

Exploring the Nature of Abuse in Human Service Settings

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This paper argues that abuse cannot be stopped, that it is a human characteristic. However there is always a way to reduce abusive behaviour. This paper is designed as a prelude to training based on its content.

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Preface

Justice Action Group was set up in 1994 in response to a perceived need that intellectually disabled people were being unfairly treated in the criminal legal system. Over the years since then our role has expanded to one where we:

- Support intellectually disabled people when they come into contact with the legal system as offenders and sometimes as victims, though the latter is a rare occurrence because people with intellectual disability are not considered to be good witnesses and abuse is often concealed by those not wishing it to be addressed in the mainstream systems if at all
- Provide support in residential service settings
- Support family members and concerned people involved in the lives of people in situations of risk, as above
- Become involved in service provision to the degree that we provide an independent viewpoint, usually through team meetings
- Advocate on behalf of people who are at risk of being put into situations, either residential or custodial, that we believe are not in their best interests
- Advocate for people when they have been the subject of ill-treatment and address the issues at individual, family, service, legal and governmental levels
- Make submissions to government, and to advocate on behalf, to address the needs for appropriate legal, and professional services
- Formulate individual plans that seek to address issues, needs and life-giving processes and valued roles for people with intellectual disability

Abuse Prologue

There are many definitions of abuse. Some definitions consider neglect an abuse while others do not. This paper asserts that anything that has an intended negative impact upon other peoples lives caused by the abuse of 'power over' other people is abusive. Therefore neglect becomes abusive when it is intentional, though in this definition self-neglect which in some quarters is

considered abusive, would not be so defined. However self-harm, when caused by those who have power over, even though the victim commits the act, is abuse.

The purpose of this paper

This paper seeks to describe what abuse is, discuss the human condition in relation to abuse, or as it perhaps should be described as 'the abuse of power over'. It examines why abuse occurs, who is most vulnerable to abuse and the effect abuse has on those abused and on the abusers.

The paper will briefly outline the difficulties in overcoming 'the abuse of power over'. Finally the paper maintains that there is only one way to deal with this problem effectively, which is, through the personal actions of witnesses.

Excerpts from a few of the cases of abuse with which the writers have had first-hand knowledge are examined. The victims are intellectually disabled. The perpetrators had, and in many cases continue to have power over them.

If it is accepted that 'abuse' is really an abbreviation of the term 'the abuse of power over' and that the things we do to others are only the manifestations of our abuse of power, then we are faced with the knowledge that this must be a normal human pursuit. It happens every day and is perpetrated by vast numbers of people. However it is only at the serious end of the spectrum that it becomes unlawful. By seeing only the unlawful portion we are confused into thinking that we can legislate and educate abuse out of existence. Accepting that there is a whole range of activities which constitute some level of abusiveness we can then see that this is not so and can stop wasting time and resources on fruitless activities.

People have throughout history abused their power over the less powerful. A history of the devaluation of vulnerable people supports the view that the future will be filled with more of the same. Nothing has changed except that the perpetrators may now be more devious in getting around the various legislative prohibitions. In fact there is legislation that tends to increase the likelihood of abuse occurring.

Introduction

Abuse, in all its forms, can be viewed either as a stand-alone aberrant behaviour attributed to a small percentage of the human population or it can be viewed as an inherent trait of humans generally. Wolfensberger (1998) asserts that "social devaluation is a universal "p 5. That we devalue difference and value sameness or those things we perceive as normal.

Abuse can also be viewed as one level of human manipulation, or, how we make our environment friendly for ourselves. Railing against abuse, in all its forms, perpetrated against the people with intellectual disabilities might make us feel pretty good, since it might be seen that we are at least doing something, and some people might think, 'yeah give it to 'em'. However such a stance is of little real value since that would be identifying the problem as something that can be

fixed when in fact it can't. Identifying abuse as an aberration of human behaviour rather than what it really is.

Abuse is a natural, normal human pursuit, though not necessarily laudable. It cannot be eradicated like a pestilence. The many faces of abuse are the offspring of the abuse of 'power over'. It is a mistake to believe that people are inherently good, honest or courageous. There is no evidence to show that this is the case. There are examples of goodness, honesty and courage being displayed and on a great number of occasions, but it tends to be a transient thing. There are far more occasions when so-called good people do nothing when faced with the actions of abusers and other wrongdoers.

