

Camphill Communities in Disparate Socio-Legal Environments:

Negotiating Community Life for Adults with Developmental Disabilities in Germany and
the United States

Janelle Christensen
International Institute for Sociology of Law
Advisor: Katharina Heyer, Ph.D
University of Hawaii
2004-2005

Camphill Communities in Disparate Socio-Legal Environments:

Negotiating Community Life for Adults with Developmental Disabilities in Germany and the United States

Abstract (5)

Chapter 1: Research and Structure..... (6)

- I. Background and Research Questions
 - A. Introduction (7)
 - 1. Research Interests.....(8)
 - B. Theoretical Framework (10)
 - C. Issues and Questions of Research (13)
 - 1. Research Questions.....(13)
 - D. Methodology and Timeline (13)
 - E. Important Concepts..... (16)

Chapter 2: Anthroposophy and the Camphill Movement.....(18)

- I. Anthroposophy and Camphill Communities
 - A. Rudolf Steiner and Anthroposophy(19)
 - B. Karl König and Camphill Communities (21)
 - C. The Ideal Camphill Community (22)
 - 1. Locations, Structures and Salaries (24)
 - D. Conclusions..... (27)

Chapter 3: Socio-Legal Context.....(28)

- I. International Issues

A.	Chronic Illness and Long-term Care.....	(29)
B.	Disability Rights Movement.....	(33)
C.	Conclusions.....	(37)

Chapter 4. Law and Care of Individuals with Developmental Disabilities in the US and Germany.....(38)

I. Introduction

A.	US Disability History: A Quasi-Market System.....	(39)
1.	State Hospitals and Deinstitutionalization.....	(42)
2.	California Specifics: The Lanterman Act.....	(44)
B.	German Context: A Social Welfare State	(45)
1.	Subsidiary.....	(47)
2.	Disability Specifics: Sozialgetzbuch IX & XII.....	(48)
3.	Current Debates.....	(50)
4.	Conclusions.....	(53)

Chapter 5: Case Study Analysis: Camphill Lehenhof.....(55)

I. Camphill Lehenhof, Germany

A.	Legal Pluralism and “Norms for Decision”.....	(59)
B.	Legal Pluralism and “Living Law”.....	(61)
1.	Aging Disabled Populations and the Socio-Legal Context....	(62)
C.	Legal Consciousness.....	(63)
1.	Legal Consciousness and Salary.....	(64)
2.	Lehenhof and the Disability Rights Movement.....	(66)
D.	Conclusions.....	(68)

Chapter 6: Case Study Analysis: Camphill California (United States).....(71)

I. Camphill California

- A. The Beginnings.....(73)
- B. Legal Pluralism and “Norms for Decision”.....(75)
- C. Legal Pluralism and “Living Law”.....(76)
- D. Legal Consciousness.....(78)
 - 1. The Cycle of Fear..... (80)
- E. Conclusions.....(83)

Chapter 7: Conclusions and Recommendation for Further Research.....(84)

- A. Introduction..... (85)
- B. Short-term Co-workers and Legal Consciousness.....(86)
- C. Long-term Co-workers and Legal Consciousness..... (88)
- D. Variances from the Ideal: Location and Structure..... (89)
- E. Camphill and Disability Rights..... (92)
- F. Conclusions..... (94)
- G. Recommendations for Further Research.....(95)

Works Cited.....(96)

Interviews Conducted..... (99)

Disparate Socio-Legal Environments:

Negotiating Community Life for Adults with Developmental Disabilities in Germany and the United States.

Abstract.

The following work is a case study analysis of a global program called Camphill Communities, which provide village/community centered living and working environments for adults and children with developmental disabilities. This project specifically examines the disparate socio-legal environments with which Camphill Communities must contend in Germany and the United States (US). The two communities selected for this research are Camphill Lehenhof, located in the German state of Baden-Württemberg, and Camphill California, located in Santa Cruz County, California.

The case study analysis of Lehenhof and Camphill California included research on the philosophy on which the Camphill Communities were based (Anthroposophy) as well as the local and national legal codes. In addition, a minimum of one month of participant observation was carried out in each location. Ethnographic interviews were conducted with the staff (termed “coworkers”) to determine their understanding of the law and how they knowingly altered their behavior to accommodate it. Participant observation coupled with ethnographic interviews also elucidated the “living law” and “norms of decision” within the Camphill Communities.

The contrasting legal regulations and cultural expectations of each respective country have a significant impact on the communities’ internal structure and philosophy. Future research is recommended that might include interviews with individuals with developmental disabilities, in accordance with Human Rights Regulations

Chapter 1:
Research and Structure

Chapter 1: Research and Structure

A. Introduction

Though the Federal Republic of Germany (Germany) and the United States (US) seem to have a shared investment in western thought and bio-medicine, legal sociology suggests that they are unlikely to be identical in ideology or approach to treatment. Law and social norms permeate the way that social programs, such as medical care and support for individuals with developmental disabilities, are provided.¹ For example, the structure of some programs providing care for developmentally disabled individuals found in Germany might be technically illegal in some US states, such as California.

