CRITICAL DISCOURSE FOR SOCIAL INTEGRATION OF CHILDREN WITH DISABILITIES WITHIN THE CONTEXT OF HUMAN RIGHTS

Elvyra Acienė Rita Vaičekauskaitė Klaipėda University Lithuania

Abstract

The process of social integration of the people with disabilities has already been implemented for two decades in Lithuania. However, Ruškus and Mažeikis (2007) note, that only critical analysis of ideas of social integration of the people with disabilities helps to determine whether the situation of the people with disabilities in nowadays Lithuania is changing essentially or merely formally. While analyzing the educational system in Lithuania little attention is paid to the change of the system in the perspective of human rights. From the point of view of Oliver (1996), talking about the social integration of the people with disabilities first of all means talking about human rights. Rix and co-authors (2010) note that human rights being universal are inseparable reference to social integration. The authors mentioned above reveal that talking about human rights has an emancipating power for the groups of society that undergo social exclusion. The education system often creates limitations for social integration of the people with disabilities, indicating the limited opportunities of the children with disabilities to achieve academic success. Human rights are the system of values and ideas, which refers to the desire to eliminate conflicts and reconcile opposites. Speaking about human rights is very important, because the idea of social integration of the people with disabilities in Western Europe and the USA began with the human rights movement in the middle of the 20th century. Ife (2001) prompts people of various professions and social statuses to discuss human rights actively; otherwise human rights remain only a formal declaration. The daily theoretical and practical talk about children's rights is very important, because violations of children's rights are not readily visible.

Key words: discourse, disability, social integration, human rights, children's rights.

Introduction

Social integration of the people with disabilities has already been implemented for two decades in Lithuania. Obvious results to enjoy have been attained – the establishment of day care centres, renovation of many secondary schools, by implementing at least minimal environment adaptation elements for the people with disabilities, and by the issue of laws. Distinct indicators of the change of public attitude towards the people with disabilities can be noticed. However, the issue of social integration of the people with disabilities in Lithuania remains problematic. Barton (2001) points out the need for continuous analysis of social integration, because social integration is a socially constructed phenomenon. Ruškus, and Mažeikis (2007) point out the methodological guidance for the critical analysis of ideas of social integration of the people with disabilities which would assess whether the situation of the people with disabilities in nowadays Lithuania has changed substantially or merely formally. From the point of view of Rioux (2002), the problem lies in the fact that the people with disabilities often have the right to a service, but not to a social participation. Ruškus, and Mažeikis (2007), Gerulaitis (2007) indicate that social presence is often hidden under the goals of normalization, adaptation, rehabilitation, and socialization. LR Law on Social Integration of the People with Disabilities (2005) reveals social participation goal, as one of the imperatives of social integration. The concept of social participation sees the society as cooperative systems, the members of which create the schemes of interdependence and the attempts to use the opportunities offered by the environment to improve their own role and position in the society (Ruškus, 2005). The Convention on the Child's Rights, published in 1989, according to Jonyniene (2005), not only stresses the right of the children to the protection and welfare, but also participation is defended for the first time.

At school, as one of the most important areas of social integration, the idea of social participation is only declarative. The research by Ališauskienė (2005), Miltenienė (2005), Gerulaitis (2007) performed in Lithuania showed that there is a serious lack among teachers and parents', children and teachers', parents and children's cooperation schemes in secondary schools, which would allow to respond to the special needs of children, which would lead children with disabilities to participate actively in school life, which would develop positive socialization space of children. According to Duoblienė (2009), the discourse perspective allows to notice the entrenching ritual practices, which eliminate the awareness, criticality, and reflection of the representatives of education and school communities (ibid). It is very important to talk about the social integration of the children with disabilities in the aspect of human rights, because as noted by Barton and Tomlinson (1984), special education is strongly expressed in the social integrat.