People like to have control over their environment and over the circumstances of their lives. One major way to achieve this is through the manipulation of the environment and/or the people who fill that environment. Manipulation may be used in an extraordinarily diverse number of ways to bring about a desired effect. It can be almost invisible, such as a look. Or it can be a lack of options or preference given to those with the power to control. Or, it can be blatant, such as no choice or autonomy over where a person lives or with whom, what they eat, what they do daily, what roles they have to comply with. Manipulation is, or can be seen as loving, e.g. controlling the actions of others for their own safety when it may be our fears that are the impetus for our apparent concern for another's welfare. Other forms may be viewed as devious, aggressive, paternalistic, and often violent.

If viewed as the control of the environment and the circumstances of a person's life then abuse by staff in service settings may be acknowledged as just another way of achieving that desired effect. Such a theory would close out the option that abuse is caused only by deviant people, the bad ones, and make it obvious that we can all be abusers. The abuse of vulnerable people occurs to make our lives more comfortable for us. This is not to suggest it is in any way ever acceptable or the right thing to do, merely that it is human nature.

Abusers per se appear to be drawn to areas of work where vulnerable people exist. Another view on this could be that people tend to abuse vulnerable people if the opportunity arises. However with few exceptions, most people working with vulnerable or dis-empowered people, in certain circumstances, will resort to abusing those vulnerable people. This claim may bring about a reaction from those working in the field of disability even howls of anguish that such a thought could surface. Nevertheless if we look at the idea that abuse is simply the offspring of our desire to make our work environment more comfortable then many activities may be seen as abusive even if they are not overtly negative.

One such example might be displaying a 'shopfront'¹ of amiability towards ones charges but with the hidden message that one can change if this approach doesn't work for the staff person. Another is the easy control of one's charges

¹ Ormsby-Green, D. (2003) Strata Quest Paper, *Shopfronts*.

after an initial display of violent or obvious 'power over' has convinced them that their responding to 'niceness' is the better option. Even the purchase of a disabled person's compliance through gifts or the promise of good things is a manipulation that can easily turn to obvious and open abuse.

For example what happens when good people have tried the good things that do not have the desired effect and there is nothing left in the nice armoury? Do they then go to the not nice armoury to find something that might work or throw in the towel, i.e. quit, and leave it to others to deal with?

The point being made here is clear. Abuse is not an aberrant but a normal human behaviour. All can become abusers. This includes the organisation, its management, staff and the people within a service, and in some cases family members can be coerced into supporting abusive behaviour. Abuse springs from a desire to keep control of one's environment, which is a common enough desire for most people. It is trying to live within one's comfort zone.

Protecting the vulnerable in services

Laws, policies and guidelines do not change the basic nature of people. Society cannot educate people out of being abusive, nor can it stamp it out through legislation and TV advertising.

Organisations cover up abuse when it is reported, almost always for the protection of the organisation. Not from ethical considerations but for utilitarian reasons. Those reasons include, the good name of the organisation, the charity dollar they depend on, the protection of their relationship with the community and other agencies and many more. People see abuse happen and often do nothing about it.

Government agencies, and ministries, are often hamstrung in their dealings with reported abuse within organisations they fund because of their involvement with those organisations. Indeed some legislation passed by government enhances the likelihood of abuse taking place, e.g. compulsory care legislation for disabled people, the Protection of Personal and Property Rights Act 1988 and the proposal put forward by the NZ Law Commission in its Report 80 to insert a section relating to compulsion in the Protection of Personal and Property Rights Act 1988.

Language of human services is also used to cover up or justify the use of abusive behaviour towards vulnerable people. Terms such as therapeutic, best interests, least restrictive may cover up torture, electric shock, and physical restraints. The use of language is so pervasive that people are unable to see past the use of it to what is really happening. Further if the action can be defined in terms of following procedures and guidelines then it becomes not only acceptable but also expected.

In the human service areas where we work, or live, or our children or family member lives there is an automatic and inevitable imbalance of power. Where the resident of the service is mentally incapacitated the imbalance and therefore the vulnerability is greater.

