

Comment

EDITORIAL

Death Penalty: Facing the conflict

A debate is upon us. It is the debate over capital punishment. It is a debate that most of us would like to avoid.

Yet the very reasons that make us want to dodge this issue are also the reasons that make it impossible to do so. Unlike most of the issues decided by Parliament, every citizen on the streets has an opinion on whether the death penalty should be reinstated. The opinions are invariably attached to strong feelings, and a conversation about the issue can readily yield awkward pauses and strained relations. It is an issue around which opinion and people are soon become polarized. It is a matter of life and death -- for victims, offenders, and all of us.

It is precisely these qualities that make it most important for the nation to debate the death penalty. This is not a conflict to shy away from, to relegate to the House of Commons, or to relinquish to a vociferous few on either side of the issue.

This debate is of particular importance to those of us with an interest in conflict resolution and community justice. It goes to the core of both the methods and the goals of our work. Those among us who work with conflict resolution tend to say that there is positive value in the expression of conflict. In the process of expressing conflict we have an opportunity to examine ourselves, and to learn from another's point of view. If we practice what we preach in our training workshops, then we should be encouraging discussion on the death penalty within our families, workplaces, classrooms, churches, and civic groups.

The goals of our trade include trying to find ways to respond to conflict and injury that do not perpetuate or exacerbate the suffering. We encounter victimization and we experience within ourselves the visceral demand to get back at the perpetrator. But we are in this business because we then go on to look for ways to heal rather than to blame, to restore rather than to punish.

The debate over reinstating the death penalty is not principally over deterrence or what will make society safe from violence. If society could legislate anything that would eradicate murder, it would have done so long ago. Rather this debate is over how we respond when blood is shed. It is about what kind of society we want to pass on to the next generation. Do we want to sanction through legislation values of retribution and punishment as the proper response to injury, or do we wish to officially reject those values? Can we really teach children on the playground not to avenge a bloodied nose or bruised ego when our laws proclaim the rightness of getting even?

Think on it, talk on it, act on it.

Do certified mediators make a safer society?

by Bob Ruttenberg

Through the 1960's and 1970's, conflict resolution programming expanded, then mushroomed across North America. Demonstration projects explored the potential for conflict resolution at a community level and introduced the concept in various areas. Research examined process, participant satisfaction, outcomes, costs, benefits and effects. Critical reviews discussed the impact of such innovation on the size of the net of social control, opportunities for justice, power imbalance, the rights and needs of the participants in relation to the community as a whole, and debated whether or not conflict resolution programs were just another "flash in the pan" social program that would disappear shortly.

Conflict resolution has stayed on the scene. Many of the innovative, grassroots and community organizations that were designed to return the resolution of conflict to the disputants and to the community, are continuing to provide and enhance such services. Legislation, in jurisdictions throughout North America, has promoted the maintenance and use of conflict resolution procedures. Government initiatives and funding for mediation in certain situations has further stabilized these initiatives.

With the recognition of validity, a new question has emerged. Should Mediators be certified or registered? What are the qualifications for a mediator? What training is needed? Who makes these decisions?

With the continuance of conflict resolution programming, and the recognition given such programs, increasing numbers of disputants seek the opportunity for peaceful reconciliation of disputes. Such disputants deserve that opportunity. They should have access to the help they need and want. They should be ensured that mediators will be capable, responsible and able to facilitate the resolution of their conflict. They should be guaranteed protection from a "shingle-hanging quack," an inexperienced, or even dangerous adventurer into the popular field of conflict resolution.

North American initiatives in conflict resolution have focused on the return of disputes to the disputants and the community: An orientation that states as a first premise that "given the opportunity and the resources, we can resolve our own disputes." Many of these initiatives saw existent forms of addressing disputes as exacerbating the problems, missing the point, or leaving matters unresolved. Professionals in existent systems were often seen as more concerned for their professional interest than the search for dispute resolution, as the ideology and training of the profession (counselling, advocacy, adversarial representation) was contradictory to the methods and goals of the "new" approach to disputes. The professionals were seen as unable to resolve our disputes for us or at us. The new approach would de-mystify, de-professionalize and empower the participants directly.