During the last thirty years, California has restructured the way that it treats and cares for its disabled populations, shutting down self-sufficient programs (such as the State Hospitals), and introducing a more integrated community-based care.² The State Hospitals once had farms that were worked by and provided for the inmates. However, the inmates were not paid for this labor. This eventually was ground for one of the many accusations of human rights violations which led to deinstitutionalization.³

Self-sufficient communities became the focus of social concern in the US, but not in Germany. Camphill Communities, originating from the Austrian born philosophy, *Anthroposophy*, are such examples of self-contained communities, created for the care of developmentally disabled individuals. Anthroposophy encourages a living environment based on brotherly living; one's work is done for the good of the community and not for wages. These communities can be found around the world, including many that are thriving in Germany.⁴

¹ Examples of developmental disabilities include: mental retardation, often caused by autism, epilepsy and cerebral palsy. See the DSM IV.

² California Department of Mental Health. <http://www.dmh.ca.gov/Statehospitals/Napa/default.asp>
01/03/2005

³ Lamb, HR. 'The New State Mental Hospitals in the Community.' *Psychiatr Serv.* 1997, Oct. 48 (10): 1307-10.

⁴ Wikipedia, encyclopedia. [Http://www.anthroposophy.net](http://www.anthroposophy.net). Written by Administrator January 14, 2005.

Interestingly, one Camphill Community exists in California as well. This project examines how this international organization navigates the complexity of different laws in different countries while attempting to maintain its binding philosophy.

This research finds that disparate socio-legal environments significantly influence the way in which the program provides care in Germany and the US. Socio-legal environments dictate a difference in the location and physical structure in Camphill California, USA, which are forced to be in more urban settings than those in Baden-Württemberg, Germany and significantly smaller in scale. However, while Camphill California conforms to the ideology of *not* receiving wages for ones work in the community, the Camphills in Germany are required to pay their workers a salary. In a social Welfare State such as Germany, salaries are the source of taxes, which ultimately fund social programs. This fact requires a reinterpretation or contradiction of Steiner’s Anthroposophical teachings, on which the Camphill movement is based.

1. Research Interest

In the year 2000, I found myself confronted with an interesting scenario. I read a letter, crisply typed in German, which informed me that the program in which I had planned to volunteer (in the north of Germany) had been cancelled. I had been reassigned to another place and position... in an arena in which I had almost no exposure: developmental disabilities.

I had already purchased my plane ticket and would be on my way to the south of Germany and into something called a Camphill Community. This intentional community was created for the care of individuals with “developmental disabilities”. Though the term “developmental disability” can generally refer to individuals with any kind of impairment, whether it is a loss of limbs or mental deficiency, this community was created to assist individuals with mental impairments: examples of which include mental retardation, autism, epilepsy, and cerebral palsy.⁵

⁵ Not everyone with a “developmental disability” requires an institution, group home or community to meet their daily needs. Many individuals with a disability can function within society as long as there are alterations made to restrictive environments. However, mental disabilities are the subset of developmental disability to which this project refers. For the purpose of this research, “developmental disability” is referring to those with psychological or mental disabilities, such as mental retardation or severe mental

I had very little understanding of any of the aforementioned terminology when I stepped foot into Camphill Lehenhof. When I first arrived, the other volunteers and I were given an introductory tour of the Camphill Community. There were several homes with an average of six *Dorflers* (literally, villagers or residents) each.⁶ Villagers lived in a family-like setting under the care of *Haus Eltern* (house parents). The residents worked in different areas of community, aiding in the production of school books, weaving cloth or packaging organic foods. Some of these goods were exported outside of the community. Much of their work, however, contributed to the subsistence of the community, such as assisting with making bread or the processing of fresh milk into cheese.

Interestingly, when I returned to the United States I found that most of the programs for developmentally disabled individuals in California had an entirely different structure. In fact, the self-sufficient structure of the German Camphill Community might be illegal in California. It might be difficult for such a community to exist because the self-sufficient component of the Camphill Communities are in contrast with the politically correct ideals of *normalization* and currently expected *integration* of disabled adults into the larger community (meaning city or county programs). These concepts are believed to provide a higher *quality of life* and are now written into law and strictly enforced.⁷ By definition, this German community might be considered an institution because the residents live separately from the rest of society.⁸ According to Erving Goffman's Asylums, a total institution may be defined by their "encompassing" characteristics which can be "symbolized by the barrier to social intercourse with the outside and to departure that is often built right into the physical plant, such as locked doors, high walls, barbed wire, cliffs, water, forests, or moors".⁹ While there would never be anything as restrictive as high walls or barbed wire, most Camphill communities are located in rural, small town areas conducive to agriculture.

illness who can benefit from 24 hour assistance.

⁶ Distinctions made within the communities include: *co-workers*= those *without* developmental disabilities and Villagers or Friends= those *with* developmental disabilities.

⁷ Brown, Ivan and Roy I. Brown. Quality of Life and Disability: An Approach for Community Practitioners. Jessica Kinsley Publishers, London, 2003.

⁸ Goffman, Erving (1961) Asylums: Essays on the Social Situation of Mental Patients and Other Inmates. Anchor Books, pg. 4.

⁹ IBDM, pg. 4.

When I returned to the US, I sought to learn more about how a similar, domestic program in the US would be organized. The meanings of the aforementioned terms, normalization, integration and quality of life, became evident when I took a job as a Behavior Technician in a (non-Camphill) program in California called Northern California Living Community.¹⁰ This program provided homes throughout the community where adults with developmental disabilities resided. There was nothing to mark these homes as different from any other home in the community. The residents would work for programs, doing trash pick-up in public parks or assembly work at a factory. Residents were given a paycheck to compensate them for their work, to be used at their discretion.

