood by the storyteller.

The capacity of stories to perform these functions is connected to the narrative form itself. Synthesizing various extant uses in the social sciences, narrative as a form of communication has at least three features. First, a narrative relies on some form of selective appropriation of past events and characters. Second, within a narrative the events must be temporally ordered. This quality of narrative often requires that the selected events be presented with a beginning, a middle, and an end. Third, the events and characters must be related to one another and to some overarching structure, often to an opposition or struggle. This feature of narrative has been variously referred to as the “relationality of parts” or, simply, “emplotment.” The temporal and structural ordering ensure both “narrative closure” and “narrative causality,” in other words an account about how and why the events occurred as they did. These forms are related. The demand for closure “is a demand for moral meaning,” a moral principle in light of which the sequence of events can be evaluated—or what we call, colloquially, “the point of the story” (White 1987).

In order to analyze and synthesize the myriad stories respondents told us about events and problems in their lives, we disentangled and translated the representational features of narrative into familiar sociological concepts used to describe social action. Within the common features of narrative (especially temporal ordering, relationality of parts, emplotment, and moral meaning) we distinguished four analytical dimensions of social action: normativity, constraint, capacity, and finally, time/space. These dimensions form axes of variation among the stories of law we heard. Importantly, as an ensemble they provide the narrative causality and closure characteristic of conventional stories. Any narrative, including a story of law, is not just a description of what happened but also a statement of the normative grounds “whereby it may be justified” (Giddens 1984, p. 30), what White refers to as the moral principle or point of the story. What we refer to as normativity describes people’s beliefs about the ways in which people, including parties to legal transactions both professional and lay, should act. In stories of law, normativity also specifies why law

should or should not be invoked, obeyed, or resisted. References to normativity describe the moral bases of legality. The normative understandings of law both inform and are revealed by individuals' decisions to mobilize the law, their evaluations of legal processes and actors, and, finally, their own invocations and uses of law outside of formal legal settings.

Emplotment is also an account of how things happened. What makes stories sociologically interesting is just this empirical description beyond the normative justification for what happened. All stories contain a sociology, an account of the organization of social life (Van Maanen 1988; Maines 1993; Somers 1992; Cohen and Rogers 1994). While the ordinary actor, or what Garfinkel (1964) called the lay sociologist, may not provide the kind of account that the professional would give (with the attendant claims to accurate and valid representation) lay stories are nonetheless attempts to explain social action. They locate characters in time and space, describing both what enables and what constrains action. In other words, they point to the sources and limits of agency that exist within social structures. As such, narrative has become increasingly interesting to scholars as a means of accessing just these lay sociologists' understandings of their worlds (e.g., Heath 1983; Davis 1987; Maines 1993; Somers 1992; Cohen and Rogers 1994).

#### Narrative Processes

These conventional definitions of narrative display a strong substantialist stamp (Emirbayer 1997). In this casting, narratives are entities, recognizable by certain internal features (temporality, normativity, emplotment, constraint, and agency or capacity). Although they may be exchanged, or passed along, they retain an independence from the social transactions in which they are told. Although a narrative may share features with other stories (plot structure or normativity, for instance), it stands as a distinctive and identifiable story. By describing stories in terms of their content, this definition of narrative endows the story with an ontological independence. It ignores the processual, contingent, and collaborative aspects and downplays the transactional features of narrative, thus underestimating its socially transformative potential.

Understanding narrative as a dialogic production (Steinberg 1999b), however, will allow us to explain how individual acts of resistance can be consequential when transformed and told as stories of resistance. The story of the event is not the same as the act represented, and the telling of the story is more than the recounted events. The telling of a story is an event in itself (Austin 1962). Our conception of narrative must include an understanding that narratives are not things as much as they are

processes (Abbott 1992; Bakhtin 1981; Steinberg 1999*a*, 1999*b*). Recent work on discourse and narrative from a relational perspective (Emirbayer 1997) suggests, in this vein, that narratives exist and have meaning only within networks of tellers and audiences. According to this view, the acts of telling/writing, hearing/reading are not merely contingent features of a preexisting narrative. An untold story is, in fact, no story. Additionally, reconceiving narratives as processes, rather than entities, challenges the bounded notion of “a story.” In this processual understanding, no particular narrative stands apart from narratives told before or from narratives yet to be told. A story draws upon the well of past stories and flows into future stories. Narratives are fluid, continuous, dynamic, and always constructed interactively—with an audience and within a context—out of the stuff of other narratives. They are produced retrospectively (with some previous narratives in mind) and prospectively (with some audiences in mind).

Constructed through transactions between speaker and audience, text and reader, narratives are always collaborative productions offered within overlapping relational contexts. When someone presents an account to an audience, subjective experiences must be translated into a common vernacular, employing culturally plausible interpretations (regarding character, motive, actions, and outcomes). Even the most personal story draws from and invokes public schemas—symbols, linguistic formulations, and vocabularies of motive—without which the story would remain unintelligible and uninterpretable (Silberstein 1988). Within this shared vocabulary, the storyteller can produce a hegemonic tale or a subversive story (Ewick and Silbey 1995); whichever way the story is constructed, however, she offers a moral interpretation and definition of the situation.

When the tale is told in face-to-face interaction, elements of the story may be subject to interrogation. The narrative may be interrupted as listeners provide additional examples from their own experiences and store of information or demand more detail and greater elaboration. People often provide hints about the stories they might tell, soliciting the audience to help unpack and elaborate an account (Jefferson 1985). The actual form and complexity of the story told depends in great part on the behavior of those to whom the hints are dropped. In some conversations, aspects of stories are introduced without elaboration. Only when the listener offers positive signs of willingness to hear more do the stories actually get told in an extended and more detailed version. In an interactively constructed elaboration, the definition of the situation that is claimed by the teller might be affirmed, amended, or rejected by members of the audience.

Stories thus change in the course of interaction to reflect the experiences and interpretations of others. Narrative change is ongoing because stories are rarely told once or to only one audience. We rehearse and retell our



stories in interaction after interaction: with friends, coworkers, family, even strangers. With each telling, in fact, we may be more likely to tell again. As the story is elaborated and amended to more successfully compel, persuade, amuse, or engage, we are emboldened to repeat it. And, with each interaction, meaning is made and remade collectively. Thus, any particular story is incomplete by itself. There remains at the end of most stories unresolved ambiguities. “[We] always need more stories because in some way they do not satisfy” (Miller 1990, p. 72). Narrative demands “our interpretive participation, requires that we struggle to fill the gaps to resolve the ambiguities. We struggle because the story’s end is consequential” (Polletta 1998, p. 143). The sequences of action—the internal linkages, causality, ending—are to some extent always elusive. Through their interpretive engagement, audiences continue to participate in the construction of the narrative even after a particular story has ended.

