Rule Enforcement Among Peers: A Lateral Control Regime*

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Abstract

The purpose of this paper is to contribute to the understanding of control among peers. Drawing on a network study of a medium-sized Northeastern U.S. corporate law firm, this work shows that partners — all formally equal and locked in a cooperative situation — have developed an informal 'lateral control regime' to help protect their common interests against free loading due to individual expressive problems. This regime helps peers exercise early monitoring and sanctioning by reducing costs of control. It maintains low costs through appropriate use of social resources or 'relationships' between members. Sanctioners are chosen because they are structurally close to the infractors, but often also because they are relatively more powerful. Some of the costs of control are shown to be shifted to partners with a specific form of status within the firm, that of uncontroversial 'protectors of the common good'. These main sanctioners help prevent situations in which infractors would be reserved preferential treatment because they control resources too important to their close partners.

Descriptors: collegial organization, control, compliance, enforcement, network analysis

Introduction

Theories of collective action show that members' conformity to rules governing the management of common resources requires social control and informal conflict resolution mechanisms. Compliance to the rules is contingent on compliance by others, and therefore members spend time and energy monitoring each other. Formal procedures are used against members who violate the rules, but often as a last resort, especially when monitoring and sanctioning are undertaken, not by external authorities, but by the participants themselves. In such a case, infractors are likely to be assessed *graduated sanctions* (depending on the seriousness and context of the offense) by other members, by officials accountable to these members, or by both. If an individual breaks the rules more systematically, sanctions can escalate until members punish the offender (and themselves) by breaking previous agreements (Bosk 1979; Black 1984; Coleman 1990; Ellickson 1991; Fortado 1994; Hechter 1984, 1987; Heckathorn 1990; Jasay 1989; Lindenberg 1993; Morrill 1995; Moscovici 1985; Ostrom 1990; Reynaud 1989; Taylor 1987; Wittek 1999).

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The issue of conformity is of particular importance in formally egalitarian bodies in which partners are all nominal, interdependent, equals. Free-rider problems quickly arise in such settings, because even a member who did not contribute effectively to the firm's revenues imposes a cost on the partnership as a whole, by reaping the benefits of partnership. As a consequence, monitoring and early graduated sanctions are considered to be particularly important for ensuring that partners' individual commitment to contribute remains credible. However, in such contexts, hierarchical control is relatively weak, and there is reluctance, at an early stage, to use formal procedures against colleagues to overcome free-riding and maintain solidarity. Direct command or use of administrative hierarchy are not considered appropriate means for exercising control, because professionals have many ways of neutralizing formal authority (Gouldner 1954; Freidson 1975, 1984). Therefore, a second-order free-rider problem arises as well, i.e. the problem of who will bear the costs of monitoring and enforcement among the formally equal members (Cartwright 1965; Hechter 1984; Heckathorn 1989, 1990; Kandel and Lazear 1992; Oliver 1980; Yamagishi 1986).

In effect, enforcement through negative sanctions can be costly for the sanctioner, particularly when control is mobilized for the protection of the common good in such a formally egalitarian body. Attempting to put pressure on other members on behalf of the firm can be costly in relational terms: infractors may accumulate resentment, partners may blame the sanctioner — especially if he/she has personal ties with the deviant party — for failing to achieve results. The issue thus becomes: how then does the organization keep costs of enforcement low? In this paper, I argue that informal processes contribute to maintaining low costs, in particular the appropriate use of social resources or 'relationships' between members. As noted by Festinger et al. (1950), Reynaud (1989) and Ostrom (1990), sanctions are usually not automatic. They are not independent of the person who applies them and of the person to whom they are applied. Any process of early monitoring and sanctioning must therefore help select sanctioners and build access to infractors.

As part of what Freidson calls 'the rule of the collegium', members tend to avoid open face-to-face conflicts, as well as direct and coercive exercises of power. Therefore, graduated sanctions start with unobtrusive and unsolicited advice and the spread of gossip. In effect, social ties provide access to infractors and focus their attention, because they represent the existence of underlying resource dependencies. In Freidson and Rhea's (1963) words, colleagues informally 'talk to' infractors in order to curb behaviour perceived to be unprofessional or opportunistic. In Mintzberg's (1979) words, there is 'mutual adjustment' among peers working in 'adhocracies'. Others refer to this process as gaining 'quasi-voluntary compliance' (Levi 1988), as achieving autonomous regulation (Reynaud 1989), concertive control (Barker 1993), or compliant control (Heckathorn 1990). Colleagues show infractors that lack of conformity has been detected, must be discussed, and may involve external social costs, such as stopping exchanges at various levels. Because interdependent partners need social resources to perform effectively, they are also more exposed to pressures from partners who control these resources. These processes help peers maintain an enduring collegial organization (Weber 1920; Waters 1989).

The second-order free-rider problem can be decomposed into two issues. First, the cost of sanctioning, and second, the incentive to sanction. The two issues are related because lower costs will make lower incentives work, but otherwise they are independent. This paper deals mainly with the first issue. Following the individual's preferences for sanctioners leads to lowering sanctioning costs because if there is an interest in getting the infractor going again, then members are sensitive to the efficiency of the sanction. It is also likely that there is some selective organizational learning involved in the choice of sanctioners: individual interests lead to lower costs which lead to good joint outcomes, which reinforce the influence of individual interests on the sanctioning regime. However, of particular importance to the argument of this paper, social relations among members are the key to the process of mutual adjustment, i.e. the way in which a formally egalitarian organization obtains this quasi-voluntary compliance with its rules and agreements. Little is known about the selection of early sanctioners and monitors among peers, and applying rules among them is never unambiguous, because monitors, infractors, and sanctioners are all formally equals. In this paper, I attempt to enhance understanding of quasi-voluntary compliance by highlighting the relationship between cost of control and choices of suitable sanctioners in a collegial organization.