These observable differences lead me to ask the following questions:

1. Why are these programs so different?
2. Are the reasons cultural, socio-political, economic, legal or possibly all of these?
3. If I were to observe a Camphill Community in California, would these differences still be significant?

B. Theoretical Framework:

Sociology of Law examines how legal systems intertwine and interact with society. At its core are the forces that bring these two elements into conflict: how society shapes the law and how law shapes society. Sociology of Law also approaches how subgroups within society negotiate meaning and use law as a tool.

Sociology of Law is a useful framework for my research because Camphill Communities are a subset of society, complete with its own internal regulations, culture and unique approach to life.¹¹ They exist in many different countries and therefore must contend with diverse legal structures in order to exist.

¹⁰ Pseudonym.

¹¹ Sherwood, Kay. Report of a Symposium, Sponsored by the Camphill Association of North America. Triform Camphill Community, Hudson, New York. April 3-4, 2001. Page 23.

One of the founding legal sociologists was Eugene Ehrlich, who wrote Fundamental Principles of the Sociology of Law in 1913.¹² In his works, he discussed the concept that more than one kind of law can often co-exist within society, namely “norms for decision” and “living law”.¹³ He defined “norms for decision” as “the rules and propositions found in the civil codes, in judicial decisions and in statutory enactments. These were the “norms” which would be enforced by the court in case the parties resort to litigation.”¹⁴ Conversely, living law is “the law that dominates life itself, even though it has not been printed in legal propositions”.¹⁵ One might consider norms for decision to be enforced policies, while living laws are the unwritten guidelines that the majority of people in a society observe.

These concepts, “norms for decision” and “living law”, are significant for my research because I examine a program with several layers of regulation: the philosophical or normative foundation of Anthroposophy, state law and federal law. I intend to examine both the “norms for decision” and the “living law” that impact the decision making and reality of co-workers in Camphill Communities.

The use of legal consciousness studies may be instructive in this endeavour, since different people at different levels within the Camphill Communities may have a deeper awareness of the law than others. Camphill Communities depend on many different kinds of co-workers: some are volunteers who stay for only a matter of weeks or months, while others have devoted years, if not their entire lives, to the Camphill way of life. This variation may produce a broad array of legal understanding within the community. How these different individuals make sense of their environment and the legal frameworks that influence their behaviour may give clues to the different levels of regulations at work. The work of Patricia Ewick and Susan Silby can be enlightening in this area; They examine how ordinary people, rather than legal professionals, understand and make sense of the law: “We suggest that this everyday understanding of the law is a

¹² Ehrlich, Eugene. Fundamental Principles of the Sociology of Law. Walter L. Moll, translator. Cambridge, Mass.: Harvard University Press, 1936.

¹³ Nelken, David. ‘Law in Action or Living Law? Back to the Beginning in Sociology of Law.’ In Cotterrell ed, Sociological Perspectives on Law, Vol 1. Aldershot: Dartmouth, 2001, pp. 197-214.

¹⁴ IBDM, pg. 201.

¹⁵ IBDM.

vital aspect of the life and power of the law”.¹⁶ For this reason, I asked co-workers in many different levels within the communities what the most important rules and regulations were and where these rules came from. This method elucidates the range of understanding of the rules, regulations and law within Camphill Communities and how it is negotiated in the daily lives of the co-workers.

Another helpful concept drawn from legal sociology is that of “legal pluralism”, explored in Sally Engle Merry’s article “Anthropology, Law and Transnational Processes”.¹⁷ Merry discusses a revival of the use of legal pluralism in the post-modern sense: “a theory of unequal but mutually constitutive legal orders lead[ing] to new questions”. These new questions include: “How do these systems interact and reshape one another? To what extent is the dominant able to control the subordinate? How do subordinate systems subvert or evade the dominant system?” Merry uses legal pluralism to describe the clash of competing ideologies and how they negotiate power.

Because Camphill Communities are an international organization, they are constantly contending with several legal orders, including international law, federal law, state law and local or regional law. In addition, Camphill communities have their own internal regulations and standards that shape the structure. These contenders seek to enforce their ideologies upon various communities within their jurisdiction. In the case of Camphill Communities, the “power” discussed by Merry may simply be the power to live life in accordance to the choices of the community. This power may be diminished with the encroaching socio-legal paradigms of the international, state and federal laws in the US and Germany.

The internal philosophy and regulations of the Camphill Communities are occasionally subordinate to the dominant federal and state legal systems with which they must comply. Camphill Communities negotiate their lifestyles within the dominant legal systems in Germany and the United States. Examining the co-worker’s awareness of laws and regulations may be instructive as to how deeply the different types of law

¹⁶ Ewick, Patricia and Susan S. Silby. “Conformity, Contestation and Resistance: An Account of Legal Consciousness”. In *Sociological Perspectives on Law, Vol. II*. Roger Cotterrell, ed. Aldershot: Dartmouth, 2001. Pg.731-749.

¹⁷ Merry Sally Engle. “Anthropology, Law, and Transnational Processes”. *Ann. Rev. Anthropology* 1992. 357-79

(“norms for decision”, “living law”, “dominant” and “subordinate”) infiltrate the lives of those who live in Camphill Communities.