Through this process, the stories of particular individuals and specific events transcend the subjective and the particular. The framing of an act into a story externalizes the consciousness of the actor/storyteller, “objectifying reasoning, knowledge, memory, decision-making, judgement, evaluation, etc. as the properties of social organization” (Smith 1987; 1990, p. 60). By displaying through their narratives a consciousness of capacity as well as of constraint, storytellers contribute to the common pool of social schemas and resources. By combining first-hand knowledge that is valued because it is direct, unmediated, and emotionally salient (the story) with what is more widely shared and culturally dispersed (familiar language, tropes, and experiences), storytellers assert, in effect, that their story is part of the ongoing human story, that “what is true for me is also true generally” (cf. Sasson 1995, p. 129; Gamson 1992). The creation of that “reciprocity in the negotiation of meaning” that is fundamental to social transactions (Gergen and Gergen 1997) often takes place by telling stories. Thus, stories generate meanings that underwrite subsequent social action, including, but not limited to, subsequent storytelling.

The stories that we report below are constructed accounts of acts of resistance. They bear the features of the transformations described above: the selective appropriation of events, a particular event order, the positioning of character in relation to a situation of relative powerlessness, and a sense of closure that provides a moral evaluation. Told within the interview situation, these stories, like all stories, are transactions in which meanings and definitions are offered to an audience. The conditions under which these stories were told (an interview) are distinctive. No doubt, the telling would be different were they told in a different setting—over the dinner table, in a court of law, or in a diary. Indeed, in a number of cases, references were included in the story that indicate that it had been told before, under different circumstances, to a different audience. As we in-

terrogate the content of these stories and use them to create meaning, we of course participate in the ongoing process of storytelling and the social transactions it necessarily entails.

#### Narrative and Resistance

The plots of stories of resistance offer distinctive accounts of law's power, the sources of its capacity, and the constraints that limit legal action. In the section following this, we show how stories of resistance offer a particular variation on the common narrative template. In constructing narratives out of everyday resistance, people expressed their consciousness of the injustice of legal power and announced to us their understanding of the role of structure in both enabling and limiting action. Importantly, in these stories, they explained how social structure can be, if only momentarily, appropriated for unexpected results.

Tellers of resistance stories emplot law as a powerful force, describe themselves as a protagonist up against this force, and present some action that avoided or overcame, if only temporarily, this situation of relative powerlessness. The act of resistance is described in the conventional narrative form of opposition, transformation, and moral victory. Moreover, in these resistance narratives, storytellers expose aspects of social structure, too often effaced in hegemonic genres. They express this recognition of social structure by recounting how institutionalized legal relations provided expectations and allocated opportunities within the transaction. At the very same time, because their narratives are stories of successful resistance, they offer an account of how these selfsame and familiar schemas and resources can be mobilized to reverse a more probable transactional outcome. The story of the act incorporates and displays this operative "lay sociology" (Garfinkel 1964), revealing and articulating the social organization of power that sustains the world as it is experienced and known. Although, as noted earlier, acts of tactical, everyday resistance are typically clandestine and unnoticed, by contrast when these normally clandestine acts are transformed into a narrative, they announce themselves as resistance. Contributing a particular account (the individual's experience) to the general (how the legal system works), the emotional to the structural (Barbalet 1998), the story of resistance transcends the moment of interaction, extending temporally and socially what might otherwise be an individual, discrete, and ephemeral victory.

When one considers the process entailed in narrativizing an event, petty acts of resistance become sociologically consequential. Exchanged with an audience, the event is represented in another time/space and a consciousness of the apparently unthinkable is displayed. The dialogic, collaborative, and relational features of narrative are particularly salient in

stories of resistance because their ending is not an inevitable outcome of the chain of events. The usual accounts of capacity and constraint are reconfigured and, for that moment, the institutionalized capacities and constraints of legality subjugated. At the heart of these stories is the promise, but not the assurance, of a reversal of power. As a narrative rather than a logical argument, the reversal of power is achieved, but with ellipses and ambiguities in the account of how the resolution came to pass. Thus, Polletta (1998) argues, the account of what happened demands more stories in the effort to explain exactly what happened, producing a relay of signification and interpretation. Through this spiraling process, the stories of particular individuals and specific events transcend the subjective and personal, implicating and inciting the audience in the act of resistance as the audience struggles to comprehend what happened and why. In this way, storytelling can be part of the practice and the amplification of resistance. The possibility of escalation and transformation is accomplished primarily through this collective construction of the story. The need for additional stories is all the more urgent in the case of narratives of resistance. Precisely because the reversal of power related at the end of these stories is fragile and the triumph so temporary, little is permanently resolved and stories of resistance, perhaps even more than most stories, do not satisfy. Herein lies their greatest subversive potential. Such tales must be retold. They must be matched by others' (similar) accounts. But stories are not just told; they are exchanged. And out of the exchanges of these stories and the moral claims they make, the resistant practices become part of the commonly available narrative resources.<sup>7</sup> As one of our respondents explained,

I talked to a friend and stuff. My wife doesn't like it when I advertise it. I even asked her if she minded if I asked you today because she gets to like its private. But, the more you talk to people, the more you find out that you're in the same boat. There are other people in the same situations, that are caught in the system that will just eat you up. (Michael Chapin)

#### ACCOUNTING FOR THE POWER OF LAW

In this and the next section, we show how the stories—those of resistance and also those of compliance—were conveyed through common narrative templates. Stories of law turn out to be stories of power. All the narratives we collected included a justification of legal authority, why law was ap-

<sup>7</sup> The comic strip *Dilbert* is testimony to the popularity and circulation of stories of resistance.

appropriate or illegitimate in the instance. They varied, however, in the justifications offered. In some accounts, legal authority is represented and valued because of its objectivity, operating in a world removed from human caprice and enacted through disinterested decision making, colloquially referred to as “the rule of law.” In other accounts, law was praised for its accessibility as an arena for articulating and pursuing self-interest. The legal process was described as a valuable technique for accommodating inevitable partiality, a normative space in which to negotiate particular and opposing positions. Finally, other accounts described the arbitrariness of legal authority, its unpredictability and raw power. Here law was simply the power of the powerful. Rather than seeing legal authority as derived from moral principles, objective reasoning, or regulated processes that legitimated its power, these stories reversed the direction of legitimation, describing power as producing the normative grounds upon which legality is exercised. Might, in these stories, makes right.

Many persons reported experiencing the law as a foreign and uncontrollable power. The force of the law was felt in a variety of ways. In some extreme cases, it was experienced as physical coercion, such as when one respondent was handcuffed to a radiator in her home or when another was arrested and jailed overnight; in both cases, the charges were mistaken and eventually dropped. More commonly, the law’s power was experienced in its capacity to define situations and persons in ways that did not correspond to—and at times did violence to—taken-for-granted understandings of ordinary life. People reported that the tragic but sadly commonplace aspects of life are strangely reconfigured through law: harsh words between coworkers become harassment; or, the brutal violence committed by a spouse is euphemistically labeled “domestic violence.” In short, people reported that when they confronted their lives within the legal domain, they often felt that they were subject to a power that could render the familiar strange, the intimate public, and the mundane extraordinary.

