
The Power of Community Mediation: Government and Formation of Self-Identity

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Recent “alternatives” to law assume diverse forms and include various community mediation programs. Proponents see these programs as a triumph of empowered individuals and communities over the state. By contrast, early critics—in their various ways—view such programs as an expansion and intensification of state control. Against both, and working with “new informalist” insights, this article focuses on the political logic of community mediation practices. Drawing on Foucault, it explores mediation as a governmentalization (cf. expansion) of state dispute resolution which marshals both techniques of discipline and self in an attempt to produce peaceful *individual selves*. A case study is used to analyze community mediation as a confessional institution that deploys sociocultural pressures in search of nondisputing self-identities. The article concludes that the search for fixed notions of individual, self, or even community empowerment may entrench, rather than resist, current forms of regulation in dispute resolution arenas.

These days the phrase “contempt of court” evokes a rather peculiar meaning outside the courtroom. For many critics, from reflexive lawyers to dissatisfied clients, the promise of justice through litigation is an empty one; it is a distant abstraction compromised by the inequities and alienating humdrum of professionalized courtroom practices (see, e.g., Danzig 1973; Sander 1976, 1980; Cook, Roehl, & Sheppard 1980; Arthurs 1980; Salem 1985; Alfini 1986; Blair 1988). Recent bids to reclaim an immediate, popular, and accessible type of justice in our time seem to have evoked earnest searches for “justice without law,” for “alternat(iv)e dispute resolution” processes (Auerbach 1983). Here I direct attention to the power relations deployed by those alternative dispute resolution programs that tout mediation as more effective than litigation at settling disputes between people with ongoing relationships in the “community.” Such programs as-

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sume various formats,¹ go under various names (community mediation, neighborhood dispute resolution, informal justice, etc.), and target a range of community disputes (see Wahrhaftig 1982, 1984). These various instances can be placed under the rubric of “community mediation,” not to denote a single or homogeneous identity but to highlight a contingently deployed political rationality that lies at the core of such programs.

In an effort to depict this political rationality, the following narrative takes a series of strategic tacks. After briefly depicting a typical model of mediation practice, it moves to an existing debate between advocates and critics on whether community mediation limits or expands the state’s control over dispute resolution. I argue that the debate is misconceived because it is founded on narrow and paradoxical precepts, which leads to serious difficulties. In an effort to overcome some of these difficulties, extending insights from more recent “new informalist” critics (see Matthews 1988a), the next section conceives of community mediation as a “governmental” power that deploys techniques of both discipline and self in its quest to recover “nondisputing” selves from the “disputants” who present themselves at mediation sessions (Foucault 1979). Given that the disciplinary techniques of mediation have attracted attention elsewhere (Pavlich 1996; Fitzpatrick 1988; Cameron & Dupuis 1989; Matthews 1988a), I turn in the latter part of the article to a case study to point out how an overlooked element may be developed; namely, how to conceptualize the techniques by which mediation encourages its participants to assume nondisputing self-identities. I shall focus on techniques (or technologies) of self, echoing Foucault’s (1979:20) view that the development of these has (along with discipline) entailed a growing “governmentalisation of the State” (see also Foucault 1981a, 1988a). I conclude with brief comments on what my analysis might mean for attempts to nurture an alternative politics of dispute resolution.

An opening caveat is perhaps appropriate to signal the spirit of what follows: Erecting discursive limits is endemic to the “violence” of the written word, to the communicative paths that narratives clear. The path that the ensuing text seeks to clear places limits of its own, but so long as one understands its precepts as tentative enunciations, as attempts to recalculate community justice practices at a particular conjuncture, their Procrustean power is overtly acknowledged. Such enunciations, it should be said, are offered explicitly in the service of a critical ontology of ourselves at a moment in history, focusing on selected calcula-

¹ For example, San Francisco Boards Program (Merry & Milner 1993), community mediation centers (Wahrhaftig 1982), neighborhood mediation (Beer 1986).

tions and practices within contemporary dispute resolution fields.² The overall approach takes seriously the contention that

the political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state, and from the state's institutions, but to liberate us both from the state and from the type of individualization which is linked to the state. We have to promote new forms of subjectivity through the refusal of this kind of individuality which has been imposed on us for several centuries. (Foucault 1982:216)

It is from such auspices that "I" have lifted "my" figurative—in these days of the word processor—pen.

A Community Mediation Model

There are several useful references which detail a range of idioms and styles used by mediators in differing contexts (e.g., Bush & Folger 1994; Kolb & Associates 1993; Silbey & Merry 1986; Folberg & Taylor 1984; Goldberg, Green, & Sander 1985; Kressel & Pruitt 1989; Pruitt & Carnevale 1993). Very often, when practitioners reflect on mediation, they refer to a process guided by underlying models of effective dispute resolution. Burdine (1990), for instance, offers a model that is grounded in international research and widely used in British Columbia (Canada). This model underpins the case study that follows, and some indication of its four phases (or stages) seems appropriate. Burdine's first stage requires mediators to set an informal tone (e.g., casual seating patterns) and to explain the process of mediation to participants (e.g., as a voluntary, confidential way of helping people to resolve disputes). The next stage requires disputants to enunciate their respective accounts of the dispute. Parties are required to address one another directly and to speak in "civil" tones, as if to reinforce "normal" patterns of interaction. Here the mediator constantly probes for more detail on, or reiterates (rephrases), salient issues and themes. The third stage tries to establish "common ground" between disputants. What is the conflict "really" about? What is each individual's interest in the dispute? Can these interests be reconciled? If the preceding phases achieve their aims, then the model suggests moving the mediation process into the final stage where specific conditions of settlement are drafted in plain language and signed by the disputants.

Burdine's conception, then, carves the dynamics of mediation into several phases, providing mediators with a practical blueprint for how to create an environment conducive to community dispute resolution. Her view is not an isolated one, and is

² This clearly echoes the spirit of Foucault's (1984) analysis of critique in his "What Is Enlightenment?" essay.

echoed by many other mediators.³ For instance, Albie Davis (a prominent community mediator in the United States) offers a comparable synopsis of the process:

Mediation moves through several natural stages. First, the parties are set at ease, the process is explained, and questions about the process are answered. Then, each party tells his or her "story." Next, the mediators help the parties to define issues, identify interests, and sort them. When issues and interests are clear, the task becomes to draw on the parties' creative talents and develop mutually agreeable options for settlement. In the final stage, an agreement considered satisfactory to the people involved is reached (and often written). (Kolb & Associates 1993:263)

As the numbers of deployed community mediation programs have increased around the globe over the past two decades, many analysts have come to ponder their sociopolitical effects within dispute resolution arenas. In retrospect, one can point to a reasonably clear divide between those who advocate, versus those who oppose, the expansion of community mediation programs.