C. Issues and Questions of Research:

My initial experience in Germany led me to ask questions about the structure of Camphill in California. These questions led me to develop the following research, which will evaluate whether or not there are significant differences between a German Camphill Community and a Camphill located in California (US). ¹⁸

1. Research Questions:

- a. How is the care for developmentally disabled individuals provided *under one philosophy* while in *two different countries*, consisting of disparate socio-legal and economic systems? Do “norms for decision” (official law) significantly alter the way care is provided in the US and Germany?
 - i. To what extent does the law permeate the way in which care is provided in Camphill communities in the US versus Germany? Is there a higher legal consciousness in one country than the other?
 - ii. Whereas both Germany and the US consist of legally pluralistic environments, which level of law holds more sway, if any? What level of law (State, Federal, or Camphill’s internal regulation) primarily shapes the legal consciousness within the communities?

¹⁸ I will define significant differences as the following:

- a. The majority of the residents of one community live in an integrated, community setting while the other is primarily self-contained. And/or
- b. A fracture or blatant difference in the interpretation of the binding philosophy (known as Anthroposophy) due to socio-legal pressures.

D. Methodology and Timeline:

As a cornerstone in any Socio-legal research, an ongoing **literature review** is required to gain an understanding of situational context in the region and issues of interest. I spent six months of my study in Spain (from September 2004 until April 2005), researching socio-legal environments of Germany and the US for individuals with long-term developmental disabilities. I continued to gather material on German and US programs throughout the project, which was completed in December 2005.

In order to clarify the possible connections (similarities and disparities) between policies and practices in the disability rights legislation of Germany and the US, it is necessary to do a **case study analysis**.¹⁹ For this to be a valid case study analysis, it must be performed on an umbrella organization that provides care for developmentally disabled adults in each respective country.

Camphill Communities provide an excellent example of such an organization. The Camphill movement began in Scotland by Austrians, but now has spread across the globe.²⁰ All Camphill Communities are based on the concept of ‘Anthroposophy’, which was coined by Austrian philosopher, Rudolf Steiner. This philosophy was later adapted by an Austrian doctor, Karl König, which culminated in the creation of a community based on the involvement of individuals with special needs. These communities, and especially the philosophies on which they are based, have been exported from Germany to many other countries, including the US.

Before beginning my literature review, I had spent three weeks in a German Camphill, Lehenhof. Once my course work in Spain was completed, I returned to the US and sought out the Camphill Community in California. I spent three weeks in this community in June 2005. Following this, I returned to Lehenhof and spent three weeks in September 2005 following up on my initial experience and conducting interviews. During this time, I looked at the history of the Camphill evolution in Germany and the US. I examined the bylaws to see how they are connected and how they are differentiated. In addition, I examined the actual method of care through **participant**

¹⁹ Yin, Robert. ‘*Case Study Research: Design and Methods*, second ed.’ Sage Publications, 1994.

²⁰ Camphill in Germany. www.camphill.de (4/12/2004)

observation, which is an immersion in a group or culture²¹; I worked as and alongside the co-workers of both Camphill Communities so that I could fully perceive the expectations placed on them. According to David M. Fetterman, author of Ethnography: Step by Step, participant observation “helps the researcher internalise the basic beliefs, fears, hopes and expectations of the people under study.”²² Participant observation was an important method for this research because it allowed me to monitor and attempt to understand the guidelines, regulations and rules (norms for decision) as well as how these are actually observed in practice (living law). Conversely, it also gave me the opportunity to view the potential consequences of failing to conform to such laws.

In addition to participant observation, I conducted focused **ethnographic interviews**²³ within the two Camphill Communities (one in Baden-Württemberg, Germany and the other in California, US). I conducted interviews with staff and administration only (not the residents), in order to avoid possible ethical violations. The same set of questions were asked in both countries in order to have a direct comparison between individuals in each community.²⁴ The interviews began with the personal history and ethno-geographic background of the individuals, allowing them to discuss how they became interested in Anthroposophy and ended up working in their respective community. I then began to ask more legally focused questions about the organization and if/how the regulations affected their lives.

The combination of such methods proved to be an effective way to obtain information. It must be noted, however, that with such methods a researcher is not simply collecting data, but is building experience and relationships that creates a rich sense of understanding. The process of evolving from an “outsider” to an “insider” is a relatively quick one considering the co-workers in Camphill communities tend to be open and accepting. In such cases, it is the task of the researcher to be diligent in defining terms and concepts and not allow them to become jargon.

I chose to focus interviews on the experience of the co-workers rather than the individuals with developmental disabilities living within the community because I was

²¹ Fetterman, David M. Ethnography: Step by Step. Sage Publications 1989.

²² IBDM, pg 45.

²³ Flood, John. ‘Doing Socio-Legal Ethnography’. Workshop on ‘Socio-Legal Research Methods’. Oñati, IISJ =IISL, 3-4 April 2003.

²⁴ Both the German and English translation can be found in Appendix A.

concerned about human right violations and issues of privacy without going through the proper channels. The experiences of all individuals within a Camphill community, especially those with disabilities, are important and should be explored further in the future.

E. Important concepts:

The World Health Organization, a subset of the United Nations, makes the following distinctions between impairment, disability and handicap:

Impairment: Any loss or abnormality of psychological, physiological, or anatomical structure or function.

Disability: Any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.