In modern American society, law, like most forms of public power, is organized bureaucratically. This means that people generally confront legal authority within impersonal, rule-governed, functionally organized hierarchies. More importantly, these same features often obscure those very same exercises of power. Bureaucratic organization reduces the exercise of power to the seemingly technical and impartial application of rational rules. Almost everyone we interviewed found the law, at times, to be arcane, unresponsive, costly, and depersonalizing (cf. Bumiller 1988). Many of our respondents also described the correlative dilution of authority and discretion that occurs at the boundary of most organizations, making any kind of informal or easy resolution of problems nearly impossible. For example, many of them described the difficulty, frustration,

and costs of dealing with government agents. Bill Villars articulated this widespread sentiment,<sup>8</sup>

Someone in authority could with the stroke of the pen solve a problem. But we couldn't reach that person or that person wasn't made aware of the problem until many many efforts.

Respondents alluded to the inability of law to respond to the sorts of ordinary troubles that characterize everyday life, referring to the ways in which their problems and grievances were transformed into "cases" that could be processed and filed, reassigned and rescheduled. The particular contingencies of the situations that brought people before the law were often lost in the process. Their efforts to reinsert these vital facts were often thwarted or defined as irrelevant. The size and complexity of law place it, respondents claimed, far from the relationships of dependence and power that routinely produce trouble. Although the law defined rights and obligations, it was unable, our respondents claimed, to offer practical protection of those same rights. In part, this was because the organizational time and place of the law had little correspondence to the time and space of everyday life. Multiple court appearances, interminable waiting, and traveling to remote locations exacted a large price for many citizens, who had to choose to pursue their grievance by forgoing wages and family responsibilities or, alternatively, choose to "lump it," accepting the costs of the problem instead of those of the solution. From the respondents' perspective, they had to pay either way. In fact, one of the most common reasons people gave for not turning to law was that "it wasn't worth it." The formal apparatus of the law and the costs it exacted in time, money, and loss of privacy had the effect of rendering much of life "not worth it" from a legal point of view. Mired in formal procedures, captured by bureaucratic structures and remote from the real concerns of citizens, the law is often perceived to be unable to effectively resolve disputes, recognize truth, or respond to injustice.

These features of law did not reflect only the common frustrations with bureaucracy that is the stuff of so many popular critiques. The law also functioned in these ways to shape people's lives in more significant, albeit often unrecognized, ways. Women worked in what they reported to be situations of ongoing harassment. Members of minority racial groups lumped instances of suspected discrimination. Members of poorer communities suffered from an absence of police protection and conversely from the presence of toxic waste or hazardous effluents.

The arbitrary, even if legitimate, power of legal actors—bureaucrats,

<sup>8</sup> All names are pseudonyms.

## Narrating Social Structure

public officials, police, and judges—was described in terms of this lack of responsiveness, empathy, or sympathy. Because it seemed unrestrained, it was experienced as capricious as well as preemptory. Toward the end of the interview, when we explicitly turned to questions about law, we asked respondents what they would do if a judge were to treat them unfairly. Many answered the question by describing the self-defining and thus arbitrary power of the law as it is embodied in the judge.

What other levels do you have? The only thing you got is the court. Everything is settled by the court. Somebody's opinion. And the people that are in power make their decision. (George Kofie)

There is nothing you can do. Just grin and bear it. Who can you complain to? You can't . . . there's nobody you can talk to. There is nobody higher than the judge. (Mike Chapin)

What can you do? They're always right. . . . Who you going to complain to, who cares? Truthfully, you know, and if they cared, what do they do about it? (Claudia Greer)

Not much you can do about it. Except complain. [Int.: Complain to whom?] To no one. [Laughs.] To complain to yourself about the lousy court system. (Andrew Eberly)

Several respondents sarcastically alluded to the unrestrained power of judges by suggesting that they are Godlike.

File a complaint? [Laughing.] I have no idea. God, his superior? I don't know. (Michelle Stewart)

In court you are treated as a person of less value than the court officials or the judge. At that point, he's God. So, if you don't like this God, you go to another God. (George Kofie)

Despite what many respondents described as costly injuries, unfair treatment, and unrestrained power, most people told us that they went along with legal rules. Not surprisingly, however, given these assessments, some people responded by resisting and attempting to unsettle, if only momentarily, these same relationships of power.

### STRATEGIES OF RESISTANCE: STORIES ABOUT SOCIAL STRUCTURE

To identify stories of resistance, we examined whether the narrative described an opportunity to avoid the consequences of relative disadvantage.

In our analysis, we were particularly interested in identifying the means through which resistance was achieved. As we argued above, resistance does not so much rely on failures of power as appropriate the resources of the more powerful. We theorized that resistance is premised upon a recognition of those very same aspects of social structure that more often support taken for granted authority and power. Thus, we analyzed the stories we were told to see whether the description of resistance displayed an appreciation of structural opportunities present in the transaction. Since legal power is structured bureaucratically, we expected to find resistance appropriating these same structural features—often employing several simultaneously, as the examples below illustrate.

From our analysis of the stories people told us, we identify a number of ways in which the storytellers draw upon social structure in these stories. The ways in which social structure is invoked as a strategy of resistance include a manipulation of social roles, exploitation of hierarchy, responses to rationalized rules and regulations, and responses to the disciplining of social interactions along dimensions of time and space. Heuristically, we identify these reversals of conventional features of structural relations in the narratives as masquerade (playing with roles), rule literalness (playing with rules), disrupting hierarchy (playing with stratification), foot-dragging (playing with time), and colonizing space. In what follows we examine these various tactics of resistance and offer illustrative stories from our data. Although we present these various tactics as analytic categories, in the actual stories related to us in the course of the interview more than one tactic is often described. Similarly, a given act might reasonably be interpreted as an example of more than one type.

### Masquerade

The sociologically informed view that social action is based on roles includes two insights. First, it expresses the idea that a person's behavior (as well as his or her obligations, privileges, entitlements, and power) accords with expectations associated with the person's social position. At the same time, this view encompasses an equally relevant insight: because roles are not synonymous with the person, they can be manipulated to influence transactions. The manipulation of roles might involve some degree of deception. In these instances, persons engage in literal *masquerade* insofar as they pretend to be something or someone they are not. They assume whatever role would lead to a more desired outcome. What is worth noting in regard to such commonplace deceptions is that people do not typically assume roles that carry greater social status or power but often enact the position of someone who is needier or less powerful, thus making a different sort of claim on power. For instance, a common form

of informal resistance among subordinate workers involves “playing dumb,” or presenting oneself as a less experienced, less knowledgeable worker in order to avoid work. Ironically, they feign a lack of the very knowledge that is necessary for the deceit in the first place (Prasad and Prasad 1998; Hodson 1995a, p. 144). In the more varied contexts in which persons encounter the law, the range of roles to be manipulated or assumed increases considerably beyond what is available in the workplace. Jesus Cortez, an elderly Hispanic man living in a rundown and dangerous area of Newark, told us that his calls to the police for help with neighborhood vandals were repeatedly ignored. Finally, he decided to change his voice to sound like that of a woman when calling. When he mimicked a woman, he told us, he got a “quick response.”

Michelle Stewart reported lying about her age to a hospital in order to receive emergency room treatment. Because she was only 17 at the time, the first hospital she visited would not treat her without her parents’ permission. Although she had been living independently for two years, having had no contact with her abusive parents, she realized that in the hospital’s understanding of its legal obligations she was a dependent minor. Since she could not change her family situation in order to conform to hospital rules, she went to a different hospital and changed her age, matter-of-factly telling them she was 18.

