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A STAGE MODEL OF SOCIAL MOVEMENT CO-OPTATION: Community Mediation in the United States

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The community mediation movement in the United States arose in the late 1970s as an alternative to a formalized justice system that was perceived to be costly, time consuming, and unresponsive to individual and community needs. Community mediation advocates also valued community training, social justice, volunteerism, empowerment, and local control over conflict resolution mechanisms. But over the past quarter century, community mediation has become increasingly institutionalized and has undergone various degrees of co-optation in its evolving relationship with the court system.

Drawing on the literatures of dispute resolution, co-optation, and social movements, we analyze the evolution of community mediation and identify the degrees and dimensions of its co-optation. Thus, we develop a four-stage model of co-optation as it has occurred within the community mediation movement, identifying multiple steps in each stage. This analysis facilitates greater understanding of specific events, particular processes, and individual decisions and dilemmas that mediation activists face in their working relationships with their communities and the formal legal system. Further, scholars studying similar processes in other social movements may find that this stage model of co-optation, in whole or in part, is useful to their analyses of other movements.

"Phenomena intersect; to see but one is to see nothing" (Hugo 1866).

A February 17, 2004 posting to the listserv of the National Association for Community Mediation (NAFCM), an organization of community-based dispute resolution centers and supporters, sought information regarding an innovative opportunity:

> We are in the early stages of developing a pilot program for the Richland County magistrate's court. In cases where the parties are requesting a jury trial, the judge wants to have the option to mandate nonbinding mediation/arbitration.
>
> I'm looking for information from other centers that have initiated a similar program. Any write-ups, fee structures, experiences, etc.... that would help us start quickly and efficiently would be appreciated (Francis 2004).

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For the author of the posting, writing from a mediation center in South Carolina, this pilot project likely meets many interests: an expansion of the center's types of services (most centers do not offer arbitration), an opportunity for greater volunteer participation (most volunteers at such centers feel underutilized), a chance to serve a greater proportion of area residents, and, hopefully, a means to secure greater funding from the courts.

The project must also be understood as part of a longer, broader series of decisions regarding the center's relationship with the local courts. Moreover, the center's relationship with the court system, which itself must be understood as part of the larger, evolving relationship between the community mediation movement and the formal legal system. Taken as an isolated incident, the full effects and meaning of the action remain veiled. Instead, when the historical context is considered and understood, this action may be seen as part of a broader process of social and political co-optation of community mediation by the formal legal system.

Based on a historical analysis of community mediation's evolution in the United States, we have developed a stage model of the co-optation process. Our analysis involves breaking down the co-optation of community mediation into its various parts, facilitating greater understanding of distinct stages as well as their relations to each other, and most importantly, to the whole. This study demonstrates that events perceived to be isolated, independent, and insignificant are elements in a larger process; the meaning of this larger process is vastly different and more complicated than the memory first ascribed to the single decision or particular action. Before describing the stage model, we review the relevant literature on co-optation and describe the context within which the emergence of the community mediation movement unfolded.

CO-OPTATION

Co-optation has a complicated pedigree in the social sciences. Most scholars agree that Selznick's (1949) analysis of the Tennessee Valley Authority's (TVA) relationship with a powerful complex of local elites and community groups in the 1930s, as the TVA wooed regional support for its land and water policies, is the seminal work on the concept. Following Selznick, two variables central to many accounts of co-optation are power imbalances and the presence of threat (Gamson 1968; Lacy 1982). Thus, co-optation becomes possible when a challenging group or social movement opposes the practices, initiatives, or policies of more powerful social organizations or political institutions. But that is less than half of the equation. The more salient issue has to do with the responses to such a challenge and the resulting outcome, that is, with some mix of institutionalization, social control, co-optation, and policy changes.

While acknowledging that challenger movements may lose greater future gains by choosing to institutionalize, Kriesberg (2003) emphasizes the potential positive outcomes and partial policy changes that institutionalization, political power sharing, and even co-optation may bring about. More specifically, Staggenborg (1988) demonstrated with the pro-choice movement that as movements formalize and institutionalize, they

might create opportunities to effect some progressive policy changes. Research on the actions of feminists within both the military and the Catholic Church suggests that institutionalization may bring considerable benefits to challenger movements, depending in part on the institution (Katzenstein 1998).

Yet, institutionalization is not like other tactical shifts or movement innovations that may be accomplished without significant costs to the movement and its goals; it also includes well-established drawbacks for social movements, not the least of which are co-optation and demobilization (Piven and Cloward 1971). Research on the institutionalization of the U.S. civil rights movement clearly indicates that it was coupled with strong accommodationist tendencies on the part of movement activists (Santoro and Brown 2003). Recent empirical research on the adoption of environmental or green values on the meso-level—within businesses, organizations, and institutions—concludes that policy changes are rare while the deployment of a "green ceremonial façade" is common (Forbes and Jermier 2002). The social control dangers faced by challenger movements have been especially well researched across a variety of movements and issue domains. In fact, the literature demonstrates that social control is manifested in manifold ways: by the appropriation and resulting redefinition of movement discourse (Naples 2002); by centrist challengers gaining inclusion at the expense of more radical challengers and without actual policy changes (Gamson 1990; Meyer and Tarrow 1998); by political and legal institutions appropriating the form, but not the substance of challenger practices (Auerbach 1983); and by state funding strictures effectively transforming the mandates of movement initiatives like community mediation centers (Hedeen and Coy 2000), rape crisis centers, abortion clinics (Ezekiel 2002), and women's shelters (Johnson 1981).

Adler (1987) suggests that as community mediation formalizes its relationship with the court system, it may become bureaucratized and technique centered, losing its adaptive vitality. Hartley, Fish, and Beck's (2003) recent analysis of community mediation in three U.S. states leads them to conclude that co-optation is partial and incomplete, but has occurred along three lines: the regulation of what types of cases can be mediated, the passage of ethics laws governing mediator behavior, and the regulation of who can practice mediation. Woolford and Ratner (2003; 2005) note that the institutionalization of mediation for certain kinds of disputes serves to blunt deeper, more thorough critiques about the justice of the legal system, ultimately reproducing legal norms and reinforcing the hegemony of the formalized legal system. Joyce (1995) argues that standards of practice, ethics, and intervention strategies are based on the value system of the dominant culture, and as such, are designed to protect the interests of the dominant culture. Long before community mediation was a twinkle in any activist's eye, Selznick (1949) referred to this defense of state legitimacy as the political function of co-optation. Others charge that the increasing influence wielded by the court system within community mediation effectively transforms and "colonizes" the practice of mediation (Menkel-Meadow 1991; Merry and Milner 1993), while Adler, Lovaas, and Milner (1988) note that informal institutions like mediation are often used by the state to increase the formal means of social control. Similarly, Findlay (2000) shows how restorative justice initiatives

frequently function as a means of social control as they colonize informal, traditional, and custom-based forms of justice, thereby also securing the hegemony of formalized systems of justice (Blagg 1998).

The evolution of the community mediation movement cannot be understood apart from the broader cultural and political history of which it is a part. The community mediation movement arose in the late 1960s and early 1970s, when neighborhood and community activists were less interested in traditional reforms within existing political institutions, and more committed to creating actual alternative institutions. Building on lessons learned in the Civil Rights Movement and the New Left, these alternative or parallel institutions were founded on a strong ethic of community control and ownership, and many depended upon citizen participation for their viability. They were strongly prefigurative and expressive—wanting to model new social relationships through their structures—even while they were also instrumental, attempting to also transform U.S. society (Gitlin 1987; Breines 1989; Morgan 1991).