Proponents and Critics of Community Mediation

Despite their different visions, most advocates argue that the arrival of mediation programs signals a victory for individual choice in the resolution of community disputes (see Adler, Lovaas, & Milner 1988; Shonholtz 1993). In proponents' formulations, mediation emerges as a means of empowering individual disputants to free themselves from the formal state's tutelage (e.g., Shonholtz 1984, 1988–89; Bush & Folger 1994). It provides, they argue, an opportunity for individuals to reclaim control over conflict resolution by choosing a settlement process that requires—rather than thwarts—their active participation (Wright & Galaway 1989). Furthermore, mediation is touted as a voluntarily chosen (rather than coercively imposed) process that ipso facto entices individuals to abide by the terms of the settlements they have selected (Shonholtz 1988–89). It has the added effect of educating people on how to resolve future disputes without relying on the state's courts in the first instance. As such, it helps individuals to become involved citizens within functioning communities (Kolb 1993:ch. 6; Shonholtz 1984, 1987, 1993; Bush & Folger 1994).

By simultaneously fostering individual participation and restoring peace to conflict-ridden situations, community mediation is said to rebuild and strengthen community ties. Such unfettered community strength, so the narrative goes, is a crucial element of any democracy because the community provides an

³ See also Kolb & Associates (1993), and Bush and Folger's (1994) summaries of the "problem solving" versus the "transformative" approaches to mediation.

arena in which citizens, the “people,” operate as free, individual beings. And it is precisely this individual autonomy that constitutes the basis of free, rational political choices deemed vital to a functioning liberal democracy (Shonholtz 1993). Or, to state the case negatively, democracies are significantly weakened if people do not act as free, autonomous beings. So community mediation is implicated in a quest to revitalize communities by nurturing individual freedom. As a prominent advocate puts it, “The promise of community justice is to transform the dormant power and responsibility of citizens and communities into a dynamic form of service and justice” (Shonholtz 1993:237). In this scenario, community mediation offers an alternative to the tutelage of professionalized, formal courtroom justice and promotes a “restorative” justice (Umbreit 1994; Zehr 1986, 1990). That is, with community mediation, “justice is ultimately aimed at the restoration of right relationships more than retribution” (Lederach & Kraybill 1993:375).

Against such elevated visions, early critics of the alternative dispute resolution proposals have argued that far from restricting state control over individual lives, of empowering and liberating individual disputants, community mediation programs actually expand and intensify state control. These programs expand state regulation by increasing the sum total of control sites funded and deployed under the watchful gaze of the state (Cohen 1985, 1988). Community justice augments state control by rendering its regulatory network more dense or by attending to matters that previously had escaped judicial sanction (e.g., how careful the neighbor is not to mow your flowers). Such expansion and intensification of state control is deemed to be particularly insidious because it occurs through “a process that, on the surface, appears to be a process of retraction” (Santos 1982:262; emphasis omitted). As such, community mediation is seen to be an ominous development whose appealing rhetoric of voluntarism and individual empowerment masks an underlying process of greater and more invasive state control.

The critics offered various elaborations of this general theme. For some, mediation is one of many regulatory responses to the crises besetting a specific stage of capitalist development (Abel 1982a, 1982b). In particular, community justice is described as an experiment that promises to alleviate aspects of the state’s fiscal and legitimacy crises within the dispute resolution arena: It proposes cost-effective techniques aimed at local conflicts that do not directly involve state agencies. Furthermore, it operates through such legitimating images as individual empowerment, informalism, and popular justice but is really an indirect form of state rule that is masked through the false ideological images er-

ected by advocates (Abel 1982b).⁴ Expanding on this notion, Hofrichter (1982, 1987) analyzed “neighbourhood dispute resolution” as part of a capitalist state strategy to maintain (Gramscian) hegemony within civil society. The strategy is driven by an inherent logic of capital accumulation which requires changing “projects” to suppress working-class resistance. Focusing more specifically on one aspect of Hofrichter’s eclectic vantage point, Baskin (1988, 1989) and Selva and Böhm (1987) analyzed community mediation as part of an emerging logic of political control, a concomitant process to a “regime of accumulation” that is shifting from Keynesian Fordism to “neo-Fordist” economics. By contrast, Harrington (1982, 1985, 1988) offered a neo-Weberian critique of informal justice as a continued reform of the lower echelons of the court bureaucracy, effectively deploying a new judicial management strategy to manage “minor” disputes. This entails reform by rational, technocratic means that help to consolidate a consensual political ethos. Santos (1982) appeared to incorporate aspects of both neo-Marxist and neo-Weberian approaches to his more explicit analysis of the type of (state) power mustered by community justice.

However varied these critical approaches, all unite behind a chorus that places community mediation as one element of a more general expansion and/or intensification of state control. Of course, brief comments can be highly deceptive, but the above remarks are enough to indicate a clearly drawn battleline between proponents and early critics. Abel (1982a:6) implicitly underscored this by suggesting that the problem of informal justice institutions revolves around a core issue; “the central question must be: Do they expand or reduce state control?” From what has already been said, it should be clear that advocates defended a negative response to the question, while early critics variously but resoundingly replied in the affirmative. Yet there is something troubling about reducing a complex social formation to a clear analytical bifurcation, especially when the latter erects itself around an aporia. To wit, the dichotomy mistakenly presumes it is possible to define “state control” precisely enough to draw comparisons across regulatory sites. Such exactitude is clearly required if one is to make absolute claims about the relative expansion and/or intensification of state control. But is precision of this sort really possible, or even meaningful? Can one distinguish absolutely between one state form and another, and further assume that these forms are sufficiently commensurate to allege reduced, or expanded, or more intensive, state control? These questions point to a fundamental incongruity that lies at the frontiers of the debate, and that leads to various difficulties.

⁴ Other critics criticize the “harmony ideology” implied by the advocates’ discourse on community mediation but do not necessarily accept Abel’s neo-Marxist underpinnings (see Nader 1988; Tomasic & Feeley 1982).