Handicap: A disadvantage for a given individual, resulting from an impairment or disability, that, limits or prevents the fulfillment of a role that is normal, depending on age, sex, social and cultural factors, for that individual.²⁵

These are important divisions because it elaborates on the social dimensions of disability. Many individuals with a disability can function within society as long as there are alterations made to restrictive environments. Wheelchair users, for example, can function in the workplace as long as there are curb-cuts and elevators that allow them access. Some individuals require assistance with daily activities only once or twice a day. In such cases, it is the social environments that are disabling, not the impaired body of the individual.

The issues pertaining to “disability” and “chronic illness” can be complex and difficult to navigate. The term, “chronic illness” refers to a disease or disability that does not have a cure and therefore, must be approached outside of the realm of bio-medicine.²⁶ Approaches to chronic illness include programs such as “long-term care”, which “encompasses a broad range of help with daily activities that chronically disabled

²⁵ International Classification of Impairments, Disabilities and Handicaps (ICIDH), World Health Organization, Geneva, 1980.

²⁶ Estroff, Sue E. “Identity, Disability and Schizophrenia: The Problem of Chronicity”. In Knowledge, Power and Practice: An Anthropology of Medicine in Everyday Life. Shirley Lindenbaum and Margaret Lock, eds. University of California Press, 1993

individuals need for a prolonged period of time” and “quality of life assessments”.²⁷ The language of “chronic illness” and “long-term care” is an issue of concern for disability scholars and rights activists because it denotes a sense of helplessness and an inability to care for one’s self.²⁸ There has been a decisive move away from medicalized terminology, however, scholars such as Robert B. Edgerton, Sue E. Estroff, Ellen Jane Hollingsworth and J. Rodgers Hollingsworth have contributed valuable analysis of the relationships between “mental retardation”, “chronic illness”, “long-term care” and how they connect with law, policy and society.²⁹ In following chapters, I draw upon their significant work liberally. The disability rights movement, including the critique of the language and policies that are used on international levels, will be elaborated and discussed in chapter three. These concepts are indispensable because they allow a deeper understanding of the socio-legal environments that challenge the structures and ideals behind the Camphill Communities.

Before delving further into macro structures and debates surrounding developmental disabilities, it is instructive to examine the micro structures of the Camphill Communities and the philosophy, Anthroposophy, on which they are based. In this way, the Camphill communities can be more effectively placed into its context on the national and international stage.

²⁷26 The European Observatory on Health Systems and Policies. Updated 01 August 2005
www.euro.who.int/observatory/Glossary/TopPage?phrase=L

²⁸ Gibson, Mary Jo, Steven R. Gregory and Sheel M. Pandya. “Long-Term Care in Developed Nations: A Brief Overview.” AARP Public Policy Institute, Washington D.C., 2003.

²⁹ See Robert B. Edgerton, 1983 and 1991. Sue E. Estroff, 1993. Hollingsworth and Hollingsworth, 1994.

**Chapter 2:
Anthroposophy and the Camphill Movement**

Chapter 2: Anthroposophy and the Camphill Movement

A. Rudolf Steiner & Anthroposophy

The literal meaning of Anthroposophy is “man wisdom”, however, those who follow this philosophy call it a “spiritual science”.³⁰ The man who coined Anthroposophy was the Austrian born Rudolf Steiner, who lived from 1861-1925.³¹ Steiner explained Anthroposophy as a “path of knowledge to guide the Spiritual in the human being to the Spiritual in the universe.”³² The individuals who follow Anthroposophy maintain that it is a scientific approach to spirituality and not a religion. However, what makes this version of science somewhat unique is that it acknowledges three intermingling human components: the body, the soul and the spirit.³³

A synopsis of Anthroposophy is given in “A Dialogue About Responding to the Issues Facing people with Developmental Disabilities,” presented in 2001: “Anthroposophy is a philosophy that embraces a spiritual view of the human being and the cosmos, but emphasizes knowledge rather than faith.”³⁴ The purpose of the philosophy may be described as follows:

The anthroposophist’s aim is to become ‘more human’ by becoming more conscious and deliberate about one’s thoughts and deeds. One may reach higher levels of consciousness through meditation, observation and openness over a lifelong ‘quest’.³⁵

There have been many parallels made between Anthroposophy and Rene Descartes’ theory that imagination was what unified mind and body into a full being.³⁶ As Steiner progressed in his philosophical and scientific work (his PhD was on Truth and Science), he eventually began to overcome the “subject-object split that Descartes,

³⁰ Wikipedia, Encyclopedia. [Http://www.anthroposophy.net](http://www.anthroposophy.net). Written by Administrator January 14, 2005.

³¹ Rudolf, Rudolf. What is Anthroposophy? Three Perspectives on Self-Knowledge. Christopher Bamford, editor. Anthroposophic Press, 2002.

³² IBDM.

³³ Wikipedia, Encyclopedia. [Http://www.anthroposophy.net](http://www.anthroposophy.net). Written by Administrator January 14, 2005.

³⁴ Sherwood, Kay E. “A Dialogue About Responding to the Issues Facing People with Developmental Disabilities.” Report of a Symposium Sponsored by the Camphill Association of North America. Hudson, New York. April 3-2, 2001.

³⁵ Wikipedia, Encyclopedia. [Http://www.anthroposophy.net](http://www.anthroposophy.net). Written by Administrator January 14, 2005 .