The characteristics of early monitoring and sanctioning are examined empirically in a medium-sized traditional Northeastern US corporate law firm, where all the partners are formally equal and often interdependent in their work. In this firm, signing the partnership agreement is a strong commitment to cooperation. Partners share profits according to a rigid lockstep seniority system; therefore there is no direct relationship between contributions and returns, and no compensation-bred competition between them. In addition, based on this partnership agreement, a partner cannot be bought out unless there is near-unanimity against him or her, which is extremely rare. Nevertheless, the firm is confronted with the fact that some partners are perceived to be sometimes neglecting this commitment, while still deriving *de facto* benefits from sharing the common resources. This study shows that, in such a situation, partners closely monitor everyone's performance and define unobtrusive relational paths for compelling each other to contribute the required efforts so as to reduce the costs of control. They assert that, at this early but crucial stage, they follow specific channels to prod each other into cooperation, before resorting to more formal measures such as well-defined court procedures or external intervention.

Like a few others before (Breiger 1990; Marsden and Friedkin 1993; Friedkin 1998), I rely mainly on network analysis. I also use a vignette study to examine these channels, that can be called *channels of lateral control*. I use the word 'lateral' to express two facts: first, that this way of exercising informal control is based on the use of third parties as sanctioners (Lazega and Vari 1992; Gargiulo 1993; Lazega 1995a; Lazega and Lebeaux 1995), i.e. envoys of the firm in charge of pressurizing deviant partners back to good conduct; and, second, that these third parties are not hierarchical superiors, but formally equal peers. Behaviour examined here is the choice of sanctioners. Consideration of costs have the effect of narrowing these choices made by partners when they exercise early monitoring and sanctioning unobtrusively. In that respect, I look at who is selected by whom to do the 'talking to'. The analysis provides evidence of the existence of a 'lateral control regime' that helps members of adhocracies in their mutual adjustments by spreading the costs of control among partners, and by shifting some of these costs to a few members who have special leverage power. The latter are identified as a category of uncontroversial partners with a specific form of status, that of 'protectors of the common good'.

Hypotheses: The Shape of a Lateral Control Regime

The relationship between cost of control and choices of suitable sanctioners in a collegial organization plays itself out in the following ways. Members are interested in getting the infractor going again to the degree that they are dependent on resources controlled by the infractor. Thus, in the case examined here, partners are interested in sanctioning what is likely to happen and what is likely to work. Based on this argument, we can predict:

Hypothesis 1: The more similar members are to infractors in terms of their formal organizational attributes, the more likely they are to be chosen to act as sanctioners for these infractors.

If costs of interaction are reduced by structural proximity, sanctioning is more likely to happen. It can be argued that it is also more likely to happen if the cost of interaction is also lowered by easy access to the infractor. We can therefore also predict:

Hypothesis 2: Members connected to infractors through personal ties are more likely than others to be chosen to act as sanctioners for these infractors.

Since partners are also interested in sanctioning what is likely to work, we can predict that the relative seniority level of sanctioner and infractor is an important variable. Seniority is often considered to be a substitute for hierarchy and formal status (Black and Baumgartner 1983). Being sanctioned by people 'from below' would be considered a loss of status and would increase the cost of intervention. In addition, senior partners often have more incentives than others to act as sanctioners (because compensation systems tend to reward seniority). Therefore:

Hypothesis 3: The more partners are equal or superior to the infractors in terms of seniority, the more likely they are to be chosen to act as sanctioners.

Partners have a strong interest in getting the malfunctioning partners back to work and in preventing damage to them, because they depend on them for resources. Therefore they will choose as sanctioners other partners with whom they have a close relationship so as to better control the process. Thus:

Hypothesis 4: The more personal ties members have with an infractor, the more likely they are to choose as sanctioners other members with whom they are also personally close.

When they are not so close to the sanctioners, they will choose as sanctioner someone who is powerful, so as to fend off interference from other partners. Therefore:

Hypothesis 5: The more control partners have over resources in the firm, the more likely they are to be chosen as sanctioners.

Research Design

Fieldwork

Fieldwork was conducted in a Northeastern US corporate law firm (71 lawyers in three offices located in three different cities, comprising 36 partners and 35 associates) in 1991. All the lawyers in the firm were interviewed, but the question of lateral control is mainly of interest with regard to partners, and is thus limited to them. In Nelson's (1988) terminology, this firm is a 'traditional' one, without formally defined departments, as opposed to a more 'bureaucratic' type. Interdependence among attorneys working together on a file may be strong for a few weeks, and then weak for months. As a client-oriented, knowledge-intensive organization, it tries to protect its human capital and social resources, such as its network of clients, through the usual policies of commingling partners' assets (clients, experience, innovations) (Gilson and Mnookin 1985) and the maintenance of an ideology of collegiality. Informal networks of collaboration, advice, and 'friendship' (socializing outside) are key to the integration of the firm (Lazega 1992).

