

mental health

or social control?

The following is reprinted from the University of Lethbridge newspaper, *The Meliorist*, which has launched a protest movement against Bill 83, the Mental Health Act. The bill is scheduled for third reading at the fall session of the Legislative Assembly.

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" 'Mental disorder' means lack of reason or lack of control of behaviour." (MHA:1)

This is the definition of mental illness proposed by an Alberta Act that is intended to "...safeguard the rights of the individual, society and those working in the field of mental health. . ." (MHA:1). A careful reading of this Act would suggest, however, that social control is its primary purpose, rather than the ostensible implementation of the Blair Report and improvement of mental health care services.

But what ARE the criteria that will indicate "lack of reason or lack of control of behaviour"? The Act obviously assumes that some valid and reliable criteria exist in order to label people as "mentally disordered"--with all the attendant consequences, the stigma of the label "mental illness" carries with it.

In this regard the Blair Report, among others, states that:

Numerous studies can be quoted which reach one conclusion, that the clinical judgment of the psychiatrist, psychologist, or both, regardless of experience, is unreliable and achieves a validity of slightly more than chance. It is also clear that the diagnostician is frustrated in his task by labels, which lack common meaning and usefulness, testing instruments which are seriously inadequate, and research evidence which is rendered undependable by the continued neglect of experimental controls. (Blair Report: 293)

This is not particularly encouraging conclusion, especially considering the breadth of behaviour the Act's definition of mental illness could cover. Nor is it particularly encouraging that throughout the Act the "opinion of" the therapist or Peace Officer is sufficient for the label to be applied and a "conveyance and examination certificate" issued detaining the person for a minimum of 12 hours in some "facility."

The Act also distinguishes between informal and formal patients. The latter is defined as "...a person admitted to and detained in a facility pursuant to admission certificates or detained in a facility pursuant to renewal certificates." (MHA:1) (Notice that once the first 12 hour detention period has passed, a second set of admission certificates may be issued detaining a person for a period of one month.)

An informal patient may discharge himself from a facility or admit himself "...to a facility as an informal patient in accordance with the rules of the facility." (MHA:5) What the rules are is not made clear. It is evident however, that, while an informal patient has the right to discharge himself, it is a right that can be superceded by two therapists who are "...of the opinion that the informal patient

(a) is suffering from mental disorder,

(b) is in a condition presenting a danger to himself or others, and

(c) is unsuitable for continuation of the facility as an informal patient." (MHA:5)

It should be pointed out that the issuance of a conveyance and admission certificate appears to function as the vehicle for defining and labelling a person as mentally ill and/or a danger to himself or others. It certainly provides the authority for such a labelling process (see sections 13, 14, 15, 16).

Such a certificate is issued under the circumstances discussed above-- (Notice that it is not clear just what "in the opinion" of therapists

is regarded as mental disorder, nor what conditions or behaviours are considered dangerous to the person or to others, not if this latter condition is mental illness. It would appear to be functionally equivalent--as are the following conditions for the issuance of certificates)-- and under the following circumstances:

21.(1) Where information upon oath is brought before a provincial judge that a person

(a) is suffering from mental disorder

(b) is in a condition presenting a danger to himself or others, and

(c) refuses to be examined by a therapist,

the judge may, if he is satisfied that

(c) the person should be examined in the interests of his own safety or the safety of others, and

(e) an examination can be arranged in no other way, issue an order to apprehend that person for an examination.

(2) An order under this section may be directed to all or any Peace Officers and shall name or otherwise describe the person with respect to whom the order has been made.

(3) Where a peace officer apprehends a person pursuant to an order under this section, the person shall be deemed to be a person in respect of whom a conveyance and examination certificate has been issued.

22. (1) Where a peace officer observes a person

(a) apparently suffering from a mental disorder,

(b) in a condition presenting a danger to himself or others, and

(c) acting in a manner that in a normal person would be disorderly, the peace officer may, if he is satisfied that

(d) the person should be examined in the interest of his own safety or the safety of others, and

(e) the circumstances are such that to proceed under Section 21 would be dangerous,

convey the person to a facility for an examination.