Lithuania ratified The United Nations Convention on the Rights of the Child in 1995. The "School for All" concept is declared in the Long-Term Development Strategy of the Republic of Lithuania, in the provisions of 2003-2012 of National Education Strategy of the Republic of Lithuania, in the Law on Education of the Republic of Lithuania. Other European countries also follow this concept. "School for All" is a school where every student receives adequate attention and services, depending on their individual needs. The concept of National Policy of Child Welfare, approved by The Seimas of the Lithuanian Republic in 2003, shows the aim to enable every child to grow up in the family, by developing the infrastructure of social and education services. In this sense the provision that every child has the right to go to the nearest school is important. This provision is declared by LR Education (2011, amending Act) and LR Special education (1998) laws. From the point of view of Jočienė and Čilinskas (2005), Lithuania has a proper legal framework, which requires people and the law to respect human rights. However, according to the authors mentioned above, Lithuania lacks continuous focus on human rights issues, and because of the lack of public awareness and motivation, human rights issues remain a formal declaration, rather than the norm. The research of Jonynienė (2005) shows that from the point of view of specialists on children's rights (92 per cent of respondents), children's rights legislation is not properly implemented.

This article on children's rights comes from the perspective of human rights so that children's rights are an integral part of all human rights system (Bačiulienė, & Zaborskis, 2004). Sagatys (2006) notes that the concept of the child cannot be radically separated from the general

human perception. Although there are obvious differences in the psychological, sociological, biological and legal circumstances, childhood should be perceived as a certain stage of human development according to each child's individual characteristics. The European Convention on Human Rights does not distinguish the rights of children as of a special social group. In this

development according to each child's individual characteristics. The European Convention on Human Rights does not distinguish the rights of children as of a special social group. In this sense, it should not be talked about the rights of the child's autonomy but about the rights of differentiation, when the children have all common human rights and freedoms, which, taking into account their interests determined by physical, emotional and mental immaturity, may be extended or curtailed. This implies a child's – a privileged subject's – position; accordingly the children may have such rights, which are not specific to adult (ibid). In this sense, the United Nations Convention on the Rights of the Child is an important international document, which commits governments of the countries and all adults pay special attention to the child in the process of his/her biological and social development.

The aim of this article is to reveal the discourse of human rights for children with disabilities within the context of social integration.

Methods of investigation: a theoretical analysis of the discourse.

The discourse refers structured knowledge and universal awareness which are reflected in the public "speaking and writing". According to Leonavičius, & Keturakis (2002), the discourse can be understood as a thinking architecture, determined by cultural, social, and political circumstances, which regulates awareness and ways of expression. The discourse as "framework", "cognitive schemes" expresses strategic efforts of certain groups of people to show, form a common understanding of the phenomenon, which legitimates and motivates a collective action (Howarth, 2000). According to Telšienė (2005), not only spoken or written text is important in the analysis of the discourse, but also the generating, transferring, and interpreting figures, also the direct or historical contexts enabling and limiting the discourse. Critical provision is important for the analysis of the discourse. The base of critical provision is to deconstruct constraints, the factors of violence, exploitation and other factors of power, with the formulation of reflective approach to conformist traditional theory at the same time; which uncritically restores current society (Valantiejus, 2004). The analysis of critical thought often takes place by reflecting personal and professional experience. However, proponents of critical thought offer not to be limited with reflections, but are for the discourse analysis, which makes the social contradictions and ambivalences comprehended clearer (Rossiter, 2005; Fook, 2001).

Discourse analysis is important, because as noted by Ife (2001), formal legal documents cannot be identified with the implementation of human rights. Formally, Lithuania has the entire necessary legal framework, which creates preconditions for the realization of human rights in the situation of disability (Strolaitė, 2002; Juodkaite, 2003; Vitkauskas, 2009). There is a lack of critical analysis, which would allow activating the issue on human rights, as the interplay of the power mechanisms of public awareness, inadequate regulations, and methods of activity.

The imperative of social integration within the concept of children's rights

Special attention to children's rights was actualized in 1924, for the first time in the world the first Declaration on Child's Rights has been declared in the League of Peoples (supplemented in 1959). As the focus on child's rights was increasing, it was concluded, that there is a need for a new special document, because the declaration was more of declarative moral character, then the law has required (Bačiulienė, & Zaborskis, 2004). Therefore, the Convention on Child's Rights, published in 1989, is the first international document, which fully covers the rights of the children, including the children with disabilities. (Promoting the rights <...>, 2007). The Convention became effective in 1990. There are almost 50 rights of children in the Convention