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But, we are left with the question of who can, if the existent professionals cannot, facilitate the resolution of disputes? Can any person, or any organization, that claims to be able? Such considerations in other fields have led to training, formal certification and professionalization programs. Training opportunities, often including traditional academic experience, have been initiated in many of those fields. Certificates of attendance and/or successful completion of training-hung on the office wall - attempts to testify to the experience and qualification of the practitioner, some of these professions, concerned about the validity and sufficiency of such certifications, have initiated further internal approval systems and processes. Mental health, counselling, and substance abuse professionals in jurisdictions across North America have considered the desirability and the means by which to implement such internal approval systems. Lawyers have a very formal certification system. It is not sufficient to have graduated from an accredited School of Law, the graduate must seek and be granted admission to the particular Bar in order to practice. Psychologists and social workers have similarly addressed, or begun to address, the question of who can call themselves psychologists or social workers. What are the credentials? Who decides? Family Mediation is now asking similar questions.

But, while we have seen that certification processes do "protect" the public on one hand, they do lead to the enhancement and privatization of professionalism that further dis-empowers the community, mystifies the process, removes control from the participants in service and could reproduce the problems which many in the field of conflict resolution have specifically sought to address and resolve.

As we continue this discussion, an understanding and analysis of the emergence of community based dispute resolution ought to guide us. Grass roots and community based programs arise within community and serve the community. They provide a radical alternative to existent service systems. The exploration of traditional approaches that seek to insure responsive and quality service might, therefore, be inappropriate.

The grass roots program belongs to the community -- it is not offered to the community. Policy management and program is responsive directly to the community's interests and is accountable to the community from which the grass roots program has arisen. Perhaps when such programs emerge from and are directly a part of the community served, the community is "certifying" itself through the creation, existence and participatory control of those programs. Perhaps, looking for means to "certify" those who seek to provide service reflects a move away from community control over its own agenda. Perhaps we need to examine innovative ways to insure continued community control over our efforts to seek the effective resolution of our conflicts.

We have a definite responsibility to the people seeking assistance in their effort to resolve disputes and a responsibility to promote such opportunity. We cannot and should not avoid asking the difficult questions and the ensuing dialogue. Perhaps some of the "traditional" ways of answering the question do fit.....perhaps they don't. Your views, comments, concerns and thoughts would help us begin to more clearly articulate the issues. Please think about the issue and let your thoughts be known.

Bob Ruttenberg is Executive Director of the John Howard Society of Saskatchewan.

B.C. VORP LAUNCHES VIDEO PROJECT

By Dave Gustafson

The activity level in the offices of the Victim Offender Reconciliation Program in Langley B.C. has risen significantly in the past week with the addition of four new staff members. This increase was made possible by funding from a Canada Employment and Immigration Job Development Grant.

The main emphasis of the nine month project is promotion and education. A fifteen minute video will be produced for use in presentations to criminal justice personnel, community groups, churches, service clubs. The project staff will also be filming training sessions, upgrading and localizing slide sets, and , possibly, developing some Public Service Announcement spots.

Research completed during the summer of 1986 challenged VORP to better educate and inform the general public about the program and the service it provides. This project is intended to promote and "sell" VORP to the communities of Langley and, if possible, Mission and Abbotsford, where trained volunteers are waiting for referrals of cases to mediate.

Job Development Grants require that all personnel spend a significant portion of their time receiving further training so that, when the program is complete, the participants are more employable than when they began. In addition to specialized training specifically related to their positions, all personnel will be trained in the criminal justice process. They will also all be taught mediation skills with the option of becoming volunteer mediators with the program.

"We still believe that winning an argument, proving you're right, proving someone else is wrong, is sufficient. It's not." (Edward de Bono)