Alternative institutions were successfully established and then partly maintained because they were embedded within the context of a supportive, reinforcing cultural environment (Taylor and Whittier 1992; Bordt 1997; Carroll and Ratner 2001). Community health centers; health food cooperatives; community mediation centers; neighborhood food banks and programs; community legal cooperatives; community credit unions; worker collectives; and women's resource centers, shelters, and bookstores sprung up in neighborhoods across the United States; thanks to social change activists in loosely interconnected networks. Activists in these parallel institutions widely believed that it was in the best interests of neighborhoods, women, and minority groups to "take back control" over key areas of their political and economic lives from governmental institutions. Although they were focused on a broad array of human needs and delivered a variety of services, they shared in common a belief that community-based institutions—many relying upon volunteerism—were a tonic to democracy and would help develop a sense of collective identity in neighborhoods and communities. Empowerment became a mantra.

Many of the alternative institutions founded in the 1970s and 1980s have been unable to sustain themselves over the long term due to a complex of factors. Increasing rationalization, routinization, centralization, and corporatism in U.S. social and economic life meant that community-based alternative institutions began their lives having to swim upstream against what was a decidedly swift social and economic current. Ritzer (2000) has distilled these powerful currents into a representative one which he presciently calls "the McDonaldization of society." Here, efficiency and standardization reign as supreme values, shunting aside the particularized approaches of alternative movements and initiatives. As alternative approaches like neighborhood food banks, health centers, and community mediation centers increasingly cooperated with existing political institutions in the 1990s and gradually became more institutionalized, they also moderated their values, lost some of their community focus, and adapted their organizational structures. DiMaggio and Powell's (1983) concept of coercive isomorphism is particularly apt here. *Coercive isomorphism* refers to the influential role of powerful exogenous institutions and

resource providers, particularly the state, in fostering or imposing the reproduction of organizational patterns and values that reinforce the status quo.

This review of the robust literature on co-optation underscores the multifaceted nature of co-optation. Thus, in what follows, we have utilized a four-stage model to depict co-optation so as to bring some conceptual coherence to what is a complicated process of social interaction (Figure 1). In order to more fully understand the entire process, it is helpful to break down co-optation into its key parts. These conceptually discrete aspects are called stages and steps in an overall stage model of co-optation. We emphasize, however, that each step in the stage model is actually a process, not an episode. No step, and certainly no stage, is a one-time event and none are accomplished in a specific moment or as a consequence of a particular action or event. The overall process and the progression between stages are depicted in our chart as somewhat linear. But, in reality, there are often loop-backs, mutually or unilaterally aborted processes, and both short-term as well as extended periods without significant new developments. Such is the nature of all social interactions.

Insofar as co-optation is a process, it is also important to understand that there is seldom a grand plan designed by the state and/or those vested in the status quo to lead a challenging movement step by step down the path of co-optation. We are *not* arguing that in the late 1970s, reformers and influential allies in the justice system collectively decided—or even individually—to engage the mediation movement in a co-optive process that would eventually result in the political emasculation and moral diminishment of

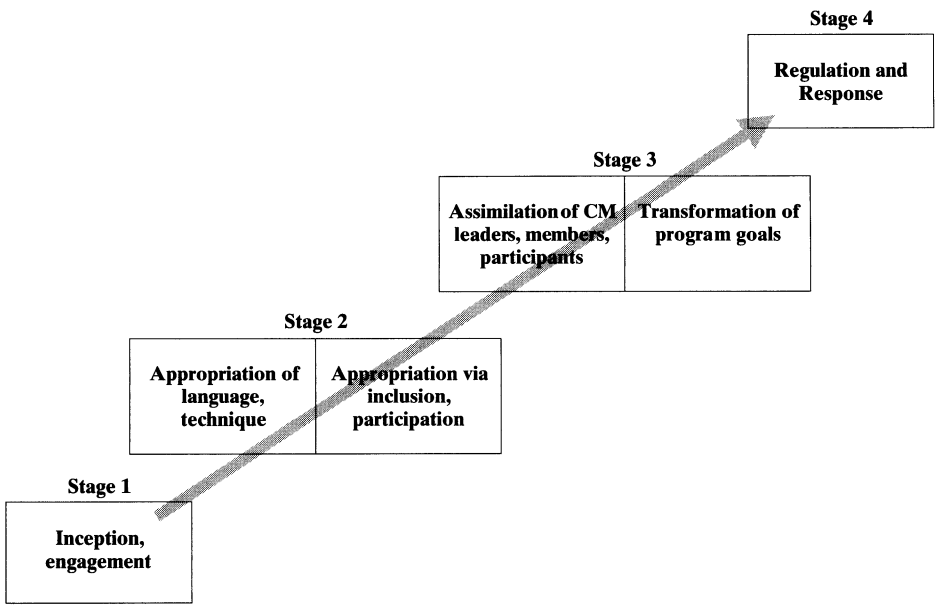

FIGURE 1. A Stage Model of Co-optation.
CM = challenging movement.

community mediation. Such comprehensive, integrated, and long-range grand plans are rare enough in policy circles; even rarer is their effective implementation. We do think it is reasonable to assume, however, that an intention to co-opt mediation has been present at various points on the part of various actors within the state and those invested in the status quo. To think otherwise is ahistorical with regard to the legacies of earlier challenging movements.

In the section that immediately follows, we will describe each stage and step of the co-optation process that community mediation has undergone over the past 25 years. The first stage, inception, requires some context setting.

Stage 1: Inception

In the first step of stage 1, social movements like community mediation partly arise in response to a set of grievances or unfulfilled needs that a segment of the population experiences in a shared way (McAdam 1982). Frequently, these grievances are framed as an "injustice" (Gamson 1992), and are thus used to help mobilize constituents and sympathetic bystanders to work for particular goals (Marwell and Oliver 1984). Two key variables that help translate social grievances into the collective action of a social movement are the development of shared consciousness and collective identities (Taylor and Whittier 1992; Johnson 1999) and the presence of political opportunities (Tarrow 1998; McAdam, Tarrow, and Tilly 2001). Political opportunities are often present for challenging movements when events or broad social processes occur which undermine the assumptions on which the political status quo is reliant (McAdam 1982). Wars, riots, prolonged unemployment, political realignments, court decisions, governmental scandals, and transitions all may present opportunities for movement mobilization. Political opportunities are present for varying lengths of time. Some are recognized by social movements and acted upon; others are missed, ignored, or deemed insufficient to mobilize around. The perception of opportunity is critical (Kurtzman 2003). Movements can also create additional opportunities, just as the Civil Rights Movement and the Peace Movement helped create openings for the Environmental Movement.

Political opportunity structures are not static nor are they confined to institutions; there are strong cultural components to political opportunities (Gamson and Meyer 1996; Polletta 2003). For example, a growing distrust in government gripped the United States in the early 1970s; cultural values, myths, and narratives that had previously gone largely unquestioned were critically scrutinized. This was due in part to the success of the Civil Rights Movement; the Vietnam War; Watergate; widespread urban race riots; the excesses of the Federal Bureau of Investigation (FBI) in Counter Intelligence Program (COINTELPRO); and the assassinations of John F. Kennedy, Martin Luther King, and Robert F. Kennedy. The loss of faith in the state combined with emergent collective identities and oppositional networks to contribute to the rise of widespread social mobilization, including the community mediation movement. A deep emotional dissatisfaction with the government fused with a principled commitment to community building. More specifically, mediation activists called into question the accessibility, responsiveness, and fairness of the justice system (Figure 2).