(Bačiulienė, & Zaborskis, 2004). At the beginning of the 20th century children did not have any rights - they were totally dependent on the adults. At the end of the century children's rights are not only declared, but also internationally recognized and protected by a legal document - the Convention on Child's Rights, adopted in 1989 by The General Assembly of the United Nations, which has been ratified almost in all 192 countries of the world (except the USA and Somalia) (Jonyniene, 2005). Children have many rights, belonging to all people, but they also have some exclusive rights, while the part of universal rights, assigned to children, gets additional aspects. It is recognized that a mentally or physically disabled child has the right to live a full life (Article 23). Sagatys (2006) notes that the main problem of the conceptualization of the rights of a child is that "problematic are both the lower and upper limits of the rights of the child", (page 21). Morita (Sagatys, 2006) distinguishes between two different types of children's rights: the right to protection and the right to autonomy. The autonomy of children's rights is the problem which is actively discussed by the specialists on the child's rights. Some believe that the present-day manifestation of the autonomy in children's rights is nothing more than a symbolic act (Sagatys, 2006). In the child protection system there is a strongly expressed discourse of child's right to protection, on the grounds that contacts and relationship is more important for children than isolated privileges, given on behalf of "rights" (ibid). Despite the different approaches to child's rights above, the publication of the Convention was a very important decision on the political level. In 1990 the children issue was integrated into the list of political issues for the first time at the meeting of the world leaders in New York (Bačiulienė, & Zaborskis, 2004).

On 5 January 1992 Lithuania joined the Convention on the Child's Rights of The United Nations of 1989, which was ratified by the Seimas of the Republic of Lithuania on 3 July 1995. The Seimas of the Republic of Lithuania adopted children's rights Protection Framework Act on 14 March 1996. This law ensures children's fundamental rights, freedoms and responsibilities and the rights and freedoms protection guarantees in Lithuania.

According to Jonynienė (2005), in 1994 Lithuania started to develop the Child's Protection Services system: in 2000 the Child's Rights Protection Act of the Republic of Lithuania was adopted, the Adoption Service under the Social Security and Labour Ministry (2000) and Children's Rights Ombudsman Institution (2001), Family, Children and Youth Department (2002), which is responsible for co-ordinating the child and youth protection policy, were established.

In 2002 The Act of the framework of the Republic of Lithuania child's rights was improved and the General Regulations of Child's Rights Protection Service were approved, under which the local child protection services implement the fundamental provisions of the Convention on the Rights of the Child, carries the protection of child's rights, protects the rights and legitimate interests in accordance with the laws, organize and supervise the care of parentless children, represent the child's rights and legitimate interests in the courts, organize crime prevention work with the child's parents, and perform other functions assigned to them (the United Nations Convention on Children's Rights Implementation Report, 2004).

Strengthening the protection of child rights at the municipal level the law of the extension of the articles 7, 8 of the Republic of Lithuania local municipality act was adopted on 24 September 2002, by which children and youth rights protection, instead of being assigned to (self-limited) municipal function, since 1 January 2003 became a national (transferred to municipalities) function, which is given a special purpose grants from the state budget every year in order to be implemented. At the level of the municipality, the structural unit of the municipal administration in charge of the protection of child's rights and legitimate interests is the local child's protection service. According to the ruling of the Republic of Lithuania of 17 December 2002, the main job of the Offices is concerned with child's care setting and

enforcement, adoption issues. They also play a key role in organizing and coordinating interagency cooperation at the municipal level, when dealing with the variety of child and family issues, gathering statistical information about children. The competence of the Offices is their responsibility to interpret and participate in the variety of child's rights (violence against children, juvenile involvement in illegal employment, etc.), as well as the organization of social care for these children. The Offices, in accordance with their competence, provide methodological support to the municipal bodies concerned with child's protection employees; consult parents, teachers, educators and children themselves to protect their rights, protection (care), adoption and prevention of violations of rights (Vitkauskas, 2009).

There are around 100 non-governmental organizations and foundations, which protect children's rights and represent their interests in the Republic of Lithuania. The most active ones are: "All the Children of Lithuania", the Federation of Caritas, UNICEF (The United Nations Children's Fund), Lithuanian Fund for Children, the community of people with mental disabilities "Viltis" ("Hope"), the department of Lithuania of the World Medical Association "For the life", Lithuanian children's rights organization "Gelbekit vaikus" ("Save the Children"), Lithuanian Paediatric Society and the other (Bačiulienė, & Zaborskis, 2004). One of the most important organizations in the framework is the United Nations Children's Fund – UNICEF. The Lithuanian National Committee for UNICEF (founded in 1993) performs a variety of international and national social, health and education programs in Lithuania, raises funds (for example, by distributing postcards) to support destitute children. After the ratification of the United Nations Convention on the Rights of the Child by the Seimas of the Republic of Lithuania, UNICEF strives to help the Government to implement cross-border commitments to protect children's rights and to guarantee their safety, to consolidate the institute of children's rights not only legally but also to ensure its implementation (Vitkauskas, 2009).