³⁶ IBDM.

classical physics, and various complex historical forces had impressed upon the human mind for several centuries.”³⁷

The roots of Anthroposophy lay in the Helena Blavatsky’s Theosophy movement in Germany. In 1912, the Anthroposophical Society was formed when Rudolf Steiner left the Theosophical Society, Adyar, because of differences with its current leader.³⁸ A large number of the Theosophical Society’s German Section followed him into a new approach to a philosophy on the human existence. On the web site for the Anthroposophical Association, it is explained that:

Anthroposophy differs from Theosophy in its practical focus, emphasis on developing artistic impulses, theoretical base in Western esoteric (rather than Hindu and Buddhist) thought, and positive view of Christ, which however is still very different from the standard Christian view.³⁹

A concise explanation of Anthroposophy is difficult to produce. Even after 360 volumes of Steiner’s work, a compartmentalized definition remains elusive. The introduction of What is Anthroposophy? Three Perspectives on Self-Knowledge, written by Christopher Bamford, makes an attempt with the following list:

1. A theory of how we know the world;
2. A practical path of spiritual or inner developments;
3. A complex non-dualistic cosmology that traces human earthly evolution from; its beginnings in distant spiritual worlds to the present (and beyond);
4. A series of descriptions of human development in terms of thinking, feeling, and willing, as well in terms of the physical, etheric, and astral bodies and the higher self or “I”;
5. An evolutionary theory of religion turning on the Mystery of Golgoth or the Incarnation of Christ Jesus;
6. An alchemical understanding of natural and spiritual processes leading to an alternative science of nature;

³⁷ IBDM.

³⁸ IBDM.

³⁹ IBDM.

7. A profound vision of what it means to be human including karma and our incarnation, life after death, and the participation of the heavenly hierarchies in time and history.

Such a list has lead many critics to define Anthroposophy as a cult “with similarities to New Age movements”.⁴⁰ Anthroposophists counter with the idea that, if it is a cult, it based on individual freedom. Though this list seems to be lacking in the scientific and philosophical aspects and focusing on the spiritual, most of the individuals interviewed treated Anthroposophy as a philosophy or “a way of life”, and not necessarily as a religion.

Regardless of whether Anthroposophy is a philosophy, science, religion or cult, it has been the foundation for several different movements that include childhood education (Waldorf Education), Architecture (Goetheanum), Bio-dynamic Farming, Alternative Medicine (Welda), Eurythmy (“movement as visible speech and visible song”), and centers for helping the developmentally disabled (Camphill Villages).⁴¹ Anthroposophy has its strongest foundation in Europe, however, it has touched many areas around the globe, including North America and South Africa.

B. Karl König & the Camphill Movement

“The healthy social life is found when in the mirror of each human soul the whole community finds its reflection, and within the community the virtue of each is living.”

Rudolf Steiner

The most significant influence of Anthroposophy, for the purpose of this project, is the Camphill movement, which has its focus on the care of individuals with developmental disabilities, specifically mental and cognitive disabilities. The processes that lead to the formation of the Camphill movement began simply, with a group of individuals in Vienna, Austria who became interested in the works of Rudolf Steiner. Dr.

⁴⁰ IBDM.

⁴¹ IBDM.

Karl König was the center of this group, which would meet regularly to discuss Steiner's works.

In 1938 this developing organization, comprised primarily of individuals of Jewish decent, was forced out of Vienna as Hitler advanced through Europe.⁴² They reconvened in Scotland at a place called Camphill, where they created a community that would embody the principles of Anthroposophy. They felt that they needed to preserve the positive aspects of Anthroposophy in a time of chaos.⁴³

The aim of Camphill was (and in most cases, still is) to put Anthroposophy into practice. It is founded on the principle that society is inherently interdependent and each person is of value. Thus, Camphill has sought to provide an environment where individuals, including those with developmental disabilities, can co-exist and contribute.

Before König's death in 1966, he wrote extensively about the essentials of Camphill. He discussed what came to be known as the three pillars of the Camphill movement: College Meeting, the Bible Evening and the Fundamental Social Law. The three pillars were meant to reflect what Steiner described as the three dimensions of social life: the spiritual, the legal/political and the economic.⁴⁴

C. The Ideal Camphill Community

"We walked in [the Camphill in Minnesota] and you could hear people laughing and you could smell food and I said to Coleman, "you always know when you walk into a Camphill place, don't you?" There is laughter and a feel of plenty and food and kitchen-centered life. The same sort of mutual respect that you feel among the people and a real kind of spark. Sense of self that you get from the people with disabilities, you know? A pride."

-Ary King, Administrator at Camphill California⁴⁵

There is not a written outline that delineates what an "Ideal Camphill Community" is, however, based on the interviews conducted with over thirty co-workers (four of whom had been founding members who knew and worked with Dr. König), there

⁴² Bock, Fridwart. The Builders of Camphill: Lives and Destinies of the Founders. Floris Books, 2004.

⁴³ Lyles, Coleman. Personal Interview: 6/16/05, Camphill California, USA.