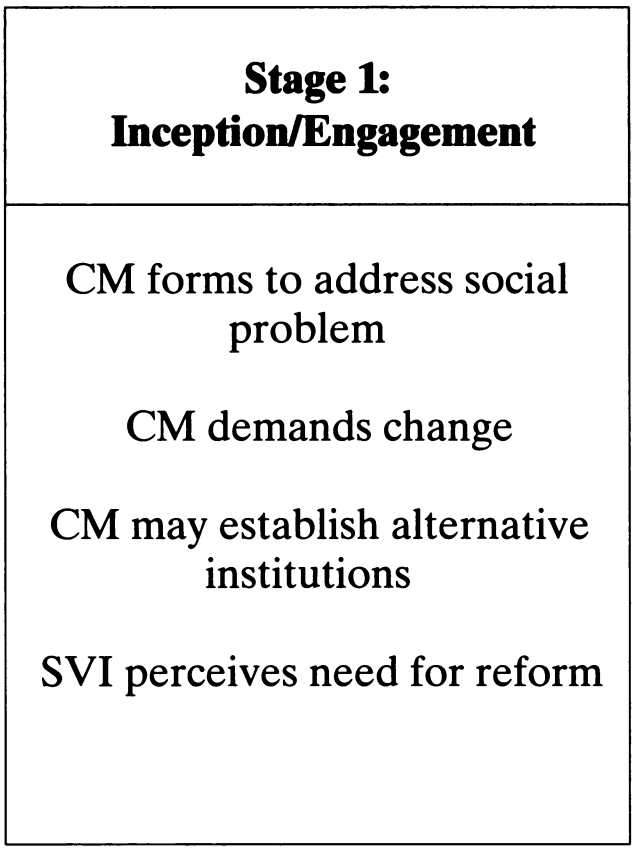

FIGURE 2. Stage 1: Inception.
CM = challenging movement; SVI = state and vested interests.

In the late 1970s, activists desiring changes in the justice system insisted that citizens needed—and in a democracy, *deserved*—access to more avenues by which to resolve their disputes than a court system dominated by legal professionals (Wahrhaftig 1982; Schwerin 1995). This demand for change is the second step in stage 1. There were two primary prongs to this movement: a reform initiative that hoped to humanize the courts by creating multidoor courthouses where citizens could avail themselves of a judge, an arbitrator, or a mediator according to their needs (Sander 1976), and a more community-focused impetus that concentrated on creating alternative or parallel institutions of dispute resolution that would entirely keep most citizens out of the courthouse while also building conflict management skills in neighborhoods (Davis 1991; Shonholtz 1993).

The creation of community mediation centers as a parallel institution represents the third step in Stage One. It is a significant step forward because it helps the movement gain legitimacy insofar as actually creating alternative systems unmistakably demonstrates a significant outlay of community support, volunteerism, and material and emotional resources for a fledgling movement. Setting up alternative systems is a shot across the bow

of the state and vested interests, signaling that the challenging movement is serious and not easily ignored; power relations even begin to shift in substantive ways (Sharp 1973: 398–401, 414–16).

> Nothing in dispute resolution has been more daring—and audacious—than the creation of scores of community justice centers. *Daring*: It took courage to launch on a shoestring a grassroots, imperfectly understood service typically housed in a storefront or a low-rent office building. *Audacious*: It was indeed audacious to claim expertise in helping to settle conflicts when the accepted wisdom was that the folks at the courthouse had a monopoly on dispute resolution. (Fee 1988:2)

The final step in stage 1 occurs when various elements of the state and vested interests, responding to external and internal pressures, begin to perceive a need for policy adjustments or even reform. In acknowledging the need for changes, political elites are often motivated by a host of different reasons, including genuine support for the policy change, efficiency concerns, repaying political favors, political expediency, reelection concerns, or a desire to blunt the challenge and head off more substantive changes. Of the many examples of this step present in the early years of the community mediation movement, we will mention three.

The 1976 National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice, commonly known as the *Pound Conference*, was convened by Supreme Court Justice Warren Burger to confront the crisis of confidence facing the court system. It spawned considerable debate about the justice system.

Second, an important variable in social movement success is the presence of influential allies, sometimes located within the institutions targeted for change (Gamson 1990; Tarrow 1998). In his comments a year later at an American Bar Association (ABA) gathering to address systemic problems in the criminal justice system, Warren Burger sounded less like the Chief Justice of the Supreme Court and more like a rally organizer, or at least like an influential ally he was to become to the reform prong of the community mediation movement:

> Unless we devise substitutes for the courtroom processes—and do so quickly—we may well be on our way to a society overrun by hordes of lawyers, hungry as locusts, and brigades of judges in numbers never before contemplated. We have reached the point where our systems of justice—both state and federal—may literally break down before the end of the century. (Burger, ABA Minor Disputes Resolution Conference, May 27, 1977)

There were still other insider allies for the nascent movement, including Attorney General Griffin Bell, who addressed issues of scale and costs in his call for change: "The traditional procedures of the courts are generally too slow and costly to be useful in resolving relatively minor disputes," and thus, "the adversary process . . . is not always the best mechanism for resolving these disputes" (Bell 1978:320–1). Third, federal funding from the Law Enforcement Assistance Administration (LEAA) and the U.S. Department of Justice (DOJ) in the 1970s and 1980s to diversify the dispute resolution services was offered, and to support court-affiliated neighborhood justice centers (NJCs) is yet another expression of this final step in stage 1.

Stage 2a: Appropriation of Language, Technique

The second stage of co-optation includes two steps, both marked by appropriation. In the first step, the language and methods of the challenging movement are appropriated, while in the second step the work of movement actors may be appropriated through invitations to participate in policy making (Figure 3).

As previously noted, challenging movements often develop innovative/alternative processes to respond to perceived social problems. In the case of community dispute resolution, mediation and conciliation efforts were intended to empower the disputants, the volunteer service providers, and the community itself through programs administered outside the formal justice system (Coy and Hedeen 1998). The larger goals included improving the conflict resolution capacities of schools, churches, neighborhoods, and social organizations while at the same time strengthening the role of the individual citizen in the exercise of democracy (Shonholtz 2000). The movement participants imagined a network of mediation programs where volunteer mediators would be peacemakers in their communities and help to reinvigorate the neighborhoods (Beer 1986).

Stage 2a: Appropriation of language, technique	**Stage 2b: Appropriation via inclusion, participation**
SVI appropriates language, technique of CM; dismisses values SVI redefines CM terms; some applied to antithetical practices	Channeling CM participation in policy making, implementation Some CM members perceive representation as positive power sharing Salience control Prospect of institutionalization provides legitimacy, enticing resources for CM

FIGURE 3. Stage 2: Appropriation.
CM = challenging movement; SVI = state and vested interests.