The ineffectiveness of state and other organisational options

In the disability sector the difficulties, which usually accompany the 'abuse of power over others', are greatly exacerbated by other factors. The extreme vulnerability of having a disability that makes a person dependent on others. Their status in society is not valued. They have little opportunity to address the oppressive practices to which they are subject. Cover-up, denial, justification, and plausible excuses are often used by agencies involved to protect their funding stream, their good name, and the jobs of senior management who might otherwise be expected to fall on their swords if abuse is made public.

Government ministries and agencies have the problems associated with being the major funder of services and not wanting to look like they are backing a service that condones abuse. Additionally there is the problem of not having enough service providers and resources to give government alternative options of service, a problem created by government. It is often the ministries, and other government agencies, which have provided the policies and guidelines that the service providers must follow to ensure safety for the clients of the service. Abuse demonstrates clearly that those safety measures do not work. Though money will not cause abuse to disappear, funding appropriate training will help.

The abuse that we hear about in the media is merely the nasty tip of the iceberg and the manifestation of the 'abuse of power over' others. In that case it becomes clear that this is not a manageable problem since it reflects a characteristic of humans. If such is the case then to agree with the belief that we can alter the characteristics of human beings by legislation and/or education or through the expenditure of resources is self-delusion on a mass scale orchestrated by professionals who have yet to achieve such a thing.

Accepting that abuse is a natural activity, even if a sad reflection on human beings in general, is liberating as it allows us to consider other options and discard old and unhelpful belief systems. It allows us to accept options such as people may be abusive because they simply enjoy being that way or may become abusive in situations of high stress. There are many reasons for abusing one's power over other people, all of which reinforce the idea that the basic impetus is the control of one's environment and life.

Agency and professional language

Human services and the professionals who attend upon them and depend upon them for their livelihoods, and status, use language and terminology that is not usually understood outside of the narrow confines in which it is used. Even agencies that have casual links with human service agencies have to re-educate themselves to the language used. Such language may be used to hide abuse

and abusive practices. Therefore it is necessary to keep the language plain because for every situation outlined human service agencies will provide indecipherable language and viewpoints on incidents that have the effect of creating confusion, incomprehension, doubt and a sense of inferiority in the lay persons mind.

For example what would constitute an assault on ordinary citizens is termed, 'restraint procedure', when applied to human service clients. Such terminology will also be brought into play when the "restraint" is used to force people to do something or for the purpose of frightening them.

Being shut away from other human beings, sometimes for days on end, may be termed, 'time-out' or 'seclusion'. It is detention and it is punishment. Yet it is justified as 'therapy'. Human services will always provide a rationale for the actions of their staff backed up by extensive research that acts to blur the line between what is ethically right and what is ethically wrong.

The stories we relate here are those we know about, some are a few years old. Some are very recent. There are stories happening right now that we know of but which are not included. What these stories tell us is that the abuse of 'power over' goes on. It takes many forms, and, usually only the very worst cases that become public knowledge are considered worth dealing with by external agencies. And usually at the end of long drawn out investigations nothing changes for the person abused. Presumably deep down we all know it is just one of the things that humans do and we know that there really is very little we can do to prevent it, even if we wanted to.

Stories

She was a young woman when she married a man twice her age. She has an intellectual disability he did not. They were married three years before she gave birth to a baby boy. The birth precipitated some activities by the state and other people in powerful positions. They included the baby being taken from the mother at two days old. The marriage was annulled. The husband, now the dead ex-husband was jailed for 2 years for having sex with his wife, though it was called 'having sex with a severely subnormal woman'. The woman was taken from her mothers home where she had lived all her life and her mother has not been allowed to see her for 14 years.

In this case the judiciary, the law and a human service agency played a direct role. Our inquiries were met by the, "ah but you don't know the whole story and we can't tell you" line, and we were expected to believe it.

We have been involved in this matter for 12 years and have carried out research and investigation. Our enquiries show us that a terrible injustice has been perpetrated by the state and its agencies. Our activities included pushing for an appeal in the High Court, which failed. We also made contact with the one lawyer who could have shed light on the underhanded behaviour of other lawyers

involved but he would not speak out. He told us the person was dead and he wanted nothing to do with us.