It is a relatively decentralized organization, which grew out of a merger, but without formal and acknowledged distinctions between profit centres. Although not departmentalized, the firm breaks down into two general areas of practice: the litigation area (half the lawyers of the firm) and the 'corporate' area (anything other than litigation). Sharing work and cross-selling among partners is done mostly on an informal basis. Given the classical stratification of such firms, work is supposed to be channelled to associates through specific partners, but this rule is only partly respected. A weak administration provides information, but does not have many formal rules to enforce. The firm has an executive committee including a managing partner (who is elected for one year, renewable once) and two deputy-managing partners (also elected each year, renewable once). In this structure, everyone can (and indeed is expected to) become managing partner once. It was adopted during the 1980s for more efficient day-to-day management and decision making, but also to prevent too much concentration of power. The current managing partner is not a 'rainmaker'. Partners' compensation is based exclusively on a seniority lockstep system without direct links between contributions and returns. Great managerial resources are devoted to measuring each partner's performance (time sheets, billing, collecting, expenses, etc.), and this information is available to the whole partnership. Low performance cannot be hidden for long. This confirms the existence of the prerequisites for a self-regulating company of equals, i.e. the collection of information, although here not supervisory, but based on billings and accounts paid:

> 'Our compensation system has no built-in peer review process. There is no committee meeting with each partner, no interview devoted to pulling out from that individual his or her state of affairs. The peer review that we have right now is everyone sits down in the partners' meeting and you have in front of you the printout that shows how many hours I worked, how many hours I billed, how many hours I collected and how outstanding my account receivable is, and then you get people grumbling at the meeting about the account receivable going up and not coming down .... With the compensation system, there is no built-in financial incentive for people to do things. If you have people who are motivated by other things, like self respect, pride in craftsmanship, intellectual curiosity, competitiveness, whatever those different personal attributes are, that's not a problem. There are people who aren't as motivated by those other things as certain other people, and they may wind up resting on their laurels, sitting on their hands, whatever euphemism you want to come up with for becoming lazy both intellectually and how much they are willing to work.' (The managing partner at the time of the study)

However, such firms usually make considerable profits, which may help partners overlook the fact that some voluntary contributions to shared benefits may not always be consistent with the successful pursuit of narrow self-interest. The firm does not have a formal peer review system which could provide intermediate steps between lateral control and formal court procedures. Before expulsion, partners have the power to 'punish' each other seriously by preventing a partner from reaching the next seniority level in the compensation system. A partner can only be expelled, though, if there are 90 percent of affirmative votes against him/her. Buying out a partner is very difficult and costly.

Although they did not accept complaining openly about colleagues and describing in detail what had happened, several partners mentioned that lateral control had been used in alcoholism-related cases, and that a mediator had been chosen to go and talk successfully to the uncooperative colleagues.

Thus, partners are familiar with the choices of sanctioners and discussed how they assume that such leverage would be exercised. Infractors were presented as more or less difficult (i.e. 'costly') to handle, for different reasons, mainly personality and status within the firm. Early sanctioners were often presented in terms of their personal qualities and their authority as emissaries, i.e. in terms of easy access to the infractor. In most responses, trust from the firm and access to the infractor are the two dimensions of the efficient sanctioner. Thus, in their view, there can be a dilemma between sending a sanctioner who represents the firm and speaks reliably on its behalf, and sending a sanctioner who is close to the infractor.

Data

Data on the choice of suitable sanctioners was collected using a hypothetical case research design. In addition, standard sociometric data and information on individual characteristics of partners were collected. First, I used a vignette confronting partners with the socio-emotional problems that have repercussions on productivity. It asked each partner to match sanctioners and infractors in the firm for lateral control purposes, and to justify their choices of sanctioners. The vignette used was the following:

> 'Here is the list of all the partners in the firm. I would like you to imagine that you are the managing partner. You notice that X is having personal problems. It could be anything, from alcohol to depression, or divorce, but it has repercussions on his/her performance. As a managing partner, it is your job to do something about it. You are looking for colleagues of his/hers among the other partners of the firm to intercede on a discreet and confidential basis; to go and talk to him/her, see what's going on, what the firm can do to help, and give unsolicited advice. You don't want to do this yourself because you want to keep it informal, and your position would be in the way. My question is: Who are the persons among all the other partners whom you would ask to approach X, and why would you delegate this task to them? What if this person were Y, or Z, etc.?'

Each partner (or 'respondent') was thus asked to freely choose one or a set of colleagues (or 'sanctioners') who would be in charge of handling, at this early stage, the problem created by a specific partner (or 'infractor'). The result is a sanctioner by infractor matrix for each partner. These matrices can be viewed as representing 'delegation networks' (White 1992) centred around targets for social control. This design provides information on each partner observed as a respondent, as an infractor, and as a sanctioner. It is derived from Krackhardt's (1987, 1990) technique to elicit three-dimensional network data. Each partner was asked about all the other partners as infractors. All partners performed the task.

Second, I also collected dyadic data on partners' ties with one another. The standard sociometric questions used are presented in the Appendix. In this firm, such ties represent channels for various types of resources for each partner (Lazega 1992, 1994, 1995b; Lazega and Van Duijn 1997). The first is the network of close *work contacts*. Close co-workers can be relied upon for their cooperation; they provide help, future work, more desirable work, or access to clients. The second is the network of *advisors*. Advisors provide solutions to complex problems in a knowledge-intensive organization handling sophisticated legal cases. In this law firm, the difference between advisors and co-workers is based on the fact that a partner can seek another partner's advice without including the advisor as a co-worker in the file at hand (and thus sharing credit). The third network is the *friendship* network, defined as socializing outside work. Friends provide many different resources, such as emotional and symbolic support, information, role-distance or a definition of the situation. The fourth is the network of *influence* exercised among partners about decisions of firm management and policy. This network represents a resource for individual and collective decision-making. Therefore, in the analysis below, and especially to address Hypotheses 2, 4 and 5, I combine the choices of sanctioners with information on sociometric ties. I can thus assess the dependence of the choices of sanctioners on the existence of interdependencies between respondent and sanctioner, or between respondent and infractor. These data are also used to locate the partners in the informal structure of their firm and for correlations between importance as a sanctioner and importance in the control of such resources.