A new language evolved through the practice of community dispute resolution, as efforts both within and without the governmental justice system refined their services. Terms familiar and new were invoked: intake, mediation, co-mediation, caucus, problem solving. While the discourse and technique of community dispute resolution have become widely employed in court systems (see, e.g., Van Epps 2002; Hensler 2003), the movement behind the language has been discounted, quite literally. Speaking at the annual conference of the ABA's Section of Dispute Resolution in Seattle in 2002, Judge Wayne D. Brazil noted, "The term 'movement' in '[alternative dispute resolution] (ADR) movement' scares people" (Brazil 2002).

> [T]here is a tone of "movement" about ADR that is off-putting to some. The "movement" is accompanied in some quarters by an air of radicalism in spirit and of ambition in claims that can inspire skepticism, distrust, disrespect, even fear—especially among heavily rationalistic and sometimes cynical judges, lawyers, and institutional litigants. (Brazil 2002:118)

While we suspect that this fear has long been widespread in the legal community, it is seldom articulated, and almost never this explicitly. The concerns described so plainly by Judge Brazil demonstrate the general dismissal of community mediation's social change agenda by the court system.

The appropriation of terminology to represent similar practices with different goals is but one step in stage 2 of the co-optation process; the second phase of appropriation includes redefinition of those terms. In 1983, the Federal District Court for the Western District of Michigan adopted innovative rules for ADR processes. Local Rule 41 held that "[t]he judges of this District favor initiation of alternative formulas for resolving disputes, saving costs and time, and permitting the parties to utilize creativity in fashioning noncoercive settlements," while Rule 42 provided for a nonbinding process in which a panel of three attorney-neutrals consider 30-min presentations from each party and return an evaluation of the case. This highly truncated process, which bears little resemblance to community-based mediation practices, is known as "Michigan mediation" (Plapinger and Stienstra 1996:158). It is particularly noteworthy that the Federal Court for the Eastern District of Michigan provides only 15 minutes per party. This approach to mediation, which raises the specter of assembly-line justice (Drake and Lewis 1988:4), is antithetical to the values undergirding the community mediation movement.

The emphasis on greater time efficiency reflects broader social trends toward rationalization (Ritzer 2000), as well as narrower conceptions of the value of mediation. Alongside short turnaround times, referrals to mediation from various SVI channels, especially the courts, are tantamount to a simple disposal of the case (Harrington 1984). To attain settlements, many court-affiliated mediators employ "evaluative" approaches instead of "facilitative" ones (Riskin 1996), offering their assessments of disputants' claims during mediation. Such directive activity is generally considered outside the bounds of community mediation practice (Beer 2003), yet "[u]ltimately, attorneys and the courts favor approaches to mediation that produce resolution—and mediator evaluation appears effective in reaching that goal" (Welsh 2004:591). Woolford and Ratner

(2004) have persuasively argued that the hegemonic power of the legal system is such that the facilitative and transformative practices of community mediation will eventually "drift" toward the evaluative and directive approach to mediation that predominates within the legal system.

In the early 1990s, the Ohio Commission on Dispute Resolution and Conflict Resolution (a state agency) gave Capitol University a $40,000 grant to produce a training video that promotes the "Seven-Step Model of Mediation." The irony of this model is that it is focused on a constant caucus or shuttle diplomacy approach to mediation, where the parties themselves seldom directly communicate. While most community mediation centers also employ a phase or step model of mediation, each step is theoretically geared toward empowerment and is based on direct communication between the parties.

A more fundamental case of redefinition involves disputant participation in mediation. The voluntary nature of mediation is held to be fundamental to the process, as demonstrated by the prominent placement of self-determination as the first standard in the field's most widely recognized code of ethics, the *Model Standards of Practice for Mediators* (1998): "A mediator shall recognize that mediation is based on the principle of self-determination by the parties." Even while community dispute resolution initiatives often suffered from low rates of usage (Beer 1986; Clarke, Valente, and Mace 1992; Rogers 1992), movement activists still placed considerable emphasis on the maintenance of voluntary participation in mediation.

Yet, coerced participation is the maxim of the justice system that values cost and time efficiency (Shonholtz 1984; Nicolau 1995). Coercion toward participation takes numerous forms, from the use of Request to Appear forms nearly indistinguishable from a court summons to invitations to mediation on the letterhead of the local prosecutor (McGillis 1998; Hedeen and Coy 2000); in some cases, the letters are signed by a local official and conclude with the threatening line, "Failure to appear may result in the filing of criminal charges based on the above complaint" (McGillis and Mullen 1977:63).

Recasting mediation as a compulsory process in the courts or other administrative milieux represents a departure from the goals of empowerment set forth by the challenging movement, an appropriation of a values-based process in which "voluntariness is vital" (Nicolau 1986). This appropriation benefits from and trades on the efforts of the challenging movement while simultaneously confusing the public understanding of the process (Hedeen and Coy 2000). Adler (1993) described the challenge for the movement:

> As the institutions of government and business adopt ADR, community mediation programs will need to establish better working relations with those institutions and find creative ways to insure the incorporation, not just of the forms of ADR, but of the philosophic tenets that led to the start of community ADR programs in the first place. (p. 83)

Other observers describe the appropriation of the community mediation movement's language and technique more concisely: "A lot of folks love our methods and process, but don't give a damn about our values" (Herrman 1995).

Stage 2b: Appropriation via Inclusion/Participation

One dimension of the appropriation of a social movement and its values is accomplished through various aspects of institutionalization. Murphree, Wright, and Ebaugh's (1996:452–60) research into a sustained but ultimately failed attempt to co-opt community opposition to a toxic waste siting plan in Dayton, Texas, has led them to identify three major components of co-optation, which they also see as "strategies used by co-opting agents." The three strategies (more properly conceived of as tactics) are channeling, inclusion/participation, and salience control. We understand these three aspects to be closely interrelated and mutually reinforcing.

Channeling refers to efforts by the dominant group to undermine and redirect the challenging movement's leadership and power base away from substantive challenges to the dominant groups or system and toward more modest reforms. Opposition movements are channeled by formalizing communications and negotiations into orderly and reliable channels that are set up by and controlled in various degrees by SVI. Centralized discussion and decision-making bodies are created where those vested in the status quo can concentrate their persuasion efforts to effectively neutralize key aspects of the challenge. For example, the Ohio state legislature created the Ohio Commission on Dispute Resolution and Conflict Management in 1983 in order to promote the diffusion of dispute resolution across multiple sectors of social, political, and economic life in the state. In the 1990s, the Commission funded a group called the Ohio Conflict Management Network. Membership virtually included any type of organization remotely connected with mediation in Ohio: state government employees, court mediators, social service agencies, religious groups, and some community-based mediation programs. The commission supplied the facilitator, convened the meetings, and largely set the agenda. According to one participant, the community mediation's agenda were drowned in the sea of more powerful centrist interests (Joyce 2004, e-mail communication on March 23, 2004, on file with the coauthors.). For example, one rule this broadly representative group adopted was that the Network could not engage in any lobbying or advocacy work, despite the fact that this was central to the work of many community mediation centers in the state.

Similarly, in the 1980s, the Supreme Judicial Court of Massachusetts established a statewide committee to monitor the quality of mediation. It was called the *Standing Committee on Dispute Resolution*. Davis (2004) recalls that Rolfe Mayer, a German mediator, observed a number of these meetings and concluded, "Albie, now I see why they call it the Standing Committee. It isn't going anywhere!" Davis further reports that, "Like much of the court system, our time was sucked up into a vacuum with no action" (Davis 2004, e-mail communication with Timothy Hedeen on March 22, 2004, on file with the coauthors.).