Most significantly, the bifurcation perpetuates itself in other guises: One is either optimistic about community mediation having the capacity to reduce state control or pessimistically maintains that such mediation inevitably ends up expanding state control. Thus conceived, the debate sustains a simple “for or against” community mediation ethos that has, as one commentator puts it, “precluded the need for a detailed investigation of the political dynamics which were implicated in the expansion of informal justice” (Matthews 1988a:16). If this leads some advocates to naively applaud community mediation as an alternative, popular justice, it has generated amongst critics a definite political apathy, an overwhelming despair that nothing appears to be able to resist the invasive march of a capital-driven, or technocratic (professional), state justice (see Cain 1988:51; Matthews 1988a:17). Yet, and perhaps reflecting the underlying paradox, after detailing hostile critiques of mediation programs, most critics then conclude with surprising allusions to community justice’s “progressive” potential.⁵ Coming from exegeses that are pessimistic about community mediation achieving any positive political gains, these allusions remain vague, unfounded hopes.

One reason for the latter is as follows: By focusing exclusively on community mediation as a means of expanding state control, the critics’ formulations are driven by precepts anchored in the assumption of necessary state expansion. They have, in short, narrowed the debate on community mediation to an exploration of the extent to which it expands and/or intensifies state control. In the process, sustained analyses of community mediation as possibly harboring elements that are not embedded in state control, or functional for the latter, are not placed on critical agendas. And it is this omission that accounts for the dubiousness of the hope echoed by early critics, as well as for the pessimistic political apathy that surrounds their discourses. As a result, if we are to escape the despair that seems to pervade critical thinking, without endorsing the wide-eyed optimism of some advocates, it seems necessary to reconceptualize the very tenets of early debates on community mediation.

Fortunately, there is a lead in this direction, as taken by so-called “new informalist” critics.⁶ Although these critics offer diverse visions, most agree that the “for or against” ethos of early debates is misplaced. This is especially so, since they argue that community mediation is neither entirely autonomous from state legality nor completely encompassed by the latter. Fitzpatrick (1988:190-92) summarizes this rather well by suggesting that the

⁵ Here I refer to the concluding paragraphs of Hofrichter (1987), Baskin (1988), Santos (1982), and Abel (1982b), where the hope for informal justice is expressed. A notable exception is Harrington (1985), who, consistent with her neo-Weberian line, does not hold out any such hopes.

⁶ For example, see various contributions to Matthews 1988b.

domains are mutually “constitutive” social fields that affect one another’s historical identities. He exploits the notion that, paradoxically, the identity of law relies on the presence of an informal domain, and vice versa. The postulated opposition between them is thus crucial to their continued identities and implies certain things when one is trying to comprehend the current identity of community mediation.

For instance, the opposition suggests, against the advocates, that community mediation is implicated fundamentally in the identity of liberal law; community mediation opposes the law in such a way as to bolster liberal legality (Fitzpatrick 1992a, 1992b, forthcoming). In turn, this implies that, “in the West popular justice, as it is currently understood, is impossible” (Fitzpatrick 1992a:199). However, against the early critics, Fitzpatrick (1988:191) insists that community mediation does not necessarily involve a simple expansion or intensification of state control—it contains an “unembedded” dimension which is the “dark side” of liberal legality. Community mediation cannot be considered as a mere ruse for the expansion of state power but rather deploys techniques of power directly implicated in the very constitution of such “synoptic powers” as state law (*ibid.*, p. 182). Here, Fitzpatrick, echoed by Matthews (1988a), draws on Foucault (1977, 1980) to chart the disciplinary power relations that operate within informal justice and that are not reducible to state models of power. In particular, Fitzpatrick (1988:190) explores in some detail techniques of discipline through which community justice aims to create “a massive non-rebellious normality” by forging normal individuals and situating them in peaceful “communities” (see also Fitzpatrick 1992a, 1992b, forthcoming).

This vantage offers a clearer perspective on community mediation’s “power.” It allows one to focus on community mediation in its own right, without necessarily reducing it to the power of the state (or capital). In turn, this permits a more complex account of contextual political articulations between state and informal modes of dispute resolution, as a preface to any attempts to conceptualize an “alternative” politics of conflict resolution. But as it stands, the variety of power relations deployed by community mediation programs and their articulations with state legal relations are only partially indicated by the techniques of discipline that Fitzpatrick so poignantly analyzes. In this respect, much more can be made of Foucault’s work by envisioning community mediation as a contemporary instance of a governmental rationality that involves not only *techniques of discipline* but also *techniques of self*. By thus expanding the analysis, one can isolate another dimension of community mediation’s political rationality, beyond the available accounts of community mediation’s disciplinary techniques. The chief purchase of such a move is to widen the scope of analysis and to provide more detail on the

political rationality of community mediation as currently practiced. In turn, such a detailed “diagnosis” of present practices might eventually be enlisted in the service of attempts to envision the possibilities of an alternative, popular politics of justice beyond the limits of our present.

Governmental Dispute Resolution Practices

It thus seems entirely appropriate to consider community mediation as part of an emerging political logic constitutively related to, but not entirely reducible to, state power relations. Here, Foucault’s work on “government” is particularly poignant as it requires one to conceptualize the rationality of liberal power relations beyond the ambit of formal state power relations (e.g., Foucault 1977, 1978, 1980, 1981b). That is, the political logic of community mediation may be genealogically traced to another model of power. In particular, Foucault draws attention to pastoral government whose logic is conveyed by the image of a shepherd leading a flock, where a concern for the well-being of each entity is seen to affect the welfare of all.⁷ Such thinking nurtured a 16th-century discourse on the “art of government” that began to focus political attention on the well-being of individuals as a means of improving the welfare of a population (Raeff 1983; Foucault 1981b, 1980, 1979; see also Foucault 1980; Dean 1994; Burchell 1991, 1993). This art of government was expressly developed outside of, but for the purposes of strengthening the “law and sovereign” model of, the state. Foucault’s neologism “governmentality” suggests how this art of government is later developed in modern liberal societies by establishing regulatory environments within which subject “mentalities” are shaped to serve wider political aims (Burchell 1993; Rose 1990, 1992). In these societies, governmentality is deployed within “domains of freedom” beyond state power but which preserve the state’s strength and security (Foucault 1981b; Miller & Rose 1990; Donzelot 1991; Burchell 1991; Rose & Miller 1992). These domains have come to embrace a very particular political logic—one directed not at the abstract judicial citizenry of formal state power arrangements but at live individual selves of given collectives (e.g.,