Brocklehurst (2004) indicates the following points of the Convention on the Rights of Child (1989), which require all children's social integration -2, 3, 7, 9, 17, 23, 27, 28, 29, 30, 31. Failure to implement these items or their ignorance refers to children's social disjuncture from the society.

The problem of harmony between disability and human rights

Disability has a coded reference to the semantic constraints. Human rights refer to such person's powers as freedom, dignity and autonomy. According to Gustavsson (1999), the people with disabilities are often entitled to a disability. This provision forms the passivity of people with disabilities, weakens the sense of responsibility, the emphasis of the disability (as a weakness) continues to support the prevailing society stereotypes of polarization to both healthy and the disabled. The scholar points out, that modern society, which is highly motivated to achieve the integration of the people with disabilities, should learn to accept the right to ability and autonomy of a person with disability as well as of a person without disability. This means that there is an aim to create favourable conditions to realize the unveiled human potential and strengths; that self-determination right is granted to the person to choose resources, control one's living conditions, act freely and independently in the social environment of one's life.

Sometimes the disability of a person and the ratio of his/her right are distorted, when regarded in the guidance of some interests. For many years the Association of the Blind of the USA has been fighting with the Federation of Flight for the right for blind people to sit next to the exit of planes. Flight rules require that a person sitting in such a position would be able to understand the visual guidance and could evaluate the exit lanes located outside the plane. Some airlines allow blind people to sit near the exits, while some require the traveller to see in order to be able to read the safety rules placed in the pocket of a chair, printed on a sheet of cardboard. It is based on the grounds that a blind person at a given moment is likely to block

the output or cause a security risk. The organization of the blind treats it as discrimination, as in any other case, for economic reasons, no restrictions are applied to passengers seated near the exit e.g., not to drink alcohol. Also, there are no other actions taken to improve the safety of passengers, e.g. to seat a specially prepared staff near the exits, or not to seat anyone and leave more space for all passengers; to widen the aisles near the exits etc., because they have no utility. These arguments suggest that not safety but the economic benefits are key factors, and therefore the restrictions for the blind can be regarded as discrimination (Hallahan, & Kauffman, 2003).

The issue of human rights is generally a complicated issue, especially when talking about the situation of the disability. For example, in the situation of disability, the right of an individual to live and the right to life already become problematic in the period of pregnancy. Vanier, regarded as the professor of humanism of the 20th century, expresses regret, because France legalizes abortion during any month of pregnancy, when a woman realizes that she is pregnant with a disabled child (2006). Even though there is a published explication, explaining that "the protection under the Article 2 of the European Convention on Human Rights is applied only on the life of a recently born human being" (Sagatys, 2006, p. 29), there seems to be no end to the discussion regarding the termination of pregnancy when it turns out that the child will be born with a disability.

Lastauskienė (2004) acknowledges that there is a lack of discussion about the people with disabilities as a person of law in various documents. The author states that because of an inadequately clearly defined situation, a question naturally arises – how much a person with disability is the person of law, how much of public favour, and how much of favour. Lastauskienė (2004) remarks, that there are many pleasant, ideal, and unrealistic notions in the international legal documents, which are usually treated as objectives, moral guides, but not as strict legal categories. Both the moral and socioeconomic human rights are characterized by uncertainty, as they are formulated on the level of capability (the person's potential ability to perform), but not of the subjective right (for the defence of which the court may be applied for). According to Lastauskienė (2004), the implementation of the rights of the people with disabilities is aggravated by the fact that the rights of the people with disabilities are approached as universal and undivided, which makes them abstractly defined.

