

Johan Galtung: MEDIATION BY JUDGES AND BY THE POLICE 18-04-2016 Alfaz, Spain:

Better and shorter in Spanish: "Mediación judicial y policial".

Police? The judges have more social status, but the police know better the local situation and possible law-breakers.

What is happening right now, for our eyes, for instance in Vila Real north of Valencia 13-15 April 2016--"II Ibero-American Conference on Police Mediation" is police revolting against the court processes presided over by judges. "We use force to arrest the suspects, deliver them with evidence to the courts, many are found guilty, sentenced to prison, after some time released, presumably born anew--and after some more time we have to rearrest them; old crimes, or new, same people. The theory of individual and general prevention does not work. We must remove the roots, in them and in the local context-causing the crimes. We want to add mediation, prevention, to force and arrest".

So, what happens in prisons? This author has an advantage: I did half a year in a prison in Oslo, connected to conscientious objection to military service; I wanted peace service as alternative service.

The central thesis of my thesis-book about the prison community that it serves prisoners in reducing, eliminating, any sense of guilt. 15 ways of escaping from the reality of crime-guilt-punishment were identified, into a reality they could accept. By far most important was their use of social class: "those up there" commit far worse crimes than they accuse us of doing, but they get off scot free, or at least without doing time in prison.

By and large they are right, but that does not make them innocent but "those up there" guilty--of corruption, of selling permits to the highest bidder, enriching themselves immensely at the cost of "those down there", claiming market legitimacy. Not strange if the latter also claim legitimacy: "We need more theft, more violence so that one day they understand that this rotten society does not work."

Worse than a crime school--for most lower class crimes schooling is not needed--the prison serves to eliminate the idea of crime by reducing the sense of guilt, even shame at being detected, imprisoned. As conscientious objector I did not see myself as criminal; to my surprise neither did most of the other inmates. Many saw themselves as rebels, with a cause, but had serious doubts about me.

Police officers reap the bad harvest and increasingly say Mediation! As part of a general historical process from the criminal and civil courts with blunt dichotomous judgments guilty or innocent, liable or not, toward mediation, identifying and solving problems and conflicts. With such intermediate phases as arbitration and judicial mediation with the judge as mediator. Not a farewell to courts, but softening by adding mediation, going to the roots, nipping in the bud.

What was before the courts? Physical duels, with swords, later pistols, legitimized by the idea of God is on the side of the winner. However, it became clear that swordsmanship also played a role, and made it possible for lower aristocracy though challenge to duel themselves up to the top. The top switched to verbal duels and to "wordsmanship", preserving the role of class with verbal competence. Yes, there are lawyers defending those short on words, but very often of lower quality. And the final word was spoken by masters,

judges.

This is mirrored in law-breaking semantics: different levels of "crime" mainly for the lower classes; "scandal", "tragedy" for those higher up. They are then handed over to the specialists in scandals and tragedies; the journalists and the media. They are exposed, but are rarely doing time in prison; maybe house arrests or softer prisons. Class is strong, and those higher up protect their own.

The special police for economic crimes are not present at board meetings where super-crimes are concocted. But the local police "on the beat" are often there when lower class crimes are in the making.

How can they mediate? By talking with them, identifying what they want, telling very clearly that crime is illegitimate, and then suggesting other ways of meeting legitimate needs with a new reality.

Case 1: Economic crimes, or with economic roots. A dirt poor family not knowing where the meal next day may come from. The son brings in some money through petty thefts, the daughter by selling her body. Sooner or later they are captured, brought to court, or to "homes" to become law-abiding--and the family sinks into more poverty.

New reality: lifting the economic bottom up, guaranteeing the basic needs for food and water, clothes and a roof, health services and education--for dignity, and for participation in the economy as consumers and producers. The police can help organize basic need cooperatives for the poorest in the poorest local communities--with potential and real law-breakers like the boy and the girl mentioned-- with sales points directly to neighbors with some money. A couple of years, dignity is restored, the credit is paid back. Normality.

Case 2: Crimes for a risky, less boring life. They want to beat the police, playing games at the limit or beyond of legality; fame for a day. Others; want to use their bodies in a society designed for the minds of the educated (who can study how to profit from lower class countries and people in the Departments of Economics, as "comparative advantages" and "laws of the market"). Alternatives are badly needed.

New reality: Sports, particularly team sports like football, using the body, taking risks at the limits of the lines, winning and losing, with a second chance next Sunday. Obvious, and much used, also as a way to fame, the media certainly cooperating. Great.

Another way is Politics, Democracy, organizing, with meetings, resolutions, demonstrations, all nonviolent, not using wars, winning and losing, with a second chance in four years or so. Great.

Dear Police Officers, please go ahead--with this., and much more.