⁷ The latter image connotes a central feature of pastorship: totalities (the flock) are governed by paying detailed attention to singular lives of constituent entities (each sheep). In its ecclesiastical settings, pastorship ties the welfare of the congregation to the well-being of each member within it. The reconciliation between all and each one, *omnes et singulatim*, requires detailed knowledge of individual consciences and the capacity to shape and guide these (see Foucault 1981b, 1982; Gordon 1991; Burchell 1991). As pastorship has expanded into more secular contexts, it has been fundamentally altered—the singular and totalizing objects of its regulation have shifted in various ways. For instance, pastoral government in early modern society focused on life itself, seeking to regulate individual lives as singular elements of a wider population (Pasquino 1978). With the advance of disciplinary power within the modern welfare state, pastoral government comes to regulate “individuals” in a wider “society” (Donzelot 1991).

the population, civil society, the social, community). As such, governmentality concerns itself with the creation of specific individual and self-identities that support a wider totality, and the combination of these serves to strengthen wider state patterns. As Dean (1994:208) puts it, governmentality may then be described as, “the articulation of government of the self, others, and the state.”

With these remarks in mind, the debate between early critics and advocates can be amended to understand the power of community mediation not simply in terms of state power but as a related political development with a (governmental) political rationality of its own. Community mediation deploys its own techniques of power and so is not simply a way of expanding (or retracting) state power; rather, it extends governmental practices to contemporary dispute resolution arenas. Consequently, it may be that “what is really important for our modern times, that is for our actuality, is not so much the State-domination of society, but the ‘governmentalisation’ of the State” (Foucault 1979:20). Foucault’s reformulation focuses attention on the governmental relations of power through which community mediation practices regulate disputants. But what are the specific techniques of power employed by such governance?

In the context of community mediation, we have already cited research on techniques of discipline directed at creating live individual “disputants” (Fitzpatrick 1988). However, Foucault’s later work emphasized another battery of political techniques as central to the art of government:

If one wants to analyse the genealogy of subjects in Western Civilisation, one has to take into account, not only techniques of domination, but also techniques of self. One has to show the interaction between these types of technique. . . . What we call discipline is something really important. . . . But it is only one aspect of the art of governing people in our societies. (Foucault 1981a:5)

Here he emphasizes the notion that the art of government involves the “contact between technologies of domination of others and those of self” (Foucault 1988:19). As such, the governmental power of community mediation would entail not only discipline but also *techniques of self* geared toward producing nondisputing self-identities. Recognizing the integrity of both techniques in the governmental power of community mediation which seeks the production of nondisputing individual selves that strengthen the (neo-)liberal state, I shall nevertheless focus on the overlooked dimension of techniques of self. Read alongside the studies on community mediation’s disciplinary power, the following discussion opens up an analysis of how selves are fashioned through the mediation process. In so doing, it aims to develop further a vision of community mediation as a governmental

power within contemporary (postmodern?) dispute resolution arenas.

Constituting the Self

It is perhaps important to provide some conceptual points of departure for the ensuing analysis of community mediation's techniques of self. To begin with, and tapping into wider discussions in social theory on the relationships between self and society,⁸ the "self" is not here recognized as an ontologically fixed entity. Rather, it is seen to be produced by sociohistorical processes that fashion self-identities and impart contingent and dynamic traces. From a general perspective, contemporary selves and their processes of formation are intimately related to significant transformations that have rocked modern, industrial societies (Giddens 1991; Rose 1992). There may well be considerable disagreement on how to conceptualize the scale of these (postindustrial? postproduction? late modern? postmodern?) transformations, but Casey (1995:197) offers a poignant prediction for our times: "Self-constituting processes other than those of work and production will configure selves and collective social life that are qualitatively different from modern industrial configurations" (e.g., see Pavlich 1995; Smart 1992, 1993; Bauman 1992, 1994; Giddens 1990; Beck, Giddens, & Lash 1994). Community mediation is surely one such "self-constituting" process which has, moreover, emerged at a time when greater regulatory focus is being placed on the aspirations of self within neo-liberal, consumer-driven societies (e.g., Rose 1992). In any case, within the narrower confines of particular community mediation sessions, we can readily see the presence of techniques that are specifically directed at producing peaceful, nondisputing self-identities from the disputing selves that arrive before mediators. It is these techniques that we shall here attempt to isolate.

But how are we to approach the ways in which selves are (re-)formed in community mediation sessions. Foucault's (1988a, 1988b, 1985) "ethical" analyses and reflections on technologies of self provide a useful point of departure. He notes that even if subjects are historically placed, they do perform active work on themselves to shape their own self-identities. Thus, for him,

the subject constitutes himself [*sic*] in an active fashion, by practices of the self, these practices are nevertheless not something that the individual invents by himself. They are patterns that he finds in his culture and which are proposed, suggested and imposed on him by his culture, his society and his social group. (Foucault 1988b:11)

⁸ See Casey (1995:ch. 3) for a useful synopsis of the area.

From this vantage, techniques of self involve the active participation of historically produced selves, and that participation is mediated by social and cultural spaces where subjects are enticed to develop particular self-identities. That is, the formation of self-identities requires active subjective work that a historically produced self performs on “itself” under the pressures of particular social locations, such as community mediation.

Given these general insights, we might deduce that an analysis of self-forming techniques within community mediation requires one to explore (1) how (by what means?) mediation provides sociocultural pressure on the formation of nondisputing selves; and (2) in view of these pressures, what techniques of self-formation disputing selves employ in their attempts to transform their self-identities from “disputing” to “nondisputing” selves. To address these two issues, let us examine a case study of a community mediation session in the Canadian province of British Columbia. Although observation of this case was part of another study with a different emphasis, my report on it provides a glimpse of how particular self-identities were actively sought by mediators.⁹ Moreover, unlike prevalent case studies of mediation, this case was not settled, indicating that despite mediation’s sociocultural pressure, the disputing selves did not work on themselves in ways that the mediators might have preferred. That the case did not lead to settlement is particularly instructive for the present context because the mediators tried to “pull out all the stops” as they (correctly) perceived that the disputants were not about to reach settlement. In the process, techniques that are usually introduced with great subtlety, or not at all, were more explicitly deployed, and with greater frequency, as the disputants “refused” the settlements on offer. In addition, if nothing else, this case highlights the relatively uncertain outcomes of the regulatory terrain at hand. My description will reflect a sequence roughly comparable to Burdine’s (1990) model outlined above, since the mediators of this mediation center were trained using her visions of mediation.