The second step is best represented by the actual participation of movement representatives on policy-making committees, state and local advisory bodies, institutionalized oversight agencies and boards, and in various schemes to design and implement new policies which are at best incrementally responsive to movement concerns. A proscribed number of movement activists are included in limited institutional decision making and

power sharing. But while substantive power continues to be withheld, "responsibility" for administrative burdens of power is shared as movement leaders channel oppositional activities toward administrative functions (Murphree et al. 1996:452–3). In developing a uniform mediation law to obviate interstate conflicts of laws, the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the ABA Section of Dispute Resolution convened a drafting committee that included but one community mediation director on a committee of 20 individuals (NCCUSL 2001).

Most efforts at social change that enjoy even partial success must include collaboration between the challenging movement and the state and vested interests. Co-optation is a social and political process that has multiple and often contradictory consequences; policy outcomes desired by challengers are sometimes accomplished and benefits may accrue to movements and their organizations through the co-optation process (Kriesberg 2003). If a movement is to achieve gains and solidify them—either incremental gains or more substantive ones—it will require participation in those policy-making bodies set up by the state and vested interests. That is why this step in our model (i.e., inclusion/participation) is one of the more ubiquitous aspects of the social and political co-optation process.

Yet, determining whether the inclusion/participation is a positive step forward for the movement's long-range goals is a difficult and delicate task. The movement representative's seat at the table and the voice that comes with it may partially transform the prevailing system and may modify power relations, but not always for very long or deeply (Amy 1987; Mohavi 1996), and not without other costs to the movement or movement organization (Wondolleck, Manring, and Crowfoot 1990). One cost is the loss of the movement's relative autonomy to create and maintain independent social and political spaces where critiques of status quo norms and policies may be nourished and articulated free from the conceptual constraints and boundaries of established thinking and existing policies (Melucci 1989; Woolford and Ratner 2003). Yet, another is the siphoning off of emotional commitment and financial resources from alternative and parallel institutions that originated within the movement and whose establishment and maintenance consume significant amounts of movement energies.

Other negative outcomes this aspect of the co-optation process has been shown to contribute to include movement sellouts (Murphree et al. 1996); the diffusing, disarming, and channeling of oppositional forces (Szasz and Meuser 1997); minor concessions granted to delay major reforms (Coggins 2001); the diffusion of electoral accountability for policy choices (Rochon and Mazmanian 1993); the depoliticization of the issues and a concomitant demobilization of the movement (Mohavi 1996); the entrenchment of class and race disadvantages (Polkinghorn 2000; Varela 2001); and the preservation of state resources and capital accumulation (Hofrichter 1987).

Still, other costs to the movement result from what we call the "paradox of collaboration." When a challenging movement gains entry into policy-making and oversight and implementation bodies, continued participation may become a goal in and of itself. Other movement objectives may be subsumed by the goal of ongoing access in the bodies that are beginning to regulate the partial policy changes that the movement has won.

While the challenger movement may, in theory, abandon its hard-won seat at the table at any moment to return to other forms of contention, examples of this are relatively rare.[1] The paradox of collaboration suggests that most members of the group will increasingly identify with the process due to their participation in it and that their "ownership" of the policy-making process and even of policy implementation will also increase.

The inclusion/participation component of co-optation relies on a principle that is well known in conflict resolution theory and practice: that participation in decision making and policy making tends to increase ownership in the policies and decisions, even when the policies do not undergo substantive change and when the specific outcomes are not actually very satisfactory to the included participant (Carpenter and Kennedy 1988:77–82, 102–5; Gray 1989:21; Moore 1996:144; Coy 2003; Mansbridge 2003). As members of a challenging movement participate on task forces, working groups, and policy roundtables that partially address some of the movement's issues, the movement's foci shift as its organizing energy is transferred from alternative initiatives and redirected toward the maintenance, or at best, the reform of established processes and institutions (Morrill 1998). This participation, in turn, tends to increase movement ownership in the status quo. Thus, it eventually blunts substantive movement challenges and contributes to the salience control aspect of co-optation.

Salience control is closely related to channeling and inclusion/participation and is usually partly achieved as a result of them. Salience control has to do with shifting the motivational relevance that various issues or grievances have for movement activists. It refers to the "appeasement of group or organizational concerns over critical issues through the appearance that such concerns are being adequately addressed and, as a result, no longer need to be at the forefront of the group's list of outstanding issues" (Murphree et al. 1996:457). One consequence of salience control is that particular concerns eventually wane in priority for the challenging group, even though they have not, in fact, been adequately resolved. Salience control may contribute to erosion in movement mobilization and support for truly alternative initiatives. For example, Goldner's (2001) research on the complementary and alternative medicine movement in the United States shows that as activists in that movement gained entry and worked more closely with institutionalized medicine, they changed their collective identity from an alternative movement to an integrative one. Here, as is so often the case with social movements, identity was contingent and movement activists and organizations were politically strategic about their definitions and deployments of collective identities (Coy and Woehrle 1996; Gamson 1996; Bernstein 1997; 2002; Maney, Woehrle, and Coy 2005). In the process, however, while they saw specific alternative medicine techniques incorporated into traditional medicine practices, they also lost control of them and sacrificed the holistic ideology that had driven the movement and that undergirded the alternative techniques. As we noted above relative to community mediation, the articulated goals of many pioneering community dispute resolution projects included local empowerment through capacity building, the redress of social ills and power imbalances, and the democratization of justice (Laue 1982; Wahrhaftig 1982; Davis 1991; Shonholtz 1993). However, these "dreams of justice, dreams of peace" (Beer 1986:203) have been considerably scaled down

over the past quarter-century within community mediation, only to be replaced by more modest goals and measures (examined in our discussion of stage 3). Like each of the other steps in this stage model, salience control is best thought of as a process. Thus, we will see below that salience control is also quite relevant in stage 3b of the model, the assimilation of program goals.

The final step in stage 2b has to do with the legitimacy that the early stages of institutionalization bring to a challenging movement. As outsiders offering critiques of existing institution and policies, challenging movements need and desire credibility. This credibility can be intentionally created over time by the movement itself due to its discourse and actions (Coy and Woehrle 1996). It may also accrue to a challenging movement as a result of the institutionalization process; familiarity and inclusion minimally breed acceptance and may also deliver respect. As mediation became increasingly institutionalized as part of the court system, community mediation centers willing to affiliate with the court system gained new levels of legitimacy, viability, and resources.

Many of the community mediation centers set up as alternatives to the courts have tended to be small, not well known in their communities, underfunded, largely reliant on volunteerism, and in need of case referrals (McGillis 1997). Increasing institutionalization with the court system has brought financial resources, more case referrals, a higher profile, and a certain kind of legitimacy (i.e., state based). None of these developments are problematic in and of themselves. Indeed, many of them have made it possible for some threatened mediation centers to continue to operate and have helped other centers expand the range of services offered to their community (Honeyman 1995). Nonetheless, there are also costs to the individual centers and to the community mediation movement associated with these developments (Beer 1986; Drake and Lewis 1988; Phillips 1997).