⁴⁴ Luxford, Michael and Jane Luxford. A Sense for Community: The Camphill Movement. Directions for Change, 2003

⁴⁵ Ary King. Personal Interview: 6/28/2005, Camphill California, USA.

seemed to be a general consensus of what an “ideal” Camphill community would include. It was agreed that this ideal was something to be striven for but did not exist in actuality. For example, Roger Furze, a co-worker at Lehenhof, who had spent time in Camphill communities in North America as well as Germany, stated that though they are “trying to work on reaching an ideal, of course, there are always barriers there and you sort of have to be realistic.”⁴⁶ Others, such as Richard Steel feel that one of the strengths of Camphill is to embrace the diversity of different environments while pursuing the ideal Anthroposophical life: “If you come down the items of daily life, well, then, you may see that, well, that is not the same [in all Camphill Communities]. This is a continual perusal of an ideal. I think that is important.”⁴⁷

Regardless, there are some elements that are considered to be at the core of the Anthroposophical way of life. The homes that make up a Camphill Community consist of about 6-10 villagers and 4-6 co-workers who live, eat and work together. In an ideal Camphill Community, there is a place where the bio-dynamically grown garden provides food for the homes in the community as well as workshops for all individuals, co-worker and villager alike. Opportunities to take Eyrthymy classes and other forms of physical therapy are abundant. The buildings are uniquely fitted with the landscape with the Goetheanum architecture. Individuals in need of medication are preferably treated with both the bio-medical prescriptions commonly used to treat their illness as well as holistic, homeopathic medications.

Regardless of where the Camphill communities are located, they seek to be “islands of culture”, where social life is strong and “popular culture” is minimal. In other words, Camphill communities seek to create their own culturally rich life.⁴⁸ An example of this is the lack of television in the homes. Most free time is ideally spent going on walks, reading or doing crafts of one’s own choice, such as knitting or drawing. The meals are a central, social event where the family-like structure is emphasized. Outings into town or to the movies are made once or twice a week depending on the home, house parents and the wishes of the villagers.

⁴⁶ Furze, Rodger: personal interview: 9/21/05: Lehenhof, Germany

⁴⁷ Steel, Richard: personal interview: 9/19/05: Föhrenbühl, Germany.

⁴⁸ Baisch, Regina. Personal Interview: 9/29/05. Lehenhof, Germany.

1. Location, Social Structure and Salaries

The outings are important to note because most Camphill communities are located in rural settings. One reason for this is the importance of community life, natural environments and the centrality of farming. At eighty-four years of age, Regina Baisch has spent many years working in Camphill Lehenhof, and has been involved there since its founding in 1964. She emphasized the importance of such settings for Camphills: “What you need in a village, a city tends to suppress.” In other words, the sought after balance between individualism and the cooperative community, tends to be eclipsed in the chaotic atmosphere of the city. In addition, the city is considered to be a lonely place that favors stark individualism.⁴⁹

The classic Camphill village contains many homes grouped together with a loop-shaped road running through the community, connecting the housing with the farm, theater, bakery, and weavery. This road is symbolic of the connectedness within the community and has a functional purpose because co-workers and villagers often visit each other for meals or other social events.

There is often a community center or “meeting hall” for group events such as lectures, theater performances and church services. Cultural activities and festivals play a large role in community life, bringing all of the different homes, and sometimes even other Camphill communities together. When I asked Ary King, an administrator at Camphill California, how all Camphills were the same, she eloquently answered:

I was driving with another one of the trustees to a place, I think it was in Ontario... out in the country. There was this long road leading to the meeting hall. We were passing by a barn and there were a number of people around the barn. And a woman said to me, “Yeah, it’s always the same. Here they are hanging out at the barn”. There is a similarity of lifestyle. Particularly, because most of the other places are on a big piece of property, so there is farming. You always have people involved in the farming and harvesting. There is usually a dairy barn and there is usually a coffee shop of some kind.

Nearly all of the individuals interviewed in various Camphill institutions mentioned that there is an ambiance or a feel to Camphill communities that cannot be easily explained.

⁴⁹ Klein, Anka. Personal Interview: 9/20/05, Lehenhof, Germany.

The internal structures of Camphill Communities are egalitarian. Regina Baisch makes this clear: “We have never had a *Bürgermeisterer* [a mayor]. Each group of people should be responsible for their own work”.⁵⁰ There is a board of directors that live in the surrounding areas, made up of parents and others interested in anthroposophy or the Camphill movement. The board of directors works with the internal leadership of the communities. Coleman Lyles, director of Camphill California explains:

There is a strong egalitarian ethos in Camphill... Now, we do have a board of trustees who are legally responsible. Typically, boards in Camphill play an advisory role. They can also, provide, you know, impetus, or you might say, a stage or a platform for leadership. But, the fact that Camphill Community depends on a strong leadership within the community working well with the board.⁵¹

Though there are leadership positions within the community, all decisions are ideally made collectively in group forums. Stephan Seigal-Holz, the *Heimleiter* [resident leader] at Camphill Lehenhof made it clear that his “lead” position was primarily to answer legal questions, not to direct people:

I say always, I am the expert for legal questions. That is my assignment here but as far as the other co-workers go, I am not different than the others. How a doctor is an expert in health questions, I am the expert in law questions. But, that does not make me better than the others.⁵²

Stephan did clarify that there were situations in which this was called into question. There are individuals who ask for stronger direction from the office: “Sometimes people will come to me because they are unsure of themselves and they ask me to tell them what to do. I tell them, that is not my role. I can give suggestions but I can not tell them what to do.”⁵³ In addition to working the office and answering the legal questions, Stephan lives in a home in the community and works as a “house parent”, doing the domestic work required in the daily life the community.

Once a week, usually on Tuesday, the house parents and community leaders meet to discuss issues within the community. Daphney Reyneke, a house mother in Camphill California stated:

⁵⁰ Baisch, Regina. Personal Interview: 9/29/05, Lehenhof, Germany.