The conceptualization of the social model of disability has determined the becoming of the question of human rights into a public political discourse. The social model of disability perfectly advocates on the issue of the rights of the persons with disabilities. A lot of talking about the human rights is integrated in the social model of disability. The conceptualization of the disability as an expression of an interaction of a personal and social environment refers to the importance of the quality of the interaction of people, to the necessity of the harmony between the human and the social environment. The social model of disability provides a scientifically methodological explanation as to why people with disabilities cannot be discriminated, segregated, stigmatized, restrained, humiliated, or humiliated because of their handicap.

Individual's equal rights and opportunities desecration within the context of education system

Dumont (2002, p. 98) distinguishes two equality theories: the "liberal" egalitarian, and the "socialist". The concept of "liberal" egalitarian theory refers to an ideal equality, the equality of rights and opportunities which is logically related to the maximum freedom of every single person. There are many talks about equal opportunities as a criterion which characterizes equality. In the education system, the principle of equal opportunities would mean that all children should have the same capabilities, since different capabilities determine different learning, and, later, establishment in the society. As Bitinas (1996) observes, no one can measure what are the opportunities of a particular individual and in what extent are they

actualized. It is well known, that every person during his or her lifetime actualizes only a small part of their potentialities. Under such conditions, the idea of equal opportunities promotes the unfounded requirements for the society, or even the attitude of a dependant. Margaret Thatcher called this principle "the right to be unequal" (cit. Ashford, 2003). Rioux (1999), Belanger and Garant (1999) discuss about the right to be different, which means that the difference of a person is not a reason for his/her discrimination against the law. Belanger and Garant (1999) call this principle the positive discrimination. The legislation should promote the recognition and respect for the individuality of a person with disability. People are not less equal simply because they are different. The state is committed to promoting schools, employers, and the government service to acknowledge the abilities of the people with disabilities.

Even more negotiable is the issue of the equality of the result. Not all people are capable of achieving equal results. It is realistic to seek that the law would guarantee the equality of income, but it is impossible to require guarantee for the equality of assets by law. Two equally earning people usually accumulate a different amount of wealth in the time-span of a few years, because one of them was possibly more frugal, the other one more improvident, one of them used the money in a more rational way, the other without much planning, and so on. The "socialistic" equality theory refers to the factual equality, which is realizable, for example, by abolishing the private property. From a logical view, the move from the law to the fact is made by simply reinforcing the requirement: considering that the principal equality is not suitable any more, there is a demand for a "real" equality. However, in a perspective of such a transition, there inevitably lies discontinuity, a profound shift in orientation. On the ground that in the respect of the use of property the citizens are not equal, the attribute of the individual - private property - is taken from him or her, and, in such a way the field of freedom of the individual is constricted. In the educational system, the appropriate education of a child with disability does not necessarily mean education which determines the maximum learning results. In the education system, there are many children without disabilities who also do not reach the maximum learning results due to various problems related to the lack of motivation or social issues (Hick, 2009).

Realistically, equality is defined only by the criterion of the equal rights of the society. This criterion means that it contradicts discrimination towards gender, race, nationality, or any other (also towards disability) basis, that is, it guarantees the implementation of the fundamental human rights in the education of the society and other fields. As Bitinas (1996) observes, there remains a significant gap in the education, regardless of the country's economic development, between equal rights and equal opportunities, which the society does or does not undertake to fill in such a gap. General basic education is rendered in every public school of Europe. To provide equal opportunities would mean to dedicate further additional training and education for every single child which meets his or her individual needs. In such a way the costs of education would increase significantly. Even the most prosperous nations do not take on to fill the gap between equal rights and equal opportunities. However, as Bitinas (1996) writes, social justice supplements the parameter of educational equality. Its essence is that the society renders the additional opportunities to educate their members who are the victims of the biological or social development. Practically, all of the members of the society agree that the children with disabilities need additional help, supplementary material and pedagogical expenditure, in order to be integrated into the society. Only the ways and forms of providing such help are discussed; the most rational use of the material and pedagogical resources in order to reach the most optimal results.