Third, information on individual characteristics of partners (such as specialty, office membership, centrality scores in the sociometric networks, performance measurements) was used to describe early monitoring and sanctioning in its relation to specific structural dimensions. This provided additional measures of proximity between actors and grounded the phenomenon observed here in established organizational chracteristics of this type of firm.

Results

The hypotheses were tested using various statistical models.

Lateral Control and Formal Structure

To test Hypotheses 1 and 3, I looked at whether similarities between partners based on two important dimensions of the formal structure of the firm, such as practice, office, and level of seniority, have a clear influence on respondents' choices of sanctioners. Seniority is defined by the rank of partners in the letterhead, which is mainly based on age and years with the firm. Coding of seniority levels into *senior*, *medium seniority*, and *junior* partners is based on cut-offs between Partners 14 and 15 (a difference of 8 years in age) and between Partners 27 and 28 (a difference of 9 years in age). These categories were explicitly used by the partners themselves. To test the effect of relative seniority of partners, I also introduced into the model a variable called 'seniority superiority' to see if partners chosen to control infractors are significantly more senior than the infractors. Results are presented in Table 1.

Table 1
Effects of Selected Dimensions of Firm Formal Structure on the Choices of Sanctioners. Results of Simple and Multiple Regression Analyses

Effects	Models				
	1	2	3	4	5
Office similarity	.31***				.30***
Practice similarity		.13***			.14***
Seniority similarity			.18***		.29***
Seniority superiority				.09*	.25***

The unit of analysis is the choice of a sanctioner by a respondent for a given infractor. There are 1,260 entries (or dyads without main diagonal) in each sanctioner by infractor matrix, multiplied by 36 respondents. This sums up to 45.360 possible choices of sanctioners by the 36 respondents for the 36 infractors. 3,045 choices were actually made by all respondents. All respondents answered the question. The dependent variable is the choice of a sanctioner in the aggregated (i.e. added across the 36 respondents) sanctioner by infractor matrix, so that an entry for a cell of sanctioner by infractor can vary between 0 and 35. The independent variables were created in the following way. Office similarity is defined as a matrix of values M_{ij}. $M_{ij}=1$ if i and j are members of the same office; else $M_{ij}=0$. The same is done with practice similarity. For seniority similarity, $M_{ij}=1$ if i and j are in the same category of seniority (senior, medium, junior). For seniority superiority, $M_{ij}=1$ if i is in a seniority category superior to that of j's. $*p < .05$, $**p < .01$, $***p < .001$, one-tailed tests. Beta coefficients are unstandardized in models 1 to 4 and standardized in model 5. For model 5, $r^2= 0.2$. Their significance level was determined by the multiple regression quadratic assignment procedure (Krackhardt 1988), a method designed to take into account the dependence of observations on network data. In this method, network permutations are used to estimate standard errors and assess the significance of regression and correlation coefficients found. Here, the number of usable permutations is 999. In the calculations, the single Office III partner was counted as an Office I partner. Office III had been set up two years before the study took place, and its first partner was originally from Office I.

All the variables included in the table significantly and positively affect the choices of sanctioners for a given infractor. Office similarity shows a significant parameter: Office I sanctioners are chosen significantly more often to control Office I infractors than Office II infractors. Symmetrically, and even more strongly, Office II sanctioners are chosen signficantly more to take care of Office II infractors than of Office I infractors. Thus, partners of one office are chosen to control each other, and comparatively rarely to control partners in the other office. Litigators are chosen significantly more often to control other litigators than corporate infractors. Symmetrically, corporate sanctioners are chosen signficantly more often to take care of corporate infractors than of litigation ones. Finally, the effect of similarity in terms of level of seniority (a substitute for hierarchical authority and a formal dimension of status) is somewhat more complex. Partners of the same level are chosen more often than others to control each other. But a positive and significant parameter for the 'seniority superiority' effect also shows that partners chosen to control infractors are significantly more senior than the infractors. In other words, the ten most junior partners are rarely chosen as sanctioners, and are more likely to be chosen to control other junior infractors, rather than more senior ones. Medium seniority sanctioners are chosen to control junior and medium seniority infractors. Senior partners are chosen much more systematically, but are not chosen to control any one level of seniority significantly more often than any other. Most notably, the coefficients for both seniority variables go up in multiple regression (model 5) as compared with the simple regressions (models 1 to 4). This confirms that senior partners are chosen more often than medium seniority partners, and much more often than junior ones. These findings show that Hypotheses 1 and 3 are confirmed. They support the idea that the sanctioners chosen reduce the costs of intervening on behalf of the common good, and thus help partners participate in the control process.

Lateral Control and Social Ties

To test Hypothesis 2, I used the sociometric data collected in the firm (see Appendix) to look at the effect of relations between respondent, sanctioner, and infractor on the choices of sanctioners. A series of independent variables was derived from the sociometric data to look more closely at the determinants of choices of sanctioners at the individual level, i.e. for each individual partner. The analysis tested the effect of each variable on each set of partners' choices.