In these two instances, Jesus Cortez and Michelle Stewart acted on an understanding of organizational behavior, an understanding acquired through experience and learning. These and other respondents presented themselves as whatever they needed to be—whether a (presumably) more vulnerable woman, an adult without family to help or support her, a naïve litigant, or a maid, as we will illustrate below—in order to instigate organizational action.

Often, however, the manipulation of roles as a form of resistance is not deceptive but, rather, selective. People may not so much assume a false role as selectively invoke or present themselves in a role to which they can lay legitimate claim, though perhaps more appropriately in another setting. A person’s ability to invoke any particular role, for purposes of resistance or conformity, draws upon their store of cultural and social capital, their experience and knowledge of alternative roles, and the likelihood that the performance will be accepted as genuine. One of our respondents, a 45-year-old African-American woman we call Millie Simpson, told us how she deflected the consequences of court-ordered punishment, imposed for failing to report an automobile accident and for possession of an unregistered vehicle. When she was required by the court to do 30 hours of community service, Millie used her well-rehearsed role of churchgoer and veteran volunteer to offer service at the church she already attended and provided service for many more than 30 hours a



month. In this way Millie Simpson prudently invoked a role that defined the situation in a way that escaped the unwanted claims of power (criminal punishment for a court decision that was subsequently overturned, as it turns out, after she completed the mandated community service [Ewick and Silbey 1992]).

The choice of what role to invoke in a situation, of course, is not simply a matter of freely picking from a catalog of possibilities. Some role possibilities are not sanctioned, and the legitimacy and viability of role performances are not equally dispersed among populations. Middle-aged females of any race are more likely to successfully masquerade as churchgoers and volunteers than are young, unemployed men. Moreover, the behavior associated with some roles may also be the privileged knowledge of particular classes. Nonetheless, although the cultural capital and probabilities associated with varying roles are unequally distributed, people do have at their disposal an array of roles on which they strategically draw in their efforts to mobilize and shape the direction of power in social transactions. Hoodfar (1991), for example, reports that some lower-middle-class Egyptian women have returned to wearing a veil in order to continue working in the public sphere without censure. Many of the women with whom she spoke reported that they wear a veil in order to avoid criticisms by family members and neighbors for working outside the home and moving about in public. Ironically, then, these Egyptian women rely on a traditional symbol of female subordination in order to achieve a level of autonomy and financial security.

In another story we collected, Aida Marks, a 55-year-old African-American woman, expressed her understanding of the sources and organization of institutionalized authority and how it might be duped to her benefit. Marks relied upon a feature of racial and gender employment subordination—African-American women's employment as housekeepers for white middle-class and upper-class families—to secure service from the telephone company when calls for repair went unanswered. Unable to get results through the normal channels, Marks called the president of the telephone company. Although such officers are insulated from consumer complaints by layers of bureaucratic hierarchy, Aida Marks was able to cut through the organizational barriers by invoking a role that legitimated such access.

Interviewer: How did you finally get service?

Marks: I start at the top because the people in the middle want to move to the top and the ones at the bottom can't help you, they're in the same situation you're in. So I always, that's how I got to meet Robert A— [the president of the phone company], I called over there first and I told them I was his maid.

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By claiming to be the corporate president's housekeeper, she was immediately put through to him, voiced her complaints about her inadequate telephone service, and was very soon visited by an expert team of repair persons. Marks drew on her racially marked speech and her knowledge of the back doors of formal organizations to manipulate a conventional expectation that African-American women serve as domestic workers for white elites, thus circumventing her lack of power in her legitimate consumer role.

### Rule Literalness

Where masquerade is based on a recognition that social interaction is based on roles, *rule literalness* is based on an appreciation that all transactions are governed by rules. Because rules commit organizations to lines of predictable action, rules create both opportunities to resist and means of resistance. They can be counted on but also displaced. The incompleteness and openings in any rule system provide opportunities that resisters can exploit (Beckert 1999). This might involve finding a lacuna within a network of rules, a space that, by virtue of not being governed or defined, becomes momentarily free of control. Or, it might involve subverting the purpose of the rule by rigidly observing it. *Rule literalness* is based on the understanding that most transactions, while governed by rules, can run smoothly only if rules are systematically overlooked, bent, stretched, and otherwise ignored. Even within highly rationalized settings such as bureaucracies, rules must be applied with significant discretion and restraint for effective functioning. Recognizing this, persons create disturbances by willfully refusing to participate in these routine violations. Sometimes people elevate a rule to a general principle (Simmel 1950) and apply it in unanticipated circumstances to the disadvantage of more powerful others. By its very conformity to the explicit language of a rule, this form of resistance challenges and disrupts power by holding it accountable to its own rationality, subverting the purpose of a rule by rigidly observing it.

When he was arrested on a Saturday for driving without insurance, Michael Chapin was compelled to put up \$500 in cash as bail to guarantee his return to court for a hearing on Monday. In court, Chapin provided the evidence that there had been an error in the police insurance record and that indeed he had been insured at the time of his arrest. The charges were dismissed. At that point, he demanded that the court return the \$500 in cash.

Then they try to write me a check for my money back and I wouldn't accept it. I made a big stink. I said I want my cash back. I gave you cash,

I want cash back. . . . I said I don't care what you have to do. I don't care if you have to print the money up. I want cash money. You didn't trust me for a check, I don't trust you either. I made them open the safe. [The judge] came back to see what I was yelling at the clerk, telling her I want my money.

In this case, Chapin appropriated the court's rules requiring that payments be in cash only and used them against the court. He could demand that cash refund from the court, which normally sent refund checks, because the court claimed to deal equally with all parties. By insisting that he be treated according to the court's own criterion for cash transactions, Chapin challenged its usually unquestioned prerogative.

Precisely because such practices are not defined or identified by the "laws of the place" (De Certeau 1984), they do not disobey those laws. By remaining scrupulously within the rules, a challenge may be indecipherable (within the rules) and remain invulnerable to control. More important, the moral claim of a challenge remains unsullied by counterclaims of deviance. Because stories of resistance make justice claims, this moral positioning of the storyteller is sometimes more important than any material benefit.

Much informal resistance thus consists not so much of transgression as of hyperconformity to rules. Some respondents acknowledge the power of literalness by writing their own rules, relying on the power of the informal, implied contract to relieve themselves of otherwise asserted obligations. George Kofie claimed that he did not pay medical bills when hospitals insisted on double-billing him. With a knowing wink, he told us how he manages this.

When I go to the emergency room, I have a hospital bill, and a separate doctor bill. . . . I pay the hospital. Then I get a bill from some outside source for the treatment that I received in the hospital. This happens every time you go. And I've never been able to get any response from these people who send the bill. . . . I send letters telling them to explain to me the medical attention, then I will pay the bill. I don't get responses, then I don't pay it. [Int.: You don't pay the doctor bill?] I don't pay. I pay the hospital bill. . . . If the doctor is working in the hospital, why do I need to [pay him]? I go to the hospital and I pay the emergency room bill. Why do I pay twice? I don't pay unless I get the proper response. . . . When I go to my doctor's office, I don't get a bill from the hospital.