As the American experience shows (Hallahan, & Kauffman, 2003), in some cases it is very difficult to determine whether an individual attribute of the child matches the programmes of special education and the courts often have to make the final decision. The programmes of

special education are often assigned to children whose parents disagree. Most often these are the parents whose children have a mild level of disability. These parents think that the special education does not help them, but, conversely, believe that it only discriminates and stigmatizes. Parents want their child to receive education which is adequate to his or her needs, and which would not needlessly stigmatize and would allow him or her to be taught in general education schools and classes. The legislation, which regulates education, recognizes the parents' and children's right to such an education. In some occasions, the parents believe that a special education programme assigned to their child is unsatisfactory. In 1982, the parents of a deaf girl applied to the court. They claimed that their daughter could learn more if only a sign language interpreter would be appointed to her. Nevertheless, the court decided that the adequate education of a deaf child does not necessarily mean the education leading to maximum learning results. Seeing that the school has drawn up an individual programme of the special education services, which she executed in the same way, and even better as her classmates, without disabilities, the school system has accomplished the statutory duty to ensure appropriate education. By following the thoughts outlined by Haug (1999), it could be stated that in similar situations dealing with integrated education as described above, social justice should be the most important objective, which could ensure a success in learning by the means of the opportunities of social participation for every single child. Unfortunately, too much attention is paid to segregative compensation in the integrated education; therefore, the goal of democratic participation is retouched as the essential imperative of the integration.

The inversion of the concept of social integration and the human rights

The trajectory of the development of the social integration theories is pointed with the aim to deconstruct the power mechanisms which would allow the people with disabilities to become the full-fledged partners of social relationships and the participants of social situations. According to the post-modern viewpoint, the power is generated from the versatile interaction of humans (Žydžiūnaitė, 2002). Ruškus & Mažeikis (2007) refer to the fact of a disabled person becoming the member of the society as a partner, creator, and an agent, outlines the essence of social integration. The intersection of the conceptualization of social integration and human rights is reflected in the figure drawn by the authors of the article (Fig. 1).



Figure 1. The theoretical prospects of social integration and their correlation with human rights

Still, there are ideas of social integration that experience particular inversions in the context of modern society which prevent them from realizing the intended goals of the theoretical level. In Kunc's (1992) opinion, one of the fundamental ideas of integration is violated in the modern society – the belonging to a community, the opportunity to enjoy the fullness of being together with other people. In Vanier's (2006) viewpoint, the base conception of social integration is belonging. Vanier, titled as the humanist of the 20th century, pays exceptional attention to the concept of belonging which refers to the idea that the experience of the person with a disability belongs not only to a particular community, but also to the humanity, the universe, the earth, and to everyone alive. Professor Vanier has created a special website (http://appartenance-belonging.org/en/) in order to socially promote and develop the philosophical basis of the idea of belonging.

The belonging to a community is a birthright of every human. Nonetheless, in Kunc's point of view, the people with disabilities can belong to a community in the modern society, if they deserve it with their achievements in apprenticeship, work, or other fields (Fig. 2). Gribačiauskas, and Merkys (2003) grasp this problem by analyzing the situations in the schools of Lithuania, where the teachers have a negative attitude towards every child who is potentially bad at learning.



Figure 2. The inversion of Maslow's hierarchy of needs (Kunc, 1992)

Phillips (1992) calls such a situation "try harder", in order to become worthy of social integration. To become worthy of social integration means to adapt, normalize, rehabilitate with the aims to get as close as possible to the existing norms and standards.

Conclusion

The implementation of the idea of social integration strongly depends on the ability to grasp and deconstruct the power relation. It is impossible to evade the power relation. It can only be reflected (Duoblienė, 2009). Discourse is the means which draws attention to the fact, that in addition to the externally relatively easily articulated social practices there are also extraordinary practices or discourse practices during the analysis of which the more complete mechanisms of the functioning of society are revealed (Foucault, 1998; cit. Leonavičius, & Keturakis, 2002). Human rights are the discourse which helps to deconstruct the power relation.

Children's rights are the integral part of the system of human rights. Discussing the children's rights in the perspective of the human rights is a reference to the meaningful reconstructions of the childhood phenomenon (Juodaitytė, 2003), when the child is treated as an equal member of social relations "here and now", but not as one preparing to become

an adult. Children's rights obligate to the special attention to the authentic needs of the child, whereas in the perspective of the human rights, children's rights obligate to the partnership of the child and the adults, which extremely fail in real life.

There is an imperative of social integration, visibly coded in the concepts of human rights and children's rights. It is essential to discover the harmony between the social philosophizing about the rights and the actual legal basis for the realization of human rights. Human rights are not exclusively the object of law and legal system. Human rights are the dimension of public consciousness and the quality of human relations.

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