⁵¹ Lyles, Coleman. Personal Interview: 6/16/2005, Camphill California, US.

⁵² Siegal-Holz, Stephan. Personal Interview: 9/29/05, Lehenhof, Germany.

⁵³ IBDM.

Well, I do meet every Tuesday in the “Community Life Meeting” which is with the Senior co-workers. And that same group has had various meetings since I have been here, to discuss issues affecting the [flow of] life and the whole economic process. So, I feel like I have an equitable role in decision making.⁵⁴

In addition to the Tuesday “Community Life Meeting”, all of the co-workers within each house gather once a week to discuss particular issues pertaining to the house and residents. For example, in Lehenhof Germany, Ankia Klein, our “house mother” would gather us together and ask each one of us, “How are you doing?” and we would each take turns discussing our experiences during the week and voicing suggestions, concerns and praises. She would then pull the chart for each of the residents and we would give feedback on positive programs for each or health concerns. The meeting created a platform to share common experiences, enhance communication and create a route for problem solving.

On Saturdays, the villagers and co-workers would meet within the homes and discuss what they wanted to do during their free time. Meals also provided a platform for discussions about concerns or exciting developments in people’s lives, such as birthdays, outings and visits from family or friends. Everyone had a role that was considered important within the community, and all had a voice in the issues pertaining to them.

Closely related to the topic of egalitarianism is the issue of salary. According to Steiner’s Fundamental Social Law, “the economic life is healthier when one person works for the other”.⁵⁵ Ideally, the coworkers do not receive wages for their work. Rather than establish pay hierarchies, the community provides for the co-workers needs as they arise. Rodger Furze, a long-time Community Member and Anthroposophy scholar explained the Fundamental Social Law as such:

It is, the more I put my energy into just the work and doing what is needed and the better it is, by doing that, then I will have satisfied the needs of another person. And when I live together with a number of people who work out of this attitude, then I can expect or not expect, but, I can think that the other people are doing this to satisfy the needs that I have.⁵⁶

⁵⁴ Reyneke, Daphney: Personal Interview: 6/17/05, Camphill California, US.

⁵⁵ Furze, Roger. Personal Interview: 9/21/05. Lehenhof, Germany.

⁵⁶ IBDM.

The Fundamental Social Law is an ideal that Camphill communities were created to embody. Ms. Baisch, who had known Dr. König when the Lehenhof community was founded said, “Dr. König was convinced that this was very important. He felt that the spiritual being should lead us, not the money.”⁵⁷ Though the money was shared, Ms. Baisch was clear that this was not a communist ideal and that individual needs were addressed:

It was not communist. It was not ‘all have exactly the same’ but we would all have the opportunity to have our individual needs to be met. We decided together that we would buy this auto for the community, but if one person needed a jacket, he took the money to buy a jacket. There was not one mayor that decided how the money was spent, it was decided amongst ourselves.⁵⁸

The ideal within the Camphill Communities was that individual distinctions were valued but continued to work together for a common good.

D. Conclusions

The ideals striven for within Camphill Communities are those rooted in an egalitarian ideology. This egalitarian base is built upon the Anthroposophical Fundamental Social Law, coined by Rudolf Steiner, which stresses cooperation and brotherly living. Living, eating and working together is part of the natural rhythms of the community and this is done, ideally, without the exchange of salary. Community members are aware of each others needs and work, not just to meet their own ends, but to provide support for the community at large. In doing so, the community looks after the individuals that make it up. Most feel that a rural setting creates an environment conducive for these ideals; it allows for the development of a close-knit farming community and, some feel, provides a buffer from the chaos of city life.

In reality, most Camphills vary from the ideal structures and philosophies in a variety of ways. In the following chapters, the ways in which Camphill, Lehenhof and Camphill California diverge, from each other and the core ideals of Anthroposophy, will be examined in light of the socio-legal context of Germany and the United States.

⁵⁷ Baisch, Regina. Personal Interview: 9/29/05. Lehenhof, Germany.

⁵⁸ Baisch, Regina. Personal Interview: 9/29/05. Lehenhof, Germany.

**Chapter 3:
Socio-Legal Context**

Chapter 3: Socio-Legal Context

I. International Issues

There are several issues of international significance that influence the ways in which developmental disabilities are viewed and handled in the socio-legal arena. Research done in anthropology, history, psychology, sociology, medicine and policy analysis has examined disability using a variety of terms that have been shifting. Much research began and continues to be about “chronic illness” and “long-term care”. A relevant and recent sub-group of this study is that of “disability-impairment” rights. These changes reflect the transformation of expectations placed on Camphill Communities in their respective socio-legal environments.

The politicisation of “chronic illness” and “long-term care” will be explained as they have been in the international arena. Following this will be the specifics of the socio-legal environments of the United States and of Germany, creating a framework for the pressures exerted on Camphill Communities in their respective areas.

A. Chronic Illness and Long-Term Care

Healthcare systems, and therefore medical policies, are a crossroads (and sometimes battlegrounds) for cultural values expressed in political economy and law. It is clear that there is a particular conflict for those with chronic disabilities that do not have a cure. Sue E. Estroff examines this arena of the medical system in “Identity, Disability and Schizophrenia: The Problem of Chronicity”, wherein she uses schizophrenia as a sounding board to explore the cultural aspects that influence the naming of an illness and the role for the healthcare system in its treatment.⁵⁹ One of the most important aspects