The Case of the Belatedly Restored Limousine

The community mediation center in question has rented premises in a recently developed shopping plaza. Beyond a reception area is a new large conference room. Here a mediator and co-mediator (a mediator in the final stages of training) are arranging seating around a square table, and have placed a large flip chart at one corner. I am greeted and ushered to a sofa at the far corner of the room, “out of the way,” as it were. The

⁹ See Pavlich (1996); this specific case was observed on 26 March 1991 at 2:30 P.M. at a local community mediation center in the Greater Vancouver area.

mediators discuss how they will share their mediation responsibilities and seat themselves with the mediator at the head of the table and the co-mediator to his right-hand side. The mediator warmly receives the first of the disputing parties, Walter, and ushers him to a seat opposite the co-mediator. The other "client," Greg, arrives (in a large limousine) and is seated next to Walter. His expensive suit contrasts markedly with the casual attire of all other people in the room. Both disputants are placed with their backs to the door from which they entered the room (to focus attention within the room, I was later told by the co-mediator). After introductions, the mediator explains, "we are here to try to sort out the problem between you through a process of mediation." He describes the latter as a confidential process to help parties arrive at settlement, requests a \$10 fee from both parties, and places 90-minute time limit on the mediation. More specific rules about mediation are raised (listening, no abusive language, etc.) before both parties are asked to read and sign a typed document indicating their agreement to abide by the rules of mediation.

In the next stage of the mediation, Walter narrates that he is a restoration specialist who was approached by Greg to replace the cabinet and panels of an older limousine with rosewood and to install a graphic equalizer system. He had quoted a price (\$600) and told Greg that the job would take three to four days to complete. Greg had later delivered the limousine, and Walter commenced work on it. As it happened, Walter could not obtain a supply of Brazilian rosewood and had to delay his work. Greg paid him a little over half of the money owed for the job (\$330), and Walter wants payment in full. Prompted by the mediator for his "side of the story," Greg agrees with the substance of Walter's account but adds he was told that it would only take about four days to complete the job. As an owner of a limousine rental company, Greg notes that he had lost some \$8,000 while Walter had been "working" on the car. He agreed to pay for all of the materials installed but only one third of Walter's labor costs. At this point the co-mediator interjects, somewhat awkwardly, to compliment Greg for being so honest and to praise Walter for his insightful rendition of events.

The third phase of the mediation sees the two mediators attempting to define the common ground between Walter and Greg. The mediator probes for very specific kinds of information (whether Walter enjoys his work, whether Greg can appreciate Walter's talents at carpentry, etc.). At regular intervals, the mediator sums up discussions with phrases like, "What I am sensing from you, and what you have said . . .," or "What I hear you saying, Walter, is . . .," etc. Humor is often used to break the tension produced by the disputants' argument and counter-argument. After a great deal of negotiation, the mediator offers this sum-

mary: "So you both had a concern for . . . you both want good work." Walter agrees, noting, "I am proud of my work," but adds that Greg seems quite unable to appreciate the quality of his work. Greg snaps back: "Walter thinks he is doing me a favor—but he is merely in business." This sets the stage for further confrontations, which the mediator eventually halts by saying that the "main" issue at hand is different perceptions of "time."

Now the mediator feels he is able to clarify the dispute, suggesting that the "common understanding" between Walter and Greg is currently clouded because they are working from different sets of assumptions (adding that this is perfectly "normal"). As he outlines these assumptions, constantly seeking approval from the parties, the co-mediator writes points on the flip chart. Greg is said to view the dispute as a business one, in which Walter's delays have cost Greg money. By contrast, Walter's view is presented as being about not compromising the quality of his craft, even at the expense of breaking his time commitment. The mediator sighs as he says, "You people had different views." He emphasizes that no one is to blame but notes that their differences have resulted in Greg's wasted business time, and Walter's being out of pocket. There is nodding by both parties on this point. The mediator then asks them, "How are you going to solve this? . . . What are you going to offer the other guy to work this out down the road?"

The questions serve as a precursor for the final phase of the process, which enjoins Greg and Walter to brainstorm possible resolutions—the enjoining is accompanied by the mediator's thinly veiled warning for the participants to take heed of the "risks down the road," including the time and money that will be spent at small claims courts, where a judge's decision will be imposed. He states, "Both you guys are in the same boat," and indicates it is a matter of "communication" to see past their differences and reach an agreement. Greg describes himself as a reasonable and even generous person, given the time his limousine was not in service. He narrates his story using phrases like "Tell me if I am wrong, but . . .," or "To tell the truth . . .," all of which provide rhetorical gestures intimating the truth and reasonableness of his account. He concedes that he is satisfied with Walter's work but cannot overlook his tardiness.

At the mediator's prompting, Walter declares that "I like this guy" but feels he is too "hard-nosed." Ignoring the barb, the mediator compliments him, saying mutual liking and respect are important and wonders if such attitudes might help them to change their assumptions. For example, he asks Walter to consider lowering his price and Greg to consider giving Walter more money. Walter notes that he is "angry" because the amount of time he spent on the project outweighs his quote by far, even though he did "enjoy working on the cabinet." He then notes that time can-

not be equated with the quality of his craft. Greg, too, says he will not move but might consider giving Walter other jobs in future as long as it is financially viable to do so. The mediator keeps mentioning the risk of court (“it is a shame to go to courts”) and offers more direct comments on the disputants’ respective positions. He wonders why they are so recalcitrant, saying “it does not make sense to me.” The amount is small and yet nobody seems prepared to “give an inch.” He invokes a time constraint (“9 minutes left”) and asks what it will be. There is an awkward silence. The mediator implores them to do a “risk analysis” of not settling the dispute, to which Walter responds that going to court might actually be a novel experience and “fun.” At that point the mediator (with noticeable displeasure) brings the mediation to an abrupt close, and compliments both parties for their exemplary and fair treatment of each other.