(2) A person conveyed to a facility pursuant to subsection (1) shall be deemed to be a person in respect of whom a conveyance and examination certificate has been issued." (MHA:8-9)

In short, the issuance of a conveyance and examination certificate and detention in a "facility" for twelve hours is equivalent to being

1. "in the opinion of" two therapists...no matter how unreliable or invalid those opinions...suffering from a mental disorder and/or
2. being in a condition dangerous to himself or others and/or

3. acting disorderly and/or

4. refusing to be examined by a therapist.

Notice that conditions 2, 3 and 4 are functionally equivalent to being mentally ill.

Treatment or Social Control?

Within the definition of Bill 83, might a public protest or demonstration be considered nonrational behaviour? Is the public, "disorderly" (at least so perceived) conduct of a native person to be considered sufficient grounds for incarceration as a mentally incompetent person who is a "danger to himself or others"? Is refusal to be examined by a psychiatrist sufficient grounds to detain a person twelve hours without counsel? Need such a refusal be considered a lack of reason, i.e. mental illness? Who are "normal" persons? How are we to define differences of behaviour that are a result of different cultural norms?

point

political payoff

Robert Clark's charges (see story Page 3) should come as little surprise to those who followed the controversy at Grant MacEwan Community College. Not only were there complaints of "political manipulation" in the reluctant appointment of Barry Moore as chairman of the Board of Governors, there was specific mention of the appointment of F.T. Jenner as chairman to our Board of Governors.

Jenner, a member of the university senate from September of 1966 until June of 1971, was appointed during September to succeed John Bradley as chairman of the Board of Governors, a body which has final say on all financial matters at the university and which makes many of its decisions behind closed doors safe from the critical eye of the public and the press. What the official press releases don't tell you is that Jenner's son is the executive assistant to Jim Foster, the Conservative minister responsible for appointments.

I'm not suggesting that the "sins" of the son should be visited on the father. Indeed, I know nothing about Jenner's ability as an administrator nor about his record of service on the senate.

But I am suggesting that Foster is not very clever if he thinks that such a blatantly political appointment-- such an open attempt to keep a position of influence "in the family" would go unnoticed and uncriticized.

We must ask that Foster reconsider this decision as he did the one at Grant MacEwan. We should insist that government appointments at the University be made on the basis of merit rather than on political persuasion.

Write him a letter telling him that we need someone whose first commitments are to the University and not to the government.

Better yet, COME TO THE MEETING OF THE BOARD THIS FRIDAY AT 9A.M. There's only room for three members of the public in the room where the meeting is being held, but we can make our presence felt even if we stay in the lobby.

Candace Savage

Counsel for Council

As this is being written, Students' Council has not even met, has not gone into closed session, and has not voted on whether or not Gerald Riskin will continue to have their confidence.

If I could talk to them now, I would counsel that they think very carefully about the implications their move will have for the future of the Students' Union, and for their own integrity.

Last year the SU was forced to cut back on a number of popular programmes and services because of the money squeeze; this year, with enrollments declining, the situation is not likely to be better.

Even to maintain the present level of services, Council may be forced to go to students for a fee increase, and if they do, we students are going to ask some probing questions about how our money this year has been spent.

We're going to look at the money spent on executive assistants, on gold embossed stationery, on personality posters, on finding parking spaces for law students; at all of the frivolities of office which Riskin has indulged himself in, despite the budgetary problems of the student union.

We're going to look at the mounds of Riskin's press Releases about such trivialities as the Famous Players "Boycott," and his objection to Bobby Hull's exclusion from Team Canada, and we're going to ask where he was at the last GFC meeting, why he wasn't there representing us at the latest meeting of the University Health Service Committee.

We're going to ask, as one student has done in today's letters (see this page), why members of the executives aren't allowed to do the jobs that they're constitutionally responsible for without interference from the office of "The President".

The questions we ask will challenge the future of the Students' union, the one voice undergraduate students have on this campus to voice their concerns collectively. Students are going to say "why should I pay \$3 extra next year for some budding bureaucrat to get his kicks?" or perhaps we'll ask more profound questions, and say "why should I pay SU fees at all?"

I would also tell members of the council that unless they dissociate themselves from these actions, if they do not take steps to insure that they are not repeated, we will hold them as responsible as we do Riskin for the consequent loss of confidence in the Students' Union to represent us responsibly.

Terri Jackson

Letters to the editor on any topic are welcome, but they must be signed. Keep them short (about 200 words) unless you wish to make a complex argument. Letters should not exceed 800 words.

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