With limited support from a disproportionately poor client base and only short-lived support from local, regional, and national philanthropies, many community mediation programs have looked to the courts for funding. Davis's (1986) evaluative report on community mediation in Massachusetts found that funding agencies have a profound impact on the shape and approach of individual programs, or in her phrase, "form often follows funding" (p. 35). This phenomenon is not limited to community mediation. As women's organization secured government and corporate funding in the 1980s, "radical and alternative organizations became more mainstream as funders insisted on more bureaucratic and hierarchical structures" (Spalter-Roth and Schreiber 1995:119). In a recent study of the robust voluntary and community sector in Northern Ireland, Birrell and Williamson (2001) argue that even though the funding scheme there was set up to foster movement independence from the government, the result has still been that funding has "channeled the development of groups in certain directions," including new directions that were not previously valued by the organizations (p. 211). In a recent study of the influence that funding sources have on Mexican-American social movement organizations, Marquez (2003) found that they were greatly influenced by their dependence on external funding sources. This dependence altered the character of the organizations, redirected their programmatic priorities, and brought about "far-reaching effect[s] on the contours of minority politics through the initiatives that are funded" (pp. 329–41). Similarly, Cress's

(1997) research on homeless social movement organizations in the United States found that those organizations that incorporated as nonprofits in order to secure external resources also moderated their goals and their organizing tactics as a result. And as Douglas and Hartley's (2004) analysis of drug courts found, unstable and unpredictable funding streams have led court administrators to adopt entrepreneurial approaches to finance their programs. The need to satisfy multiple masters with diverse interests has distracted administrators from long-range planning and ultimately risks the goals of the drug court reform movement.

Stage 3a: Assimilation of CM leaders, members, participants

In Stage Three of the co-optation process, the state and vested interests assimilate both the individuals and goals of the challenging movement, making it hard for the movement to sustain its efforts. The prior stage involves the state's appropriation of techniques and the participation of challenging movement figures in decision making. This stage takes both actions to another level, as the state and vested interests develops or sponsors formal reform programs and then attracts movement leaders to staff these new institutional initiatives (Figure 4).

As documented earlier in this article, the institutionalization of community mediation began in the earliest days of the challenging movement. In the late 1970s, Wahrhaftig (1982) developed a three-part taxonomy of programs based on sponsorship: justice system sponsored, nonprofit agency sponsored, and community based. While observing that any of these arrangements could deliver informal dispute resolution, he cautioned

Stage 3a: Assimilation of CM leaders, members, participants	**Stage 3b: Transformation of program goals**
SVI develops in-house parallel operations	SVI develops institutions to support SVI-connected programs
CM leadership drawn off by SVI employment	SVI sets priorities, changes goals; salience control
	CM restructures to meet SVI goals

FIGURE 4. Stage 3: Assimilation and Transformation.
SVI = state and vested interests; CM = challenging movement.

that "the political consequences of program sponsorship" (n.p.) require critical examination (see also Hedeen 2003).

Practitioners working within the courts have openly questioned whether such institutionalization is the savior or saboteur of mediation (Press 1997). A recent study of justice system-connected programs in Florida has led to a new typology of approaches: assimilative, synergistic, and autonomous (Folger et al. 2001). The assimilative approach, which the authors argue, has become the dominant one and has three distinguishing traits: "(1) practices that imbue mediation with the authority and formality of the courts, (2) the mapping of legal language onto mediation, and (3) an emphasis on case processing" (Folger et al. 2001:103). To the degree that such practices are indeed dominant, they serve to confirm the predictions of skeptical scholars writing in the late 1980s and early 1990s who held that community dispute resolution was little more than a veiled expansion of state control (Abel 1982), and that the formal legal system has "colonized" ADR (Menkel-Meadow 1991).

Within small claims courts ("courts of limited jurisdiction"), juvenile justice offices, and family courts, it is uncommon for service provision to shift from a referral-out or contract-out basis to an in-house operation, thus replacing and displacing community programs. "Quality assurance" and "program efficiency" are typical justifications, while the result is effectively a return to state control of the mediation resource.

A second distinct step within stage 3a is employment of challenging movement leaders within the SVI structure. Many staff or volunteers of community mediation resources are hired by state agencies, often to coordinate statewide offices for the mediation resources or to direct formal governmental dispute resolution programs. These may include public policy dispute resolution agencies, family mediation offices, and court or juvenile justice mediation programs. While this transfer of staff may have positive gains for both the state agency and the challenging movement—as the state gains an experienced employee and the challenging movement gains a supportive resource person within the state—this also serves to remove seasoned, committed individuals from leadership roles within the challenging movement. The institutional capacity and memory that are lost through such a transaction are a setback for the movement.

The loss of movement leadership is predictable, in part, due to the relatively low wages and limited benefits typically available through nonprofit groups such as community mediation (Fn'Piere 1991:31). Even a DOJ report amply documented this trend:

> [S]taff members tend to be grossly underpaid for the amount, importance, and quality of work they perform. Community mediation personnel deal[s] with many interpersonal and intergroup conflicts that could easily escalate into violence. . . . Their jobs are arguably far more important, by virtually any measure of value to society, than those of employees making four to five times their salaries. Low salaries inevitably lead to higher levels of turnover at programs than would occur if salaries were more commensurate with staff responsibilities. Such turnover can cripple programs while new directors and staff are being recruited and trained. (McGillis 1997, p. 87)

Many former staff members of community mediation centers have sought roles in more lucrative and stable positions because of household financial demands. As the directors of

a Minnesota center so aptly and simply observed, "People have these jobs [in community mediation] because they can *afford* to have them." Thus, the loss of movement leadership, especially to the courts—where veteran mediators and dispute resolution administrators might utilize the same skill sets, but for greater compensation and stability—is a trend likely to continue.

Stage 3b: Transformation of Program Goals

Through the second step of stage 3, state institutions play a powerful role in assisting and redirecting the efforts of both state and challenging movement programs (Hartley et al. 2003). Many states have governmental offices that support or coordinate community mediation efforts, including Hawaii, Maryland, Massachusetts, Michigan, New York, Ohio, and Virginia. These offices are typically linked to the courts and they often serve as regulating agencies; in many cases, they prescribe policies and guidelines and monitor mediation operations through reports or site visits. Over time, such state offices frequently serve to transform the traditional goals and values of community mediation. Guidelines for training mediators are often administered by these offices, especially those regarding the required length and content of the training sessions. To qualify for some state funding, community mediation centers must employ only the services of volunteers trained through a state-certified training course. This routinization of training is a form of rationalization, through which both the training service and presumably, the mediation services provided by the individuals trained, will be consistent and predictable.

Rationalization is also evidenced through a shift in program goals: the broader goals of community empowerment, relationship building, and democratization of justice appear to have been set aside in the name of greater efficiency. Larger caseloads and shorter case processing times are preferred by the courts and other agencies, and a favorable disposition may be rewarded with more cases, more money, or other resources.

> In examining both the implementation and the evaluation of neighborhood justice centers, it appears that in this uneasy compromise, the judicial definition of need (the first set of goals), has taken precedence . . . Other goals for neighborhood justice centers have been virtually ignored, both in the planning process and in the bulk of evaluation studies. (Merry 1982: 131)

The emphases on the quantity of cases handled and the celerity with which they are dispatched are complemented by an overriding interest in gaining resolutions. While mediation is often sold to disputants based on its numerous advantages including "its ability to constructively address conflicts, respect each party's perspective, empower individuals to take personal responsibility for conflicted relations, establish mutually beneficial dialogue, and reduce violence" (Hedeen and Coy 2000), attaining agreements too often becomes the limited measure of success. When programs are designed to deliver agreements (or rewarded for agreements), mediators may pressure disputants in ways that compromise disputant self-determination: "Mediators remind recalcitrant disputants that if they don't come to agreement, the court may hold it against them" (Beer 1986:212).