1. Community Mediation as Confessional

Let us leave the case here to explore community mediation as a form of government that encourages particular kinds of self-formation. Tackling the first of the previously noted analytical questions, the case study may be used to highlight the sociocultural pressures mediation places on disputing “selves.” It shows that community mediation is deployed in a given space (the informal conference room, with seating in particular patterns around a table, with a flip chart, etc.), which will accommodate a process of mediation that is explicitly enunciated by the mediator. As a condition of further participation, disputants must sign an agreement to abide by certain rules; most notably, each is required to offer an account of him or herself within a true discourse that details self-interests, what it would take to settle the dispute, and so on. This account should, moreover, be delivered succinctly and without abusive language, name-calling, etc. The discourse is offered for scrutiny by the mediators’ probing questions and summaries or the challenges of the other disputant. In such a regulatory environment, the mediators are exposed—often by way of direct probing and rephrasing—to disputants’ perceptions of self, self-interest, aspirations, and desired outcomes. As is clear from the case, mediators negotiate discourses of self with the aim of reconciling disputing parties.

These apparently disparate observations situate community mediation as a close relative of an important pastoral technique: confession. Of course, the pattern of mediation (two confessors and two mediators in our case) is somewhat distant from the confession codified in the sacrament of penance by the Latheran Council of 1215 (Foucault 1978:58). Or indeed, mediation’s conference room bears little spatial relation to the ecclesiastical confessional boxes of the 16th century (Tambling 1990:9). However,

like its erstwhile incarnations, community mediation invites (requires) “disputants” to confess to local mediators intimate details of their “transgressions” against community peace. These mediators shape the narratives produced by confession and try to nurture nondisputing self-identities. Phrased thus, community mediation seems to have colonized confession as a way of guiding disputants’ definitions of self (see Miller & Rose 1988; Rose 1990). This is by no means an isolated colonizing practice, and indeed secular confession is a regular feature of our lives: “one confesses one’s crimes, one’s sins, one’s thoughts and desires, one’s illnesses and troubles; one goes about telling, with the greatest precision, whatever is most difficult to tell” (Foucault 1978:59). So commonplace is confession nowadays that we do not even see it as a form of constraint, as an obligation, or even as a power. Rather, we seem fixated on telling all, pouring out the fables that might liberate ourselves from the gnawing suspicion that repressing secrets can lead to events too dark to contemplate. In any case, the desire to participate in mediation implies at least a cathartic willingness to narrate a story of conflict to a delegated third party.

As such, community mediation can be included as a confessional site that constructs a “ritual of discourse” requiring subjects to disclose the truth about themselves around a given set of circumstances. Such rituals of discourse involve declarations made in the presence of

a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile; . . . a ritual in which the expression alone . . . produces intrinsic modifications in the person who articulates it: it exonerates, redeems, and purifies him. (Foucault 1978:61–62)

From this quotation, it is possible to extract three primary ways in which community mediation embraces a confessional ethos that pressures disputants as they refashion themselves in the quest to settle a dispute (see also Hepworth & Turner 1982:6–7).

First, discourses are solicited from participants in the mediation process which requires all parties to declare a version of self apropos a dispute (what it did or did not do, why it followed a course of action, what its interests are, the outcomes it desires, where it is prepared to compromise, etc.). As the case study shows, the declaration must be detailed, and is spoken out after the parties have signed a written agreement to follow the rules of mediation. Selves disclose truths about themselves in a confidential forum where others help to renegotiate interpretations of self-identity. Visions of self are dialogically shaped by others within a domain that encourages—or seeks to neutralize—particular exegeses of self, discourses of dispute, and conceptions of settlement. For example, to focus on one issue, Walter is called

on to account for his actions in the dispute (why he took so long to complete the work) and Greg to explain why he has not paid the account in full. The responses of each help to enunciate specific conceptions of self, or at least annul certain negative definitions. Walter's explanation of difficulties in obtaining wood indicate something beyond his control, negating definitions of, say, a lazy, tardy, self. Likewise, Greg's calculation of paying for all materials and a one-third payment for labor indicate an attempt to define a thoughtful, reasonable self in given sets of circumstances, not, say, a deceptive, or vindictive, self. In each case, definitions of self are narrated, and these come to constitute the building blocks of a negotiated discourse whose aim is to resolve the dispute at hand.

Second, disputants are enticed to confide as fully as possible to delegated local authorities (the mediators). These authorities are more than mere interlocutors; they are leaders of the session and must guide the process of discourse formation with skill and proper training. As the case indicates, the mediators try to extract and fashion particular sorts of confessions by constantly probing for information, rephrasing issues, praising or castigating confessors—all of which are directed at dispute settlement. In the process, mediators reward difficult confessions, acknowledge pent-up emotions, and generally affirm the validity of conceptions of self, especially those that increase the prospects of resolution. So, for example, the co-mediator's praise of Walter's astute depiction of events or Greg's honesty might be read as an affirmation by the co-mediator of two self-identities that are able to agree on the dispute between them—a situation that is promising for later settlement. Similarly, the disputants' mutual liking and respect is emphasized as essential to finding an acceptable resolution. In general, using praise, subtle inflections to indicate unease, probing questions, synopses, and so on, the mediators assert a deliberately understated local authority that "receives" and shapes "confessions" in the direction of dispute settlement.

Finally, as local authorities of mediation, the mediator(s) provide a possible source of exoneration for those who have strayed from a peaceful community life and who voluntarily seek a resolution to conflict. The mediator assumes that conflict is necessarily problematic and thus in need of resolution, but does not blame disputants. They may be in a temporary though unhappy (fallen?) state of conflict, but they can be led back to the fold through mediation's confessional rituals that search for peace. Mediation thus emerges as a form of secular (community?) atonement through which errant self-identities may be re-directed toward peace and harmony (Umbreit 1994; Zehr 1990; Wright & Galaway 1989). The case at hand shows how mediators construe themselves as altruistic facilitators, as helpers rather than as judges. They adopt an affirming, supportive, and caring

role that aims to deploy a climate for agreement. When the mediation seems to be faltering, the role of exonerating local authority is placed in question as participants implicitly refuse the mediators' efforts to resolve the dispute. This serves as a point of some frustration for the mediator, who openly declares that the disputants' recalcitrance "does not make sense to me." And in this situation, he makes various coercive, even desperate ("9 minutes left!"), attempts to fashion a settlement. There is in this plight more than a trace of the self-effacing oblate, the pastoral leader, following a duty to counsel the wayward.