Another story pertains to a young man who had been in human service care for some years. He is autistic, quite severely so, though he is able to speak. In the last year or so he has been in a service that started by supporting him quite well. He had come to them via a mental hospital, in which he stayed only very briefly, a few days. For reasons unspecified his behaviour at the previous residential service agency deteriorated very quickly, though there had been many problems prior to this one, and not knowing what to do the agency called the police.

The new service agency set up a residential placement for him quickly and he was moved there within days. At first, though his behaviour was quite severe, success slowly occurred. His problematic behaviours lessened, he became more sociable. This took some months to accomplish. However, it seems from information provided by some staff working at the residence that with improvements came less intensive support and commitment to the plan.

Another problem which arose and which always seems to arise is that the service co-ordination agency, working within tight budgetary constraints began to look at ways of lessening the cost of support to the young man. The usual first step is to 'integrate' the person being supported. This is a good place to look at the language. In the case of integration or reintegration this becomes a euphemism for the lowering of the costs of support by putting them in with other clients of the service.

Integration or reintegration is not by itself a bad thing but, because it is based on financial concerns, it is often not the best thing to do either. Because of the cost implication, the integration is done without taking the necessary precautionary steps, eg, checking that all of the people are compatible, something that may take weeks or months to establish accurately. The language used is to obscure the real meaning behind the action.

In this case the young man was moved to another residential site, which had other residents. At first his behaviour continued to improve and did so, so we heard, at a faster rate. Then his behaviour and his health began to deteriorate rapidly. Since improvement doesn't necessarily require innovative thinking but simply for staff to go along with it the service and the co-ordination service were not prepared for the rapid deterioration. The result was predictable. Shutdown; remove stimulation. New words for old actions: time out, seclusion. And, when that doesn't work, drugs and abuse, used in the language of restraint, medication and therapy. And, when that doesn't work place the blame elsewhere.

In this case abuse had already happened and was reported to the writers. A preliminary investigation raised serious concerns for the writers and for some others involved. The residential agency went straight into a self-justification/defence mode by attacking the allegations and those involved in the allegations. They attacked the credibility of the informant, the credibility of the investigator

and of everyone who supported the need for a proper, full investigation, which in fact never occurred. Needless to say, in the muddied waters caused, nothing was resolved. The wounds remain unhealed, though one staff person was officially warned, but as is usual it was the lowest level of warning. What the residential agency did was to accept what could be conclusively proved and nothing else. There was no intention on their part to improve. Nothing was changed though the agency had offered change.

During the period of time, almost a year, since the downturn in the young mans behaviour he had very rarely moved outside of his room. This had become so embarrassing for the residential service agency, that they built what is in effect a solid wooden exercise yard open to the sky. It is the size of a large room.

The agency, under pressure to do something, due to the obvious nature of the young mans incarceration on a permanent basis then came up with new language to cover an old problem, language used to obfuscate the truth. Being accused of not allowing the young man out of his room by locking the doors the manager described the young mans incarceration as 'self exile' and argued that the young man locked his own doors from the inside. Not an easily disprovable fact when only residential staff are on site. Yet, when questioned about why the new exercise area was solid wood without windows or gaps the answer given was that the young man would be able to get sufficient purchase to be able to climb over the wooden wall if there were gaps.

Legislation

Legislation already in force provides for the incarceration of disabled people but calls it 'care', 'rehabilitation' and 'therapy'. Other legislation claims to protect the personal rights of disabled people, i.e. Protection of Personal and Property Rights Act 1988. Yet it takes away their rights and puts them into the hands of other people, who do not necessarily act in the best interests of the person they are appointed to protect. In some cases their guardians are working to a personal agenda that may well be hostile to the disabled person interests.

Solitary confinement, mechanical, physical and chemical restraints are all termed 'therapy' and are only carried out 'in the best interests of the person subjected to them'. These are the legal options to be used upon service recipients held under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003. Their lives are totally controlled by others and in many cases the level of interesting activity or rehabilitation provided is nil. This is all legal. However there is also the illegal, assaults, verbal threats and control that occurs frequently enough to illustrate that it is a normal human activity.

Technology versus Morality

As far as we know human beings are the most technologically advanced creatures on this planet. We are inventive, and in the art of killing, we are amazingly inventive. Though it is often said that human beings are evolving,

becoming less bestial, there is a saying that is perhaps apposite in relation to humans. It is that you can take the teeth and the claws off the tiger but not the beast that lurks within.