Rule literalness, or technical obedience, constitutes one of the most common ways in which persons manage their encounters with others who make compelling demands: ordinary citizens, legal agents, or organizations. It echoes the often repeated criticism of bureaucracy gone awry. Bradley Spears offered an analysis of how bureaucracies become unre-

sponsive, and how hierarchy, which we will discuss further just below, and structure underwrite power. Describing a state office, he told us,

If you don't dot an *i*, you jeopardize your complaint. . . . I'd like to reorganize their hiring practices, or training practices, so that the people who deal with the public are able to make decisions, are able to make judgment calls. I think they have no discretionary power, so consequently, if the dot on the *i* is upside down, they reject it. I think sometimes, there has to be some discretion used.

### Disrupting Hierarchy

We were told stories about a third and familiar means of resistance: willfully ignoring hierarchy and with it the lines of authority, respect, and duty that are attached. Transactions among persons of different degrees of power and authority rely on a silent but mutual recognition of those differences. Because hierarchical deference so often goes without saying, ignoring these structural differences is disruptive precisely because it requires power to articulate itself. By demanding power to own up to itself, it calls what is more conventionally a bluff. In one form of disruption of hierarchy, another person's authority is appropriated and used against them.

Having, over the years, been subjected to numerous forms of harassment and humiliation at the hands of the local police, one woman described her response in one such instance.

I was riding down Hadden Avenue one day and the cop pulled up in back of me. All of a sudden, [the cop] turned on his lights and siren noise. Scared the mess out of me. I almost hit a parked car. And the only thing he did it for was to pass the light. Then he turned everything off and was cruising on down the road, you know? And I very nicely cruised on down the road and pulled him over and told him exactly what I thought about it. [Int.: What did he say?] I didn't appreciate it. He laughed. I told him you wouldn't be laughing if I turned his badge number in . . . because they are supposed to observe all speed laws just like we are if they are not on call.

Michelle Stewart provided a similar example of inverting the lines of authority and responsibility that define common relationships. She told us that as a teenager she had feared her mother's reckless driving when her mother had been drinking. After futilely pleading with her mother not to drive, Michelle directed her parent to the local police station.

I went with my mother one time when she was really drunk, like when I was fourteen. She was an alcoholic. She was always drinking and driving and crashing her car and everything. And I would get pissed off when she

would come to pick up my friends and she'd be like that. She endangered us. So, I brought her into the police department. I called her on her bluff. She told me she wasn't drunk and I called her on it. She goes, I'm not drunk, let's go get a Breathalyzer. So I went there with her, and she was obviously drunk and driving a child, me.

Michael Chapin told us another story, this time not about something that happened, but about something he wished had happened. His story revealed, however, the same insight about how making lines of authority explicit exposes the sources of power too often overlooked. Not wanting to remain passive in the face of what he believed was blatant union corruption, Chapin plotted to invert the relationship between the carpenter's union to which he belonged and its members.

My latest crazy idea was to picket the local. Get a hundred guys with signs. Call up the TV station, call up the newspapers and go down there and put them into shame. Shame them into doing something right. To change what's going on down there.

Had he arranged the picketing against the union local as he imagined he might, Chapin would have challenged the union's fiduciary relationship to the workers. More important, he would have made explicit the way in which union and management interests were aligned rather than contested, creating the corruption he was complaining about.

In these ways, asymmetrical lines of authority are reversed: a citizen stops a police officer, or a child usurps a parent's authority by reporting her mother's drunk driving to the police, or a union member envisions picketing his own local. In each instance, a person forces someone occupying a higher social position to make explicit the prerogatives of that status and to demand rather than simply to expect deference. The resistant acts impose costs by requiring those who would likely exercise greater power to use additional resources to reestablish authority (Parsons 1966).

In a second form of disrupting hierarchy, persons described the way in which they refused to acknowledge a line of authority or chain of command. One of the most common forms of resistance entails "leapfrogging" over layers of bureaucratic hierarchy. By reporting problems to those higher in the organization, people are also able to escalate the significance of their complaint, converting it from an individual into an organizational problem. Aida Marks incorporated this tactic in her story of her masquerade as a maid.

Sophia Silva told us her favorite story about her experience as a frustrated consumer.

When my children were young, my washer kept overflowing and I was

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doing washes by the dozen, so I kept calling the repair place. They came and they kept fixing motors in it. This was costing us, and we were a young couple. Anyway, nothing was happening and I called, I think it was the General Electric number, and I called the company and I got the president of the company. And the secretary said, "I'm sorry, he's not available." And I said, "Well, I am going to call him until he is." So she said, "Hold on a minute." And he came on, and said how can I help you? I started to cry, I was so nervous. And he said, "Now you sit down and you tell me the whole story." And I told him the whole story. That I have all these bills in front of me and I have this machine that does not work and nothing has been done. He said, "Don't you worry ma'am, it'll be taken care of." And five minutes later after we hung up, I got a call from a service company . . . out on Route 22, or something, and they came up and they fixed it. I mean, I don't mind paying for things, but . . . This is my favorite story.

By going "to the top," respondents achieve three objectives. First, there is a high probability of having the concrete demands met. When superordinates are informed, the problem is usually remedied quickly. Many respondents discussed the routes they follow to get to the top. Gretchen Zinn cautioned, however, that this is a difficult climb. "I think you have to start through the regular channels though, or else they're going to send you back to that."

Second, by going to the top, respondents let higher-ups—the supposedly competent and responsible members of the organization—know about what is going on among their subordinates. Because it is often undesired information, the person who leapfrogs through bureaucratic hierarchy not only disturbs the official sequence of movement and action, she also introduces unwelcome information, or "institutional noise." David Majors, another union member, told us that the higher-ups in any organization or management "don't want any problems." Nonetheless, each level in the organization has its attention focused on those below as well as on those above (Emerson 1983). Respondents use this feature of organizational hierarchy as a wedge for their claims. Telling us about the state bureau of social services, David Majors commented,

On many occasions . . . I was forced to deal with their supervisors, and I usually got satisfaction out of them. Only because, you know, they don't want any problems. . . . If I couldn't get the answer that I wanted to hear, and knew that should be forthcoming . . . [if] they were just putting it on the back of the table, and saying, you know, "I got all this work in front of me, I'm not going to do it," all you had to do was talk to their supervisor, and they're going to do it. Because that supervisor doesn't want to hear any grief from upstairs. Because if I don't get satisfaction out of him, I'm going elsewhere.

By reporting problems to those higher in the organization, respondents

are able to call forth higher authority to retaliate (for them) against those who have been obstructing the attempts at redress.

Third, going to the top of an organization allows respondents to experience a measure of agency and freedom that the bureaucratic processes of large organizations normally stifle. It is no doubt this satisfaction that accounts for the fact that one of Sophia Silva's "favorite stories" concerned the washing machine repair. The satisfaction of being heard is often enough for people to pursue this strategy even in situations they define as futile.