Variables representing the issue of whether respondents were sensitive to the existence of ties and interdependencies between the protagonists of lateral control (including themselves) when matching infractors and sanctioners are introduced by the question: 'Whose friends, advisors, and co-workers does the respondent mobilize to put pressure on the infractor? His/her own ties? The sanctioner's ties? The infractor's ties?' The value of each hypothesis can be tested by including in the regression model the following list of effects: Respondent sees sanctioner as a friend; respondent sees sanctioner as a co-worker; respondent goes to sanctioner for advice; sanctioner sees infractor as a friend; sanctioner goes to infractor for advice; sanctioner sees infractor as a co-worker; infractor goes to sanctioner for advice; infractor sees sanctioner as a friend; infractor sees sanctioner as a co-worker; respondent sees infractor as a friend; respondent sees infractor as a co-worker, and respondent goes to infractor for advice.

Multiple regression analyses were replicated across the 36 individual 'sanctioner by infractor' matrices. Running one model with more control variables, such as relative seniority of each actor, strained the data (the collinearity reduced the rank of the matrix). I also focused here on — and included in the model only — combinations of relations relevant from the respondent's point of view. Table 2 provides an example of this model for only one of the 36 partners, Partner 14. There is only one significant effect in this example: Partner 14 uses the fact that the infractor seeks advice from one of his/her partners to choose that partner as a sanctioner. The existence of this personal relationship — and its underlying dependence — would thus be used to put pressure on infractors.

Across the 36 partners, two effects stand out as widely significant: first, the fact that 'infractor goes to sanctioner for advice' (positive and significant parameter for 18 partners out of 36) and the fact that 'infractor sees the sanctioner as a friend' (positive and significant parameter for 16 partners out of 36). Thus, the dependence of infractors (for these two resources) on

Table 2
An Example of the Effects of Pre-Existing Social Ties on an Individual Partner's Choices of Sanctioners: The Case of Partner 14

Effects	Parameter Estimates
Respondent sees the sanctioner as a friend	.01
Respondent sees the sanctioner as a co-worker	–.05
Respondent goes to the sanctioner for advice	–.12
Sanctioner sees the infractor as a friend	.10
Sanctioner goes to the infractor for advice	.04
Sanctioner sees the infractor as a co-worker	–.04
Infractor goes to the sanctioner for advice	.14 **
Infractor sees sanctioner as a friend	.05
Infractor sees sanctioner as a co-worker	.00
Respondent sees infractor as a friend	–.03
Respondent sees infractor as a co-worker	–.01
Respondent goes to the infractor for advice	–.00

N=1260. As in Table 1, standardized betas and one-tailed p-values obtained by the multiple regression quadratic assignment procedure (Krackhardt 1998). r^2= .08. Number of usable permutations: 999. ** $p < 0.01$

other partners is widely perceived across the partnership to be a factor when selecting sanctioners among these partners. As shown elsewhere (Lazega and Krackhardt, forthcoming), this conception of lateral control confirms the use by respondents of relational channels (and underlying resource dependencies) between infractors and their partners. It also confirms that connections to infractors increase the likelihood of being chosen to act as early sanctioners for these infractors.

To test Hypothesis 4, I also combined the three-way and sociometric data. Attention is now focused on the relationships between, on the one hand, respondents and sanctioners and, on the other, respondents and infractors. I first checked whether each sanctioner chosen by a respondent was or was not mentioned by this respondent as a friend, advisor, or co-worker. I then looked at the extent to which the existence of a tie between respondent and infractor had an effect on the respondent's choice of sanctioners with whom (s)he has a tie. Table 3 presents three models which show that, when respondents' choices of sanctioners are analyzed, taking into account the ties between respondent and infractor, these choices appear to be highly selective and protective of respondents' social resources.

The first model shows that the fact that a respondent chooses a friend as a sanctioner (rather than someone who is not a friend) is indeed explained by the fact that the same respondent considers the infractor to be a friend. The fact that the sanctioner is dependent on the infractor (according to the sanctioner) does not have an effect on the choice of a partner as sanctioner. Turning to the next two models, we obtain similar results: the strongest and positive parameters show that respondents tend to choose co-workers and advisors to put pressure on advisors, and they tend to choose co-workers to put pressure on co-workers. Lateral control would thus tend to create clique-like formations of friends who choose one another to solve their difficulties in a 'privatized' way, so as to better control the process and make it work. Hypothesis 4 is thus confirmed.

Table 3
Logit Analysis of the Effect of Relationships Between Respondents and Infractors and Between Infractors and Sanctioners on Respondents' Choices of Sanctioners Among Their Own Friends, Co-workers and Advisors

Effects	Models		
	Respondent Chooses a Sanctioner among His/Her:		
	Friends	Co-workers	Advisors
Infractor is a friend of respondent (according to respondent)	0.28 ***	0.01	0.04 *
Infractor is a co-worker of respondent (according to respondent)	0.02	0.24 ***	0.08 ***
Infractor is an advisor of respondent (according to respondent)	–0.01	0.06 *	0.15 ***
Infractor is a friend of sanctioner (according to sanctioner)	0.00	–0.02	–0.02
Infractor is a co-worker of sanctioner (according to sanctioner)	0.01	0.00	–0.02
Infractor is an advisor of sanctioner (according to sanctioner)	0.01	0.00	0.02

The unit of analysis is the observed choice of a sanctioner by a respondent for a given infractor. There are 3,045 such choices. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Standardized coefficients.

The Concentration of Leverage

Each partner's 'sanctioner by infractor' matrix represents a perceived lateral control network. Such matrices can be summed to look at the overall lateral control network. Thus, the raw aggregated data show that, for some infractors, consensus or convergence of expectations as to who should be the sanctioner is very strong. For example, Partner 5 is chosen 30 times (out of 35) to deal with Partner 18; Partners 1 and 2 are chosen 24 times (out of 35) to deal with each other. Other potential infractors are not matched with 'obvious' sanctioners. From the ethnography of the firm, we know that, in these cases as in many others, the absence of high level of consensus concerns potential infractors whose characteristics are atypical, for instance 'lateral' partners (i.e. partners who were never associates in the firm and were hired directly as partners, mostly away from another firm, instead of coming up through the ranks), women partners (there are only three of them in the firm), or partners difficult to handle (for instance partners married to one another, or partners notorious for behaving like a *prima donna*).