It should be noted that many of today's technological aids and implements are derived from items designed for warfare. We are always developing newer ways of destroying other people, and now we are able to destroy all living creatures on this planet. This ought to give us a clue to the nature of humans.

The great drawback to this technological magnificence is that our morality has not advanced in keeping with the size of the danger. There is no conclusive evidence to show that humans have advanced as a species along the moral continuum one step to 'more moral'. There have been great moral teachers throughout recorded history. However these have not in general made an obviously great 'moral' impact on human behaviour. It may be said that the teachings of the great moralists have often been corrupted and subverted to the dark side of our nature.

Though we do not communicate with other highly evolved creatures on our planet it is quite possible to argue that we might be deemed less moral than some others. Naturally, in our pride, we would dispute this on the basis, not of our moral behaviour, but on our technological brilliance. If we are forced to inspect the morality of our behaviour, we invariably resort to justification based on assumptions that we are the dominant species and that needs must direct our behaviour because we are more important than others. That the ends justify the means.

An argument may be made that our technological strides make us less moral by necessity. This may seem paradoxical, a contradiction, especially in the light of the obvious need for an advance in moral behaviour in proportion to our technological development. One possible reason for the idea that less morality accompanies greater technological innovation in death-making² is the perceived 'trade-off' that is required to promote technological advances.

With medical technology we are able to save the lives of babies that previously we could not. This gives us the power of life or death over others where previously it did not exist. The same situation arises with accident victims. The same goes for elderly people or sick people who may be maintained in life with the expenditure of enormous resources. The decision on whether to use those resources for that purpose becomes a matter of choice for those wielding the power. We have seen some of the decisions they make on the basis of scarcity.

In tandem with this technology are modern theories that morality itself is a relative thing to be applied differently in different cases by those who have the power to do so. It is easy to see how these may negatively affect the lives of disabled people. The modern world has staked its future on the basis that technology will solve all its problems, including overcoming death, and accepted

² See bibliography

the tandem belief that human beings are, by and large, good people and getting better, though without any evidence to support such a belief.

On the basis that technology will solve all mankind's problems the human service worker has turned to technical ways of fixing disabled people. When technical ways of fixing fail, which is common, the disabled or others get blamed. Using the argument that people are getting better means that 'carers' cannot be seen to be anything less than 'good' but with the occasional 'bad egg'. On this basis human service agencies cover up negative activities of staff unless they are bereft of other options. Additionally, because we are getting better we cannot admit to the many bad things that get done to people in 'care' and we see a language has been invented that covers up negative action with positive language.

Tradeoffs and buy-ins

With the total buy in of human service agencies in New Zealand into the technological approach to fixing people, any failure of the programme has to be seen as the fault of anyone or anything else but the technology. This fault-finding is demonstrably false by the absurdity of the claims of fault. Examples are boundless but include:

- the actions of family;
- the actions of advocates and other support people external to the organisation;
- staff misunderstandings or deliberate sabotage of the programme;
- actions of the disabled people themselves;
- any other option not directly attributable to the organization or the technology.

All of the above are commonly used. The human service agencies cannot lay the responsibility at the door of the technological programme or else the whole edifice upon which their beliefs and practices are based crumbles.

However, not only do the human service agencies hold beliefs about technology, they require all others with which they are associated to buy into the same belief system. Obviously those employed directly by the agencies are required to believe or at least to pretend they believe, and to this end training in the philosophy of the technology and in the practical applications of it is given e.g. drugs and restraint. Often, through ignorance employees buy into the belief systems even when they are shown not to work for the benefit of the recipient. In this case staff buy the justifiers that someone or something is sabotaging the programme.

For those who discover that the technology doesn't work two common results occur. One is that the person becomes a vagrant, so to speak, going from agency to agency looking for the one that does work. They fail to realise that no systems based solely upon the technological faith work. The other people realise this is so and simply work their shifts but lose any commitment or enthusiasm

and empathy they may have initially brought to their work. A few rare individuals understand the reality, but driven by a higher ethic, continue to commit to devalued people.