Efficiency is the established and accepted goal of mediation in many venues. In small claims courts, where community mediation volunteers are often employed, a DOJ report

listed the five goals of a mediation program: (1) increasing the efficiency of case processing, (2) reducing court system costs, (3) allowing judges to provide added attention to cases on the regular civil docket, (4) improving the quality of justice, and (5) improving collection of judgments (DeJong 1983). In stage 2a above, the issue of time efficiency was evidenced by 20-minute mediations (Drake and Lewis 1988), as well as an emphasis on short case turnaround time (McGillis 1997). Research reports on court-based mediation have demonstrated the high proportion of settlements in mediated cases (Wissler 2002; Woolford and Ratner 2004) and greater durability of agreements (McEwen and Maiman 1984), both measures indicating a low likelihood of these matters returning to court. That these have become widely accepted indicators of mediation success represents a continuation of the process of salience control (Murphree et al. 1996) addressed above: the valuation of case numbers and outcomes over community capacity building and respectful processes reflects a shift in community mediation.

The state offices mentioned above also often have oversight of the disbursement of state funding, as in Illinois and Virginia. In Illinois, to be eligible for funding pooled from foundations and filing surcharges, community mediation centers must have mediated over 100 cases in each of the prior three years. Further, each center receives a share of the pooled funds based on the number of cases *resolved*: in each judicial circuit, each center receives an allocation not per services delivered, but per its proportion of the circuit's mediated cases concluding in a written agreement (Illinois General Assembly 2004).[2]

The carrot-and-stick enticement of funding based on securing agreements transforms centers to pursue specific goals. This trend was identified early in the community mediation movement: "Centers are restructured in order to generate large caseloads and reduce costs while evaluations stress the number of cases handled and the potential reduction of demands on the criminal and civil justice systems . . ." (Merry 1982:131). And the director of one of the sustaining NJCs, looking back over 15 years, noted:

> [O]ne of the elements distinguishing successful centers from those that are struggling has proved to be the strength of referrals from courts. Moreover, the stronger the ties to courts for referrals, the less difficult it is to gain credibility and needed sources of revenue from court budgets as well as other public and private sources. . . . (Primm 1993: 1079)

These are manifestations of DiMaggio and Powell's (1983) coercive isomorphism, introduced earlier in this article. They also parallel Morrill and McKee's (1993) research findings at a community mediation center in the Southwest, where they documented the organization's survival strategy to be a transformation away from "community improvement" and "personal growth" goals and toward the processing of court and agency referrals, and the funding, caseload, and legitimacy attached to such referrals.

Stage 4a: Regulation

One goal of many challenging movements is the desire to achieve administrative rules or to enact laws that will mandate and codify some of the platforms and values of the challenging movement. At their best, such outcomes, like the Civil Rights Act of 1964 or the

Stage 4a: Regulation	Stage 4b: Response
SVI routinizes, standardizes, legislates practice, regulates qualifications of providers Clients/Consumers develop expectations aligned with SVI	CM develops institutions to support/maintain/buffer/insulate/ protect CM goals

FIGURE 5. Stage 4: Regulation and Response.
SVI = state and vested interests; CM = challenging movement.

Clean Water Act of 1972, represent a clear, albeit partial success for challenging movements. But, in many cases, codification and the regulations that invariably follow are not necessarily a positive outcome for the challenging movement. The Uniform Mediation Act (UMA) is a case in point (Figure 5).

As previously mentioned, the NCCUSL, in collaboration with the ABA's Section of Dispute Resolution, drafted the UMA in 2001 and amended it in 2003. By the autumn of 2004, the UMA had been adopted in two states (Illinois and Nebraska, with modifications), and legislation had been introduced in seven others and in the District of Columbia. It is the first nationwide attempt to regulate aspects of the practice of mediation. As such, NAFCM is strongly and actively opposing the UMA because of its perceived likelihood to erode the independence of community mediation centers, because it weakens the confidentiality and evidentiary privileges that mediators and participants in mediation have, with respect to later legal proceedings, and because its universality is perceived to "weaken the opportunity for more appropriate and culturally sensitive forms of justice and adversely affects the creativity and potential growth of mediation" (NAFCM 2003).

The co-optation of a community-based initiative like community mediation is made more likely by widespread pressures to professionalize various social services, including the practice of dispute resolution. McKnight (1995) argues that many initiatives and social services have been professionalized in an effort to create dependence upon experts, and to create the perception among individuals and communities that they are incapable of addressing their own needs. Paralleling Auerbach's (1983) view that both justice and dispute resolution have been "legalized"—that is, appropriated away from individuals and codified into formal law—McKnight's thesis of professionalization helps explain why

many community mediation centers have not been able to generate sustainable caseloads of funding levels independent of the court system.

Although the formal regulation of mediation on the state level is not yet widespread, the practice of mediation is increasingly regulated in a variety of ways in some states (Hartley et al. 2003). For example, Virginia established a regulatory agency in 1991, the Department of Dispute Resolution, whose mandate includes establishing and overseeing certification requirements for all court-referred cases in the state. While professional associations have adopted policies to the contrary (even including the ABA), some states now have laws or rules that restrict the practice of court-affiliated mediation to those with law degrees (e.g., Florida). In addition, some states require a bachelor's degree for mediators affiliated with district and circuit courts (e.g., Virginia), and some states now require the same for local courts. Melinda Smith, former cochair of NAFCM, metaphorically refers to this regulatory practice as "pulling up the ladder." A trend may be emerging: higher educational thresholds and more restrictive mediator certifications. Yet, community mediation has always relied upon mediators who are drawn from the general community and are often volunteers. Most community mediation centers are committed to building pools of trained mediators that are reflective of the community's diversity, and many are increasingly meeting this commitment. State regulations that require advanced degrees or law degrees are in direct opposition to this principle (Pipkin and Rifkin 1984).

The Individuals with Disabilities Education Act (IDEA) was originally signed into federal law in 1975 to ensure that children with disabilities had access to education and educational services. It was substantially amended in 1997 to include the governing of special education mediation practice. The Act now mandates that only solo mediation may be practiced with disputants who are protected by it. Such a restriction is contrary to the practice of community mediation, which has increasingly tended toward: (1) the use of co-mediators in order to be responsive to gender, ethnic, age, and power differences between disputants and (2) using either solo mediators or co-mediators according to whichever is deemed more culturally appropriate for the particular mediation.

The increasing codification and regulation of mediation house a peculiar irony. After all, one of the originating goals of community mediation was to set citizens free from some of the limitations of law and from the rigidities of formal legal institutions with regard to how they manage their conflicts (Menkel-Meadow 1991). Yet, this irony runs much deeper than it first appears to. For as mediation and other forms of ADR have become more commonplace in some court systems, lawyers still operating out of an adversarial model employ mediation and other ADR mechanisms "not for the accomplishment of a 'better' result, but as another weapon in the adversarial arsenal to manipulate time, methods of discovery, and rules of procedure for perceived client advantage" (Menkel-Meadow 1991:1). This has contributed, in turn, to many issues associated with the practice of court-affiliated mediation being litigated, meaning that case and statutory law about mediation are now being developed, including a jurisprudence about mediation and ADR. The practice of mediation and the ways and manners of which individual citizens may avail themselves of are increasingly proscribed.