To test Hypothesis 5, I resort to measurements of the 'importance' of actors often used by network analysts. First, I look at whether or not partners are chosen with equal probability to act as sanctioners. Second, I look at whether or not partners with status, i.e. control over resources in the firm, are more likely than others to be more central in the control network, i.e. to be expected more often to act as sanctioners.

First, in this aggregated 'sanctioner by infractor' matrix, measurements of the centrality of sanctioners are used. As summarized by Wasserman and Faust (1994: 169–219), centrality measures identify the 'most important' actors in a social network. Since definitions of importance vary considerably, a variety of measures has been developed to locate the most central members in a network. I use here one of such measures, called degree centrality, which highlights the difference between the most and the least 'active' members, i.e. chosen most/least often by all the other members. In the lateral control network, as constructed here, high outdegree centrality scores reflect the most 'popular' (chosen often) sanctioners. This measure shows that concentration of expectations of leverage is a key feature of lateral control in this firm. Overall, some partners — mostly senior ones — are chosen as sanctioners much more often than others. Partners 1, 2, 4, 5, 9, 11, 12, 13, 17, 20, and 26 are the most popular sanctioners. The control network is thus stratified and less than a third of the partners emerge as key players in lateral sanctioning. Within this 'elite', several partners, such as Partners 1, 2, 4, 5, 9, 20 or 26 are boundary spanning partners systematically chosen to perform this role for many (up to ten) infractors. Elsewhere (Lazega and Vari 1992), additional analyses have shown that these main sanctioners are chosen in a discriminant or 'specialized' way, i.e. so that each has a specific social 'territory'. For example, Partners 1, 2, and 4 are chosen more than any other partner by most respondents to control senior partners across the firm. Partner 5 is chosen by most respondents to control young partners (mostly in Office II). In order to pressure medium seniority partners, respondents tend to choose as sanctioner Partner 20, who is also a medium seniority partner, rather than any other partner in the firm. This specialization also indicates particular attention to issues of costs of control.

Second, after confirming the concentration of leverage, I look at whether or not partners with status and control over resources in the firm are more likely than others to be chosen as main sanctioners, i.e. to be more central in the aggregate control network. For that purpose, I devise a measure of each partner's indegree centrality from the binary matrices of sociometric choices among partners; separate centrality scores are produced from each of the four networks within the firm: co-workers, advisors, friends, and persons worth listening to at partnership meetings. Indegree centrality — which simply counts the number of choices received — was chosen (as opposed to other types of measurements of centrality) because it can be considered to be a robust index of status (Brass and Burkhardt 1992). Partners' status was also measured using individual performance data on each partner (i.e. revenue — dollar amounts — brought in) during the previous year. A multiple regression analysis was carried out regressing the number of times each partner was chosen as a sanctioner on the popularity of the same partners in each of the networks, as well as on their weight as economic performers. Results are presented in Table 4.

OLS coefficients describing the effect of indegree centrality scores in two sociometric networks on outdegree centrality in the lateral control network are below significance level. Overall, members' economic performance does not have a significant effect on their popularity as a sanctioner. A single strongly significant coefficient shows that indegree centrality in the 'listening', or influence, network has a positive effect on this popularity.

Table 4
Effect of Partners' Business Performance and Indegree Centrality Scores in the Advice, Influence, Friendship, and Co-worker Networks on the Number of Times They Are Chosen as Sanctioners

Effects	Parameters Estimates
Advice centrality	0.25
Influence centrality	0.69 ***
Friendship centrality	0.02
Co-worker centrality	–0.28 *
Previous year business performance	–0.00

*** $p < .0001$, * $p < 0.05$, one-tailed test. Standardized regressions coefficients. $r^2 = .68$. Checks for multicollinearity are available from the author.

Being listened to by many partners on matters of firm management and policy is thus a relatively good predictor for being chosen often as a sanctioner.

These results partly confirm Hypothesis 5. In effect, there are different forms of status and power in such collegial organizations (Lazega 1999). Partners central to the influence network (as defined here), to whom costs of control are thus shifted, tend to be partners with administrative responsibilities and formal control over allocation of associate manpower (Lazega 1992, 1997). Nelson (1988) reports that partners call such partners 'minders'. Minders are contrasted with 'finders', i.e. partners who find new and lucrative clients, and bear the greatest responsibility for them. Minders are in a better position than others to speak on behalf of the common good. A straightforward interpretation is that they are chosen more often than others as sanctioners to prevent interference by other partners. Since they do not control access to important clients, they are not involved in potentially cutthroat power struggles focusing on the bottom line. Nor do they have a form of status described by Bucher (1970), based on professional recognition and reputation (as the primary dimensions of power in a medical faculty). Instead, they have status as good firm citizens. Therefore, these results show that the main sanctioners tend to be members who are not particularly heavy billers or rainmakers (i.e. partners who are more likely to be central in the co-workers' network, hence the negative and significant coefficient for this independent variable), and members who do not concentrate resources in their hands such as work, clients, and advice. They are often chosen as sanctioners because they can represent common interests without raising controversies. In particular, they draw some of their authority from their seniority, from the perception that they are capable of preventing an escalation of tensions, especially between partners of different practices and offices.