To reiterate the theme of this section, community mediation deploys a regulatory environment that shapes disputants' self-reformation through a version of confession that solicits very particular narratives of self from disputants. These narratives are "confessed" to local mediators who encourage self-interpretations that are perceived to open the way for dispute settlement. In the process, mediators aim to "deliver" disputants from conflict through a process whose techniques enjoin the formation of nondisputing self-identities. As the case at hand indicates, mediators are not always successful, but when they are, selves are reconciled and peace is said to be "restored" to communities. Although cursory and even provisional, the above discussion provides a glimpse of the confessional pressures that mediation exerts on disputants; it offers an opening for a discursive space that fruitfully could be elaborated on in future.

2. Techniques of Self-Formation

Nevertheless, within the sociocultural pressures of mediation's confessional ethos, participants are enticed to conduct "ethical" work on themselves. More concretely, Walter and Greg are encouraged to reflect on their respective selves in relation to the dispute and to consider modifications to their existing self-identities for the sake of resolving the dispute. The case study evinces how mediators solicit and lead the discourses of self through probing and summation, and how they raise questions of self-reformation (i.e., suggesting what visions of self seem necessary to resolve the dispute). But how are we to analyze the process by which Walter and Greg actively work on themselves, within the confines of a mediation, in search of ways to move from disputing to nondisputing selves? In short, how are we to conceptualize the process of self reformation within the confessional limits of mediation? I suggest, very loosely following Foucault (1985:26–28), that four aspects of self-formative processes may be heuristically distinguished in the context of community mediation.¹⁰

¹⁰ Rose (1990:241) offers a slightly different interpretation of this material as does Dean (1994:197-99).

First, mediation helps to clear the ethical groundwork by requiring subjects to clarify what precise aspects of themselves they will separate out for active work (Foucault's "ethical substance"). Second, mediators help disputants to narrate how the above aspects of self are set against norms, principles, interests, underlying assumptions, and so on (i.e., a "mode of subjection"). Third, there are various sorts of tasks that the disputing selves must perform on themselves to modify their disputing self-identities (i.e., the "ethical work" required). This work includes all the various practices of self, the technologies of self-formation, through which selves create particular self-identities (e.g., listening, talking, confessing, negotiating, reflecting, self-examinations, brainstorming). These are the various means by which the "new" self might be "presented," to use Goffman's (1959) parlance. Finally, subjects of mediation seeking settlement are enticed to specify the content of their aspirations to nondisputing self-identities (i.e., the "telos"). That is, what sorts of self-identities should participants aspire toward if they are to achieve dispute settlement?

(Parenthetically, there are two aspects of this telos that ought to be signaled here as they are only implied by the "unsuccessful" case described before. On the one hand, the telos of ethical work is most explicitly addressed by the last stage of mediation, and in "successful" cases a specific agreement outlines what is required from each self to settle the dispute. Such injunctions define for each disputant particular projections of selfhood to which they must aspire in order to settle a given dispute. On the other hand, mediation provides a practical conceptualization of how the self will have to relate to itself to appropriate a style of life, a mode of being, which will avoid future disputes. It is this dimension of the telos that leads advocates to view mediation as an educational process, as a means of imparting a "life skill" to selves, and as a way of avoiding future conflicts.)

Let us here use Foucault's framework to provide a brief look at how the techniques of self-formation are used by each disputant in the case study. Walter provides important clues to his self-identity in the casual manner of his dress and his relaxed disposition. In narrating his story of the dispute, prompted by the mediator, Walter presents himself as a true artisan who sees the quality of his work as central to his very being. He takes pride in his work and knows that he has high standards of quality. Here is the ethical substance, that aspect of Walter's overall self-identity that is deemed to be relevant to the present mediation session. It is his focus on "quality" without a similar concern for the time he spends on projects that is deemed to have contributed to the dispute. Undeterred, Walter expressly subjects himself to a norm of an uncompromising quest for excellence in his craft. He perceives his interest to lie with the preservation of a reputation for superior work and places rather less emphasis on the punctual

delivery of his products. He also seeks recognition from others (not only in monetary terms) for his careful work. As the mediation unfolds, it becomes clear to him that his very definition of self as a producer of quality restoration is rendered problematic. As the mediator makes clear, his underlying “assumptions” must change in order to resolve the dispute. That is, the kind of ethical work he must perform entails modifying his concept of self as uncompromising artisan, and to accept that he is also—as Greg puts it—“merely in business.” The shift would involve a move away from his current identity to one that accepts a role as business contractor. The aspiration of self, the *telos*, placed before Walter is that of compromising his attachment to an existing self-identity as skilled artisan to become more of a “business professional,” all in the interests of settling the dispute. Given his strong commitment to his self-identity, which is repeated throughout the mediation session, Walter is unwilling to accept the aspiration of self on offer or to embark on work required to change his self-identity. Here, he finds the possibility of court action preferable (even holding the promise of “fun”), for it affords him a way of retaining the self-identity that he values.

By contrast, Greg makes bold statements about his self-identity through the manner of his arrival (in a limousine), dress, and reserved, “professional” demeanor. His mediated discourse isolates a particular aspect of self as relevant to the dispute: he is a busy business professional who has to be concerned with “the bottom line,” and this translates into a concern with time (he suggests that if he were not, his clients would “give [him] a kick up the bum”). His ability to operate a profitable business successfully, which affords him certain luxuries, emerges as an important part of his self-identity. The values of time and money and the pursuit of profit are norms that Greg uses to justify himself. He also prides himself on being reasonable, “professional,” and fair in business, as demonstrated by the gesture of paying Walter for the materials and part of his labor. It is these narrations of self that the mediators describe as establishing a gulf between the disputants. In the process the mediators (and Walter) present Greg with implications of what sorts of ethical work he might be required to entertain; namely, that of problematizing the very identity of business professional as “hard-nosed” and unable to appreciate the finer qualities of skilled artisanship. In turn, this implies an alternative *telos* of self as someone prepared to acknowledge that equating time with money, and quality with efficient delivery of service, may not always be appropriate. As it turns out, Greg is unwilling to embark on the proposed ethical work, and emphasizes that his main concern is the time that Walter has taken to complete the job. In the process he underscores an allegiance to his original ethical substance and the mode of

subjection, indicating an unwillingness to accept the ethical work and telos that the mediation process proposes.