Stage 4b: Protective Responses

> . . . I love the idea that the judicial system and other institutions are trying to coopt and justify ADR. It shows that we've evolved to the point we can't be ignored. You start something great and people come. It's like a fantastic unknown vacation or fishing spot. It's hard not to tell people about it and . . . once you do . . . it's not yours alone anymore and somebody will use it in ways that you don't like and/or try to screw it up. (Carroll, July 31, 2002 posting to NAFCM Network)

When the co-optation of a challenging movement engages the stage of codification and regulation, the movement and some of its organizations may adopt reactive strategies and defensive measures to protect the integrity of the movement's alternative institutions, practices, and cultures. The Ohio Community Mediation Association (OCMA), for example, was formed in May 2002. It consists of 15 community mediation centers throughout Ohio and its mandate is to represent the interests of community mediation centers in the policy-making process in Ohio. Among OCMA's core beliefs and values are ones that are deeply reflective of the values that originally spawned the community mediation movement, that is, to be agents of change by intentionally addressing social justice issues in their work, responding to the needs of the entire community; advocating for collaborative, inclusive, and fair processes in the community; ensuring open access to conflict resolution services; and adhering to self determination such that the community determines and defines what quality mediation is for their community.[3] When the UMA was introduced into the Ohio House of Representatives in 2003, OCMA spearheaded the opposition to the Act through a partially successful statewide lobbying campaign that has delayed the progress of the legislation and which continues to try to win modifications in the legislation (Joyce 2004).

CONCLUDING ANALYSIS

In their useful analysis of the institutionalizing of restorative justice in British Columbia, Woolford and Ratner (2003) effectively argue that co-optation and colonization in that context are not a "necessary outcome" (p. 189). We are of the same mind with regard to social movements and co-optive processes in general, and the community mediation movement in the United States in particular. The social dynamics of co-optation are not made up of some inexorable force progressing toward a preordained and complete co-opting of challenging movements. Such a view does a disservice to the nature and power of social movement challenges to the status quo, driven as they often are by shared identities and deeply-held values and visions that movement activists are often convinced will bring about a better, more just and humane world (Melucci 1989). Thus, even in the face of substantial degrees of overall movement co-optation, there will long remain practical exemplars of the values and ideals that originally drove a challenging movement. That is certainly the case for the community mediation movement.

Many of the members of NAFCM, for example, continue to assiduously tend to the fire that originally animated the movement even while also going out to gather new recruits committed to a particular vision of community mediation. This vision honors

party self-determination, local control over the practice of mediation, broad community access to services, a reliance on community volunteers, and a commitment to working on the deeper causes of social conflicts. Of the many members of NAFCM that we could point to in this regard, we mention two here. The Cleveland Mediation Center, which has maintained a strong and independent community component coupled with a deep commitment to advocacy on the social justice issues that contribute to conflicts in the community, remains an independent and robust force for constructive conflict resolution within the city of Cleveland 25 years after its founding. Certainly, centers which are founded in communities that traditionally enjoy high degrees of citizen activism and which tend to support community-based initiatives as alternatives to centralized systems will be more likely to protect themselves from the deleterious effects of co-optation. Being recurringly intentional about a program's purposes, mandate, and identity also seems to matter. For example, the Community Dispute Resolution Center (CDRC) that was started in Ithaca, New York, in 1983, remains quite community based and attentive to the co-optive pressures it faces. The Ithaca center continues to be committed to its origins, including that it started "with the idea that people should have an informal, quick, and inexpensive way for dealing with conflicts. Mediation provides that opportunity. CDRC chose to be community-based, recruiting and training community volunteers as its mediators" (http://www.cdrc.org/).[4]

In all cases, there are degrees of accommodation and co-optation. Many mediation centers engage in creative relationships with the formalized legal system, using the revenues generated from court-referred mediation cases to provide free access to dispute resolution services and conflict management skills training to schools and community groups. Research on a broad range of peace and environmental groups demonstrates that challenging movements that eschew partnerships and working relationships with the state and with the systems and structures that they are trying to change do not fare well over the long term (Zisk 1992). Similarly, Woolford and Ratner (2003) persuasively argue that the restorative justice movement in British Columbia must be a nomad, occupying an "oscillating space," one not located entirely within or outside the legal system and where strategic interventions in the legal system are combined with the maintenance of relative degrees of independence from the system's hegemonic forces (p. 188).

As we have amply demonstrated above, occupying and maintaining an oscillating space vis-à-vis the formal legal system is no small feat for the community mediation movement as a whole, or for specific centers. Those working in the field of community mediation face a plethora of pressures, including funding, volunteer recruitment and retention, training, community support, and maintaining independence. While some of these pressures can be creatively reconfigured in a complementary fashion, many more are contradictory. In either event, particular decisions or actions are too often considered out of context, such that the larger ramifications and long-term meanings are not readily apparent.

Precisely how, then, might community mediation centers maintain this oscillating space? What ought they to do? While we do not pretend to know the answers, we are quite sure that for movement activists to have as full of an understanding of the processes of

co-optation as possible is an important part of the answer. The *is* is usually parent to the *ought*. Put another way, an accurate description of a social problem is a prerequisite to an adequate prescription (Maguire 1979).

In considering opportunities for collaboration with the state and vested interests, movement actors would do well to mark the words of Brubaker (2003), a veteran mediator, "in relationships marked by power imbalances, cooperation and co-optation are nearly indistinguishable." That these processes appear so similar highlights the need for close analysis of partnerships and collaborative pilot projects like the one described at this article's outset.

Our general study of social movements and our more detailed examination of the community mediation movement led us to develop this stage model of co-optation. We have shown how and why a stage model of co-optation is reflective of key aspects of the community mediation experience in the United States. Other scholars studying similar processes in other movements may find that this stage model of co-optation is analytically useful in other contexts. Goldner (2001) has shown, for example, that the complementary and alternative medicine movement has undergone very similar pressures as those described here as it gradually gained acceptance within the traditional medical establishment.

Follett (1924), who understood both the promise and the paradox of collaboration long before many others, wrote that "a fact out of relation is not a fact at all." By dissecting the process of co-optation to its constitutive parts through a stage model with many discrete steps in each stage, movement activists may be better able to recognize the process as it evolves over time and to understand the significance of specific events and individual actions and decisions. To the degree that those movement activists can understand how particular actions relate to the larger whole, they are better able to make decisions that are more informed and more likely to honor their professed goals and values.

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NOTES

[1]For a rich and detailed example of a social movement organization leaving policy negotiations and returning to other, more "outsider" forms of contention, see Melinda Smith, 1999, "The Catron County Citizen's Group," pp. 985–1009 in *Consensus Building Handbook*, edited by Lawrence Susskind, Sarah McKearnan, and Jennifer Thomas-Larmer, Thousand Oaks, CA: Sage.

[2]Most state office funding models emphasize the quantity of services provided. However, the Maryland Mediation and Conflict Resolution Office (MACRO) stresses the opposite—the quality. See http://www.marylandmediation.org for details of the office's nine-point model.

[3]The Web site for the OCMA: http://www.ohiocommunitymediation.org/index.html

[4]See CMC: http://www.clevelandmediation.org/; CDRC: http://www.cdrc.org/; and NAFCM: http://www.nafcm.org/

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