Human service agencies also require the buy in of family members, especially parents, and other important people in the lives of the disabled client. Agency's go so far as to set up parent groups and then to assert that the agency is parent driven. Or they set up client groups and assert that the agency is client driven. This is a useful ploy since it removes the onus for success of the programme from the agency and places it either totally or in large part on the parent or client group. Parents and clients often buy into this belief that they actually have some leverage within the agency. This is seldom true, but parents and clients of the agencies like to think that their lives are not totally controlled by services. This is a service tactic, a token offering. It is rarely more than this unless the fundamental philosophy of the agency allows for the true sharing of insight.

Any leverage that might come from a parent or client group is easily negated by the agency on the basis of agency operating requirements, financial constraints, or as is common in New Zealand, Ministry of Health directives and/or criteria for funding. If family buy in can be obtained for this as well, then service failure, which is the norm, loses any importance for the agency since there is instant agreement that something other than the service is responsible for that failure. This is an interesting concept as it applies only to service type organizations. It would be like having a building firm build something for oneself and then when the building falls over the builders explains all the reasons why it happened without accepting that the problem remains with the builder. For a person paying for a building no excuse, reasonable or not, removes the onus on the builder. The builder would simply have to rebuild or fix the problem.

Forced Compliance

From our observations of the way behaviour management is practised forced compliance is the backstop of the service provider agencies. For example just recently (January 2005) two events occurred in a secure unit. Both incidents relate to the same client. In the first occurrence the client was making a lot of noise at night. Two staff went into the seclusion room, and one of them punched him in the face causing a blood nose. They told him to be quiet. This matter was investigated. The result was a whitewash. We have a copy of that report. In the second incident the same client was acting out in the unit, but then went to his own room where he quietened down, apparently of his own volition. Staff went in and 'restrained' him. Restrained him from what? Being quiet. It was punishment. Two show him who was in charge. They took him to a seclusion room.

More recently a young man in a service in Auckland hit a staff person, then went to his room. Ten minutes later that man left his room and went into the lounge. As he walked across the lounge the staff person who he had assaulted attacked him from behind with the help of another staff person and then restrained him.

Holding him down, with his arm forced up his back the staff person called out numerous times, "don't do that again".

A response to abuse

Abuse is not a random act; it is a method of manipulation to gain or keep control over a person and/or a situation. The worst thing about abuse is that it works, very well. It usually has the desired effect. Not only this but with continued use the actual abusive act, e.g. assault, can be eliminated and the threat of it used to maintain control. One raised eyebrow is all it takes. This is still abuse it just doesn't look like it.

There are two types of abuse. One is legal the other is not. The state mandates abuse by certain caregivers to enforce compliance. It is no more ethical than the unlawful abuse. There is sometimes confusion for caregivers who on occasion are mandated to use force with times that they are not. Certain types of abuse, physical restraint for example which is mandated for caregivers and others which turns into an assault, where other abuse e.g. sexual assault is not. The state is moving to increase the level of legal abuse. Every time that legislation is passed in relation to disabled people's care the opportunity for further abuse is created.

What is the answer to abuse?

In the modern world all everyone wants is the answer. There are no easy answers to abuse otherwise the problem would have been solved long ago. All we can do is try not to be the perpetrators of abuse and that's not easy. Abuse is a very effective tool and requires no training. It comes naturally.

How do we help service workers maintain an ethical stance in the face of attack by abusers particularly when the service provider may be acting abusively towards the person in care but in a different way. Examples of abuse on the part of a service provider agency would be placing the person in an inappropriate residence; acting on instructions from higher authority even when it is known that the instructions will create an abusive situation. In both these examples there are many excuses that can be made why it had to be done. That does not excuse the abuse.

Earlier self-improvement was mentioned. As noted many times there are no easy answers to the problem of abuse. But, all the answers lie within us. A few examples might include:

- learning to understand the nature, the spread of abusive behaviours.
- learning to recognize abusive behaviours in others and then in ourselves.
- learning procedures so that we do not become involved in setting up situations that will lead to abuse.

- recognizing that abusive behaviours are not all the same in terms of damage that will be caused and so acting to minimize any abuse.

Can it be stopped? Can abuse be reduced?

This paper has argued that abuse cannot be stopped, that it is a human characteristic. However there is always a way to reduce abusive behaviour. This paper is designed as a prelude to training based on its content.

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