These comments are brief and incomplete, but they do imply at least two useful lines of inquiry for further analyses of self-formation in mediation. First, the approach focuses attention on a neglected area of research into community mediation; namely, how self-formation is guided by the pressures of mediation's confessional ethos. On the one hand, this focus permits close readings of the narratives of self constructed and negotiated in mediation sessions. In turn, this lends itself to future research into the relationships between narratives of self-identity within mediation sessions and wider discourses on group identities within given social formations (e.g., identities around gender, class, race, ethnicity, sexuality, age). For example, to what extent do the techniques of self within a given mediation encourage self-identities that tap into wider group identities? On the other hand, the focus on self-formation within community mediation permits a detailed reading of how particular mediation sessions reach settlements and why others do not. For instance, in the above case, it could be argued that the mediator's summation of the second phase isolates visions of disputing selves (the ethical substance) that are too fundamentally held, and too incommensurable, to fashion reconcilable self-identities. Perhaps an alternative summation might have yielded different results (e.g., a focus on Walter's and Greg's clear desires to get along might have been used as the point of commonality to frame an alternative narrative of the dispute). In any case, the suggested approach opens up a different way of understanding the dynamics of given mediation sessions, and could be developed in much more detail.

Second, the focus on techniques of self elaborates on the governmental rationality of community mediation. The framework draws attention to the techniques by which mediation directs itself not only to the disciplinary creation of individuals but also to the formation of particular kinds of self-identities through confessional pressures. That is, if community mediation provides a panoptic disciplinary gaze over individuals, it also pressures active subjective (ethical) work. If successful, the confessional ethos of community mediation creates nondisputing self-identities who take with them a life skill: the ability to "mediate" their own definitions of self within the "community" to avoid conflicts arising in the future. This conception of community mediation invites analyses that situate mediation sessions within wider (neo-liberal) regulatory environments.

For instance, one might examine how community mediation aligns with other forms of (neo-)liberal governance that work in the "community" and seek to shape particular kinds of self-identities (e.g., community psychology, community health, community corrections). Here, in its prevalent search for settlement and

community peace under the guise of voluntarism and individual empowerment, community mediation seems to echo the promise of achieving ordered security by encouraging very particular practices of freedom and voluntarism. In this way, as Rose puts it, “the objectives of ‘liberal’ government can be brought into alignment with the selves of ‘democratic’ citizens” (Rose 1992:147). Yet, the case at hand provides a forceful and sober reminder that the outcome of self-forming practices like mediation is never assured. It reinforces the notion of an open-ended regulatory complex that is in the processes of emerging and shows the constitutive but nonfixed links between “community” and state legal forms. If governmentalized state regulation has the potential to reach far into the aspirations of self, it can do so only by forgoing absolute predictability of outcome. The unpredictability of what may be termed “remote control” (Pavlich 1996) or “governing at a distance” (Miller & Rose 1988) bears directly on the matter at hand, and could profitably be explored in greater depth within the context of understanding the effects of the governmental power of community mediation.

Concluding Reflections

The discussion here has explored the limitations of early debates on community mediation and taken its cues from the “new informalist” focus on power relations. In particular, it has traced community mediation as a form of governmental power whose political rationality involves deploying techniques of discipline and self in an attempt to reconcile disputing individual selves, and so to preserve notions of a peaceful community. In focusing on techniques of self, the article locates community mediation as a type of secular confession that encourages disputants to seek reformed, nondisputing self-identities. As our case has indicated, the bid for resolution is not always successful, even though a battery of techniques may be employed in context. This highlights the point that the governmentalization of the state involves a series of open-ended, and unpredictable, processes; community mediation is thus never a simple expansion of state control. To glimpse community mediation in operation is not to witness the state operating in Orwellian guises over primordial individuals, or, conversely, to see a domain of individual voluntarism devoid of relations to the state. It is rather to view one example of many governmental practices that aim to nurture and create the very entities on which the modern, liberal (and increasingly post-modern, neo-liberal) state has come to rely: the semblance of a fixed, individual self located within a community. In this sense, the (neo-)liberal state is preserved through a series of governmental practices that for centuries have been colonizing our being, the individuals that we are, and the ideal selves to which we

aspire. Our pleasures, our pains, our lives, are “ours” only in a very peculiar sense.

In contrast to early critics, then, the unpredictability of governmental regulation suggests a certain indeterminacy from which it is possible to contemplate an authentically “alternative” politics of disputes. However, and contrary to most community mediation advocates, the search for “empowered” individuals within “communities” is unlikely to offer an alternative to the power relations of existing dispute resolution arenas. So long as community mediation is enlisted in the service of individual dispute settlement, the self-identities it tries to fashion are likely to perpetuate—rather than eradicate—the liberal, governmental power formations that nurture particular conflicts in the first place. Similarly, to the extent that community mediation aims at dispute settlement in the interests of an unspecified “community order,” its orientation will always lean toward “restoration” rather than fundamental change. That the “restoration” of supposed community order might too be implicated in the very constitution and recurrence of particular kinds of disputes remains a tale untold by advocates (e.g. sexual harassment cases). But it is here that one glimpses the sutures that bind the government of community mediation to the power of (neo-)liberal legality, hidden under notions of its being an “alternative” to law. In such circumstances, where the identities of law and its informal “opposite” are mutually constituted, it is difficult to contest Fitzpatrick’s (1992a) argument that current visions of popular (community) justice are “impossible.” It would remove us too far from the previous analysis to suggest that I have provided a comprehensive chart by which to navigate an alternative, popular politics of disputes. What the discussion does suggest, however, is that the quest for “empowered” justice beyond (neo-)liberal patterns of dispute resolution would certainly entail a direct engagement with governmental political rationalities (such as community mediation) that have governmentalized state power. Engagement that transgresses the limits of the present, that glimpses an alternative to current dispute resolution practices, would surely have to redress community mediation’s governmental techniques of discipline and self, as well as its search for a “community order.” As Foucault succinctly puts it:

Maybe the target nowadays is not to discover what we are, but to refuse what we are. We have to imagine and build up what we could be to get rid of this kind of political “double bind,” which is the simultaneous individualization and totalization of modern power structures. (Foucault 1982:216)

Even if an alternative politics of disputes can only ever be entertained from within specific discursive horizons, focused analyses of the political rationalities that shape us can help to locate the limits of our historically enunciated “being.” If anything, the pre-

ceding reflections direct the search for alternatives beyond the power of a community "justice" that tries to shackle our very self-aspirations to the yokes of an intangible but consequential community order.

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