A caveat must be made at this stage. A closer look at the data on individual performance introduces more nuance in this conclusion about Hypothesis 5. If most main sanctioners indeed tend to have firm-specific status as partners with management responsibilities, some are high perfomers with a specific profile. The sanctioners' elite includes a category of partners who do have high scores in key networks, such as Partners 1 and 2, who have close relationships to lucrative clients, and are important in terms of business and revenue brought in. However, they are also autonomous, uncommitted to any clique, and therefore perceived as capable of acting objectively and negotiating on behalf of the firm without triggering additional conflicts, or being suspected of representing specific coalitions, or individually benefiting from exercising pressure on their own peers. They are freer partners who may be chosen as sanctioners because they are not locked in a constituency. This is typically the case, for example, with Partner 1 who is an authority figure, the most senior person in the firm. He 'commands respect', and is called by some 'the Monarch' for having been with the firm for all his career, and having won a highly publicized anti-trust case. He is not perceived as potentially offensive to infractors, rather as bringing some formality to the meeting without creating an antagonistic situation.

The costs of control are thus kept low by shifting to a small number of central minders the role of a sanctioner who is particularly able to avoid conflict escalation. In sum, given the lack of control by most main sanctioners over many resources such as clients, advice, and friendship, Hypothesis 5 is not entirely confirmed. However, given the prevalent role of minders as main sanctioners over that of the heaviest client-getters and billers in the firm, Hypothesis 5 is indeed partly confirmed: minders' administrative responsibilities and control over *some* resources in the firm (such as allocation of associate manpower) do increase the likelihood of being chosen as early sanctioner.

Finally, notice that partners central as sanctioners are also not very popular as friends. This suggests that the choice of the 'protectors of the common good' is also constrained by another fact. The clique-like structure identified above has advantages for some members in terms of helping sanctioners get access to infractors, or in fending off interference from partners less dependent on the infractor. From other members' perspective, though, it can also represent a danger (to the firm as a whole) of seeing sanctioners provide preferential treatment to infractors very close to themselves (Katz 1979). Partners close to each other depend on each other for resources, but they may also, for example, serve as each other's insurance policy against expulsion. It could make sense for them to limit for each other the potentially negative effects of exercising control, even if that means a loss of less important resources. This selectivity can also be explained as a tendency by members to protect their own social resources. Therefore, by delegating or concentrating a great deal of lateral control responsibility in the hands of a few 'good citizen' partners, partners at the same time increase the likelihood that sanctioning will work and address the worries of the rest of the partnership with regard to the danger of special treatment for infractors who are too close.

Discussion and Conclusion

To summarize, this examination of a formally egalitarian partnership shows that the organization stands to gain 'quasi-voluntary compliance' with its rules and agreements by reducing members' costs of intervening on behalf of the common good. A lateral control regime was described that spreads the control costs among members. Partners have a strong interest in getting the malfunctioning partners going again and in preventing damage to them, because they depend on them for resources. Therefore, partners are interested in sanctioning that is likely to happen and that is likely to work. It is shown that it is more likely to happen if the cost of interaction is lowered by easy access to the infractor and by the existence of personal ties between sanctioner and infractor. It is also shown that it is likely to work if sanctioners tend to be more senior than infractors and if they are powerful. However, the kind of status carried by these powerful sanctioners suggests that they are also chosen so as to prevent the possible preferential treatment for some infractors that is induced by close relationships with them.

Spreading and shifting costs of control helps the organization keep early monitoring and sanctioning costs low, and therefore try to keep members motivated to carry on monitoring and sanctioning each other. This lateral control regime can thus help members find an early solution to the so-called second-order free-rider problem in formally egalitarian interdependent groups, i.e. the problem of who should bear the costs of enforcing previous agreements. Because it offers a specific organization early enforcement of rules and decisions, the lateral control regime can indirectly help in ensuring that cooperation remains possible. Because it can help partners deal with enforcement costs that plague any collegium, a serious problem associated with the collective provision of delicately calibrated institutions, it can be said to be a credible component of the governance structure in this type of firm.

Finally, this reconstitution of a pattern of lateral control, using network analysis, required field-related and methodological choices that define three clear limitations of this work, both substantive and methodological. These limitations prevent quick generalization from this study.

First, it should be remembered that the lateral control regime described here would not, simply by itself, prevent some partners from reaping free-loading gains. It is only one informal mechanism helping partners choose sanctioners to compel each other, at an early stage, to contribute the required efforts and resources before they decide to switch to more formal disciplinary mechanisms (committees, votes, etc.). I do not explore whether and when lateral control is needed (as opposed to more direct control). I only deal partially with the second-order free-rider problem, since I do not systematically disentangle the various reasons why the sanctioners would be willing to sanction. For example, partners may let themselves be chosen as sanctioners if they can be held responsible for their friends' acts, to avoid attracting third-party (i.e. partnership) sanctions upon themselves, or simply to live up to their status and protect their economic interests (when they are senior, given the compensation system). Finally, I do not deal with graduated sanctions (sanctions of different severity), only with the lowest level of this graduation ('talking to').