I don't necessarily think that it [letter writing and calling officials] has any value. For example, when we just went through the Persian Gulf War, I called different legislators in our state. I called each one of them and got myself, my opinion heard. (Gretchen Zinn)

I think on a couple of occasions [I sent] copies of the letter to the governor's office. Knowing the system, having access to the books and whatnot, it's pretty easy to find out what the chain of command is and to write. Not that it gets you anywhere. (Bradley Spears)

I go to whoever his superior is. I write a letter, not knowing, you know, if the letter would do any good or not. But I put it down in writing, my grievances. (Sophia Silva)

Other respondents also talked about letter-writing campaigns and barrages of registered packages directed to the homes of corporate executives. Although legal resources, such as consumer protection laws, are widely available, most consumers understand that mobilizing these laws is unreasonably demanding for most of the small, daily transactions in which they feel cheated, misled, or ignored. Instead, citizens forgo the law and find ways of directly negotiating their disputes. These often involve some form of leapfrogging in which people rely on the shape of the organizational hierarchy and patterns of accountability to enhance their claims.

#### Foot-Dragging or Taking Time

Modern rationalization of social action converts time into units (minutes, days, weeks, or years) as a foundation for organizing complex social relations. Rather than understanding time as passing in an indivisible, continuous stream, one sees it as a set of distinct elements that can be abstracted, partitioned, calculated, and mapped onto social interactions as a mechanism of regulation and control. Shaped by temporal rhythms that are often inconsistent with subjective experiences of time, the more disciplined and formally distributed interactions within modern organiza-

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tions are often experienced not merely as an interruption but as a confiscation of private life. One of the most common forms of resistance to the discontinuities and incongruities of contemporary time reckoning is *foot-dragging*, or *taking time*. Note that we did not use the more familiar construction “taking *one's* time.” As a form of resistance, the time taken in foot-dragging is not that of the resister. It is time that belongs to one’s employer, one’s creditor, to anyone who defines and controls behavior in terms of time. In this regard, foot-dragging is a modern form of resistance that depends on, even as it defies, the rationalization of time.

Thus, when people cannot resolve disagreements with those whose profit depends on time rationalization, they sometimes accept defeat by complying but at a pace and in a manner that exacts its own price. As one woman involved in a credit-card dispute said, in these circumstances “I try to get a little of my own back,” however she can. Although the motive may be to avoid what is perceived to be an unfair charge, the response is to comply in a way that disarms retribution. Rita Michaels said that a hospital unfairly charged her for being a subject in one of their medical experiments because they had not told her of the cost when they solicited her participation. Because the hospital was not charging interest on the statement, she took time in paying the bill.

It was \$250. And he sent me a bill for that, and I questioned it. And he told me what it was for. Every month I'd get a bill. It would say if you don't pay this bill, we're going to send you to a collection agency. I paid it ten dollars a month. I could've paid it all off in one shot, but I should have been told about [the costs up front]. . . . I did it to be a pest, you know. You can't take me to court if I'm making at least an effort to pay.

Anticipating problems, some people use time to avoid or minimize what they believe is their victimization. When asked if she had ever had problems with rental housing, such as having her security deposit withheld, Sima Rah responded:

[Laughter.] No. I laugh because we don't give the owner a chance to withhold our security. If we know we have to move, we don't pay that month's rent, which is our security. Because we know these landlords. They won't give your security back.

Recognizing the value of time, people report “taking” it in compensation for losses that cannot be redeemed in other ways. Although Nell Pearson could not get full compensation from the insurance company for her losses in a car accident, when the opportunity arose she managed to make the insurance company lawyer “spend” the money she should have received. When he called her to negotiate a lower settlement, she used her knowl-



edge of lawyers' billing practices (where labor is reckoned to the minute) and kept him on the phone for as long as would likely equal the difference in what the insurance company offered and she wanted.

They turned it over to their insurance company, and I got a call from the insurance company's lawyer, wanting to settle the night before the small claims hearing. And we were haggling over \$50. I had already decided that he probably wasn't going to pay me the \$50 but I would get \$50 of his time on the telephone. So, after about a half an hour, he was screaming. . . . And he said, "I'm just going to have to see you in small claims." I knew he didn't want to go. It was too small an amount of money. So I said, "That's okay, you don't have to do it, I've gotten my \$50 out of you," and he said, "Is that what you were doing?" And I said, "Yeah. I know what lawyers are worth." And he said, "You've got your \$50."

In this way, foot-dragging is a means of exercising some control within situations in which little opportunity for control exists. As these examples illustrate, foot-dragging is less of a refusal (to pay, or act, or work) than it is an assertion of some level of autonomy in the course of complying.

#### Colonizing Space, Camping Out

Modern power can be defined in terms of a set of distinctive spatial as well as temporal practices. In large part, these practices involve the enclosure of space and the containment of individuals within enclaves such as those factories, schools, hospitals, barracks, and, more recently, shopping malls. The typically unarticulated norms regarding the occupation of these spaces (who will be where, for what purpose, and for how long) present abundant opportunities for disrupting power (Rofel 1992; Shields 1989).

It is also true that law not only regulates but occupies space, most importantly by privileging writing and inscription. By converting human transactions into written documents such as files, cases, transcripts, or police reports, relationships and situations are concretized, objectified, transformed into static objects. These written documents freeze thoughts, words, and transactions, imparting to them a greater fixity and truth value within the epistemological sphere of the law. Unable to penetrate the legal texts, many persons and groups remain unrecognizable in a world of paper, precedent, and archive. Even those who are able to enter the law's text often cannot control where they are placed or deployed. Having entered law's textualized realm, they are easily confined by it. Through inscription, words and transactions are given an existence apart from their authors.

In their dealings with bureaucracies, including legal bureaucracies, people often report, for instance, being transformed into "a case," which is

then filed away and forgotten. In many of the stories we heard, the privileging of texts and other forms of inscription were recognized as a central ordering principle of law (cf. Smith 1987, 1990). For example, Aida Marks told us a story in which she displayed her appreciation of the power of documents to organize social relations, enabling some and disempowering others. After her son Ronald had been shot, he was brought to a hospital that Marks believed provided substandard care to nonwhite patients. On the advice of a family doctor, she tried unsuccessfully to arrange for Ronald's transfer to another hospital. When she failed to persuade the hospital doctors and administrators to transfer Ronald, the medical records hanging on the end of his bed presented an opportunity to move him. Knowing that these records are the only official recognition of a patient's existence, Marks was able to make her son "disappear" from the hospital along with the papers.

I went up there at eight o'clock in the morning after Dr. Abraham told me to get him out of there. I had that big bag from Avon with me and this silly old nurse up there . . . , she gave me all of Ronald's records [to look at how he was doing]. So I pushed them down into my bag. . . . They didn't care whether he went, I don't think. They couldn't find those records. They was havin' fits.

After the "silly old nurse" mistakenly handed her Ronald's medical records, Aida Marks seized the opportunity to do what she could not do through direct means—transfer Ronald to a better hospital. Recognizing her relative powerlessness in the situation, Marks did not directly contest or question the authority of the doctors, nurses, or hospital administrators. Yet even without openly defying the professionals, she successfully disabled them by depriving them of their forms of privileged communication. Perhaps most revealing of her understanding of the role of textualization in the formal institutional world of the hospital was her observation that the nurses and doctors ultimately didn't care whether Ronald went, but they cared deeply whether the papers went. They were, she said, "having fits" about that, not about Ronald.

With regard to practices in physical geographical space, Martha Lee described how she would respond to a good friend who did not return an expensive tool he borrowed. She could cry, she suggested, or "camp out on their front porch until they gave it back to me. I don't think I would sue my friend." Thus, to Martha Lee, intentionally and obstinately being "out of place," occupying her neighbor's front porch, represents a more efficient and legitimate means of seeking compensation than those provided by law.

Sophia Silva described how she had learned this tactic of colonizing space, how she used it to get service in a department store when she was

being ignored, and how she subsequently taught the strategy to a young mother having difficulty getting service at Sears.

I was in Sears one day, and this young girl was there with all these children around her. . . . She had bought a vacuum cleaner like a week before and it did not work, and they were telling her to mail it back [to the manufacturer]. . . . And she was distraught. I said to her, "Don't you move." I said, "You stay there, you'll have to stay two or three hours until they give you a new one." And I kept coming back to check, and they did give her a new one.

Finally, Joan Walsh told us that she learned the usefulness of colonizing space by observing other parents who were "pushy advocates" for their kids. Sensitive about being a member of the "working-class in a snooty suburb," and about the fact that her son had some special learning needs, Walsh decided to occupy the guidance counselor's office at her son's high school because the counselor was not providing the paperwork her son needed for his college applications.

My son wasn't getting any place [trying to obtain a copy of his transcript]. So, one morning, I got up and I dressed nicely. Not jeans, but I got dressed nicely. And, I went to school with him at 7:30 in the morning and I went to the guidance waiting room and I sat in the chair and I said I'm going to sit here until I talk to him. And when he walked in and realized I was sitting with my son—because he recognized my son—he was very friendly. . . . So I got results. . . . But I feel that if I hadn't done that he'd probably, he may have missed out on the only school he wanted to go to, because they weren't sensitive to his needs. So I don't like to have to interfere like that but I learned back in elementary school when other mothers used to do it, and I used to be the type who didn't say much and sat back, that other parents were getting what their kids needed for them. . . . So I had to change my way and I had to start speaking up.

The spaces occupied are not only physical places or discursive texts. Odette Hurley described how her neighbors got together to occupy the police telephone lines in order to get help with some dog packs running around the town. Although she had called each time she had seen the dogs, the police never responded. "And finally when all the neighbors kind of formed together and started timing their calls, and we'd just call one right after another and kept calling and calling until they finally came and cleaned them up."

Here, as with other forms of resistance, the shape and form of defiance described in the stories derived from an appropriation of the structural resources of spatialization against which it was poised. Frustrated or defrauded consumers, taxpayers, and counseling clients challenge the rationalized processes that transform their grievances and problems into

manageable cases by insisting on being physically present. Unarticulated understandings about such matters as how long one stays in a department store or how hospitals authorize medical procedures are the grounds upon which such resistances operate. By recognizing and using these conventional expectations, previously ignored claims, requests, or pleas for help are heard.

#### DISCUSSION

Through the plotting of words and action, stories have the capacity to extend temporally, spatially, and socially what might otherwise be individual, momentary transactions. In this capacity, stories of resistance are no different than other stories. They differ, however, by the type of account they offer of the organization of action. Resistance stories display an understanding by the storyteller that social action in modern societies is organized primarily through social roles, rules, hierarchy, time, or space. In the stories of resistance, these standard aspects of social structure are used to reverse what the protagonist experienced as an unfair situation of subordination. Describing strategies that involved an opportunistic appropriation of just those features of modern legal and bureaucratic organization that sociologists use to describe social realities, stories of resistance illustrate Garfinkel's (1964) claim that not only sociologists do sociology. The content of these stories thus reflects and mobilizes the common experiences of relative powerlessness that social structures produce and hegemony often obscures. Thus, when everyday forms of resistance are turned into stories depicting the work of social structures, they are not individualistic, temporary, or inconsequential.

As the preceding analysis shows, these stories of legal encounters bear the central marks of resistance, as we have defined it. In each narrative, our respondent displayed a consciousness of being less powerful in a relationship of power. Aida Marks, Mike Chapin, Nell Pearson, Sophia Silva, Sima Rah, Michelle Stewart, George Kofie, and each of the other protagonists in the resistance stories we heard recognized that they could not get what they needed or wanted through conventional channels. Whether it was an appliance or phone repair, a hospital transfer, a cash refund, or full compensation for automobile damage, neither the legally protected rights of the individuals nor the obligations of the institutions with whom they were dealing were honored in what seemed like a routine matter. Thus, each of the protagonists experienced himself or herself powerless in the situation—as it stood.

Second, in each of these stories, the storyteller either implies or announces the unfairness of her disadvantage. They described their situa-

tions to us as problems, injustices, failures that “shouldn’t be” or “should be otherwise.” The “should be otherwise” expresses the sense that the institutionalized dynamics not only produced costs but were also wrong.

Third, each of our storytellers also saw an opportunity—using the resources at hand—to turn the situation around so that she got what she wanted. In each of these practices, the resisters recognized (and grasped) opportunity through their understanding of the structural resources of power. By appropriating specific roles and rules, hierarchical status and deference, the time and space of the opponent, resisters reveal their sociological skills. The sociological basis of the action displays the collective (i.e., structural) rather than individualistic and idiosyncratic nature of the acts. The resisters rely on, as they appropriate, features of the common shared social structure and culture. Moreover, these appropriations are more than momentary or transitory. If structure is built from the ground up through daily practice, as relational theories of power suggest, acts of resistance, as much as acts of conformity, are part of the constitution of structure (and of power itself).

Finally, and perhaps most importantly for our argument, the limited and patterned character of the resisters’ tactics suggests that they are part of a common, albeit submerged, stock of knowledge. That knowledge is generally communicated through narratives that display common features: temporality, normativity, emplotment (constraints and capacities that help organize the action). Because people tell stories about these acts, the acts live beyond the moment, the locales, and the particular actors. Too much of the debate over the significance of everyday resistance overlooks this transformation of acts of resistance (which are defined as momentary and opportunistic) into narratives of resistance. These narratives are neither automatic nor inevitable results of the acts. The stories we were told about people’s routine encounters with legal officials, with bureaucracy, and other forms of institutional authority are not simply passive representations of past events. They are a result of creative processes of selection, interpretation, and emplotment (arrangement and organization). If it makes sense to think about social processes themselves as being narratives, then these stories can be used, as we illustrate, to display and analyze the characteristic patterns in those narratives (Abbott 1992).

These stories are evidence, then, of more than a consciousness of structure. They also contain possible means for making future claims on structure, because they convey knowledge of how social structure works, how in particular instances it has been upended. Within the story, resistance is displayed and, thus, becomes “thinkable.” What had been taken for granted is now revealed and made explicit. The understanding of how to disturb structure that is represented in the narrative can be used in other situations, by others, to impede the routine exercise of power. By telling

stories of one's success against power, what was personal, private, individual, and momentary is now shared, collective, and part of the "social process . . . a network of stories flowing into the present and the future" (Abbott 1992, p. 438).

#### CONCLUSION

In this article we have conceptualized and examined narratives of resistance to law and legal authority. We have suggested that individual acts of resistance become consequential as they are transformed into stories and, as such, live beyond the momentary, perhaps ephemeral, victory. As important, although we have not emphasized this, the stories are often told with enormous delight, and are often described as special pleasures—as Sophia Silva said, "This is my favorite story." Such satisfaction is not to be ignored. Thus, these "hidden transcripts" (Scott 1990), or "tales of the unrecognized" (De Certeau 1984, p. 68), are important in their own right. They remind us that "our practical daily activity contains an understanding of the world—subjugated perhaps, but present" (Hartsock 1990, p. 172; cf. Garfinkel 1964). As Sophia Silva suggests, the moments of resistance are often the most memorable parts of the journey. To ignore these tactics because they are momentary and often private is to reinscribe the power relations and social structure they oppose. To overlook these interventions is to deny their meaning within the particular lives, biographies, and relationships of everyday social life. But do they have any macrosociological meaning?

What is the relationship between the individually produced narratives of resistance (that typically account for individual acts of everyday subversion) and more collective stories that are developed and shared by social movement participants? Aminzade (1992, p. 458) suggests that "analytic narratives—theoretically structured stories about coherent sequences of motivated actions—can contribute to the construction of explanations of why things happened the way they did." By allowing us to develop a notion of "causality based on narrativity and the centrality of meaning, sequence, and contingency," these stories bridge individual micro events to the macro analyses of sociological theory. In order to more fully understand the role of narrative in challenging power and perhaps precipitating and sustaining collective practices, we need additional detailed empirical evidence regarding the processes through which the stories of individual acts of resistance accumulate. This task will require that we focus less on the precipitating events and, instead, excavate the gradual transformations achieved, symbolically or materially, in the months or years preceding and following those events. At what point do the schemas

embedded in the individual narratives convert into collective frames? In other words, we need to be attentive to incremental changes that may have escaped our analyses. To this end, we need to devise ways of measuring the long narratives of history, the seemingly endless plots that appear to lead nowhere but that may accumulate to produce new social relations and yet newer narratives.

Cultural analysts have begun to unearth some of the stories circulating at the margins rather than at the center (Brunvand 1981, 1984; Turner 1993). Fine (1992), for example, has mapped networks of diffusion for contemporary urban legends among adolescents and consumers, and Turner (1993) among minority communities. Future research might productively explore variations in both the narratives and the conditions that produced them for both informally and formally organized resistance. Moreover, research on historical events rather than on myths and legends is also needed. Polletta (1998, 2000) has begun this work in her study of the early organization of the Student Non-Violent Coordinating Committee (SNCC). She suggests that a particular narrative of SNCC's genesis—that it was spontaneous, spreading like a fever that just overtook people—was essential for the transformation into a continuing movement and organization. Although not entirely factual, “the narrative of sit-ins, told by many tellers, in more or less public settings, and in which spontaneity was a central theme, helped to constitute ‘student activist’ as a new collective identity and to make high risk activism attractive” (Polletta 1998). Pfaff (1996) suggests that circulating stories played an important role in mobilizing East Germans during the periods of quiet opposition that ultimately culminated in the regime's demise. “Though they were politically subordinated, ordinary East Germans expressed grievances and nurtured opposition in small circles of confidants” (p. 91).

Examining the role of storytelling in collectivizing resistance, we might also assess the consequence of variable patterns of production for different types of stories and storytellers—comparing, for instance, the accounts of professional scholars to stories such as those we have described, which are produced as and circulate as oral accounts in the course of everyday social interaction. Thus we might consider how and when producing accounts of resistance becomes a professional project and how dissemination may vary as a condition of the professionalization of production. In this vein, we note that jokes and songs as well as personal anecdotes convey narrative accounts of power and how it might be countered, and that these are often professional products. For example, Gordy (1999) has written of the political role of rock-and-roll music, and in particular of the emergence of rock as a genre of resistance under the totalitarian regime

of Milosevic and his Socialist Party of Serbia (see also Cushman 1995).<sup>9</sup> And Garofolo (1992) reminds us that the song “We Shall Overcome” evolved from a religious hymn to a labor song to a protest song during the Civil Rights movement, thus vividly articulating different versions of powerlessness and protest.

These examples suggest that the narratives of resistance and opposition may carry distinctive historical trajectories. As part of the project of excavating these histories and their role in producing structural and political changes, sociological study can focus on the networks of circulation that lead to their vitality or morbidity. In order to do this, we will need to identify the paths through which tales of resistance circulate, paying particular attention to points of rapid diffusion as well as to the points at which stories are no longer told or shared. What are the features of narratives (whether songs, jokes, or anecdotes) that circulate widely? Because all storytelling relies on shared vocabularies of motive, it is likely that stories of resistance will circulate within networks of similarly situated persons who share not only the experience but the repertoire of cultural schema with which to make sense of it (Scott and Lyman 1968). What is the implication of this pattern for successfully challenging hegemonic situations? What narrative features determine the adaptability or transposability of a story, joke, or song under different regimes of power or contexts of struggle? Future research might focus on how stories are heard in different networks, how they are received by higher-ups (versus peers) in a hierarchical relationship. Research might also consider how narratives change within specific contexts of retelling. Are some contexts more conducive to elaborations of the narrative stream? Is there evidence that stories of resistance circulate and among whom? Some of our interviewees characterized their stories as having been told before, prefacing their tales with a statement such as “this is my favorite story,” or “I have a good story I often tell.” And, do people mark their stories as having transformative effects on themselves or others? This is a large research agenda, one that might help us map the important connections between micro interactions and macro structural formations.

By telling stories of moments of triumph against a relatively more powerful opponent—if only to sociological interviewers—individuals make and write histories that transcend temporally and spatially both the moment of action and the moment of authorship. Importantly, transcending the moment does not have a necessary valence with respect to re-

<sup>9</sup> One band called themselves *Partijrejkers* (phonetically “party wreckers”). The ambiguity of the word “party” in their name allowed them to express their opposition to Milosevic’s regime under cover of what was more typically construed as a hedonistic reference to themselves as rock musicians.



versing the trajectories of institutionalized power: some resistant practices may fortify existing arrangements (e.g., Bourgois 1998), while others may transform a nation (Polletta 1998). In any case, storytelling is one method of collectivizing and disseminating practices of resistance by contributing cultural knowledge of how power operates through institutionalized structures. These narratives of resistance need to be understood "not as limited by a time bound frame . . . but as constituents of a sequential social course of action through which various subjectivities are related" (Smith 1990, p. 221). Thus by narratively taking a stance against the law, our respondents not only revealed their understandings of power and identity, they actively constructed legality and subjectivity. The story stands not simply as a representation of events as they occurred but as a creative act of articulating the structural bases of power, as a political act of making a moral claim on power, and as a challenge to hegemony in its own right. By recalling moments when they faced power, and relating how they found and exploited cracks in legality's institutional façade, these people enacted and communicated conceptions of self that insisted on human agency and dignity. Relying on humor and bravado, their stories recount and celebrate either a reversal or an exposure of power. The fact that these tales are offered with smug pride or moral outrage indicates that behind the telling of the trick or humiliation lies a moral claim, if not about justice and the possibilities of achieving it, then about power and the possibilities of evading it.

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