Second, the character of the management problem used as a tracer for the lateral control regime means that the logic of how this problem is handled in this firm may be specific to its socio-emotional, or expressive, character — as opposed to a more instrumental, task-oriented problem. As a result, the lateral control regime in this firm may not be completely investigated. For instance, partners can empathize with social emotional problems and perhaps mobilize personal ties for leverage purposes more easily than they can for more instrumental problems. One can hypothesize that if they had to deal with such instrumental issues, partners would systematically choose sanctioners senior in advice giving, so as to coach the infractor more closely. They could hesitate less, presumably, to cross over to the other side in a polarized system, in terms of boundaries such as office membership or the division of work. Moreover, when dealing with issues such as professional mistakes of the kind that Freidson (1975) calls 'inexcusable mistakes', the influence of certain dimensions of the formal structure on the choices of sanctioners and on the flow of lateral control could become significantly stronger: specialty could become even more salient, whereas office similarity and seniority superiority could lose some of their importance. Similarly, the control pattern building up around instrumental problems could have more controversial rainmakers at the top, who might interfere much more brutally with more politically charged strategies, such as speeding up formal peer-review processes. The elite of sanctioners might then play a different role, for instance guaranteeing the fairness of a peer review committee. Such hypotheses clearly need further investigation. The extent to which this lateral control regime covers different types of infractions remains to be assessed in studies using different tasks as analyzers.

Third, as shown by some of the arguments used by partners, different individual-level behavioural assumptions can be made to explain choices of sanctioners. In this paper, this issue has been dealt with through useful simplification — but simplification, nevertheless. Like many structural sociologists, I have focused on respondents' utilitarian approach, stressing opportunities and constraints. Partners choosing sanctioners are indeed sensitive to the issue of costs which define, in part, the second-order free-rider problem. They rely on various commonalities of interests among protagonists of the control situation. Thus the lateral control regime can indeed be said to contribute to group solidarity by reducing the costs of control (Hechter 1987) for most partners. Nevertheless, senior partners may also be chosen as sanctioners because they have more traditional legitimacy to intervene on behalf of the common good. A 'lateral control culture' might also be at work, understood as a set of learned choices (Swidler 1986) that enable well socialized partners, at this early stage, to match sanctioners and infractors in a way consistent with the 'rule of the collegium'. Such learned ways would make the choice of sanctioners more compatible with face-saving unobtrusiveness (choices of sanctioners might have to signal to infractors that the firm is not going out of its way to remind them of their obligations), stress avoidance of conflict escalation, and could also be explained by factors attributed to the subjective make-up of actors. Although the contribution of this paper is limited to a structural account of choices of sanctioners and its underlying utilitarian logic, some of this material is also consistent with a more cultural account. It should therefore be useful to test the explanatory strength of alternative individual-level behavioural assumptions.

In conclusion, this discussion points out several directions for future research on the enforcement of contracts and the protection of cooperative institutions through lateral control, and on organizations' ability to induce their members to honour their obligations. First, given that this case study is unique, I am not in a position to generalize to other organizations based on the findings reported. Although the lateral control regime described here is consistent with specific formal characteristics of adhocracies, other similar organizations might not be able to help their members deal with the second-order free-rider problem by mobilizing sanctioners with enough incentives and/or legitimacy to sufficiently reduce costs of control. It remains to be seen whether or not this mechanism has relevance for other types of collegial organizations. In professional business partnerships, for instance in medicine, engineering, accounting, and universities, one could also find a reluctance to pull rank and use formal procedures, as well as similar incentives and similar 'protectors of the common good'. Other law firms with different partnership agreements have different and often harsher ways of sanctioning partners who do not comply with the norms. However, one can hypothesize that, as long as such organizations can be characterized by formal equality and interdependence among professionals, such a lateral control regime will always emerge to help with early monitoring and sanctioning, thus performing a function essential to collective action.

Second, given that lateral control described here takes into account key dimensions of formal structure, it remains to be seen to what extent such a pattern changes in more bureaucratized professional firms (Morrill 1992; Wallace 1995) as well as in pyramidal environments (i.e. among non-professionals), especially in bureaucracies with reduced numbers of hierarchical levels. For instance, because power relations in collegial firms are both denied and limited by the ideology of collegiality, more bureaucratized firms may not have to rely on lateral control as much as the firm examined here. In such firms, the lateral control pattern may allocate the costs of monitoring in a different way (for instance to formal department heads). Further research should determine under what conditions these findings are relevant in other types, especially larger and more bureaucratic organizations preoccupied with altering tall structures, increasing the professionalization of the workforce, setting up autonomous, empowered, and knowledge-intensive work groups or teams (Hodson et al. 1993). This dimension of collective action may be important for explaining the success or failure of experiences in organizational democracy (Swidler 1979; Sainsaulieu et al. 1983; Dahl 1985; Rothschild and Whitt 1986; Hechter 1987). Collecting evidence for these hypotheses in various types of organizations should prove to be a productive area of research.

Appendix

Sociometric name generators used to reconstitute co-workers, advice, friendship, and influence networks.

'Here is the list of all the members of your firm.

Co-workers' network: 'Because most firms like yours are also organized very informally, it is difficult to get a clear idea of how the members really work together. Think back over the past year, consider all the lawyers in your firm. Would you go through this list and check the names of those with whom you have worked. [By 'worked' I mean that you have spent time together on at least one case, that you have been assigned to the same case, that they read or used your work product or that you have read or used their work product; this includes professional work done within the firm, such as Bar association work, administration, etc.]'

Basic advice network: 'Think back over the past year, consider all the lawyers in your firm. To whom did you go for basic professional advice? For instance, you want to make sure that you are handling a case right, making a proper decision, and you want to consult someone whose professional opinions are in general of great value to you. By advice I do not mean simply technical advice.'

Friendship network: 'Would you go through this list, and check the names of those you socialize with outside work. Perhaps you know their family and they know yours, for instance. I do not mean all the people you are simply on a friendly level with, or people you happen to meet at firm functions.'

Influence network: 'Would you go through this list, and check the names of those you consider as influential for important decisions made in the firm, on matters of firm policy for instance; this could include people you pay special attention to when they speak up at partnership meetings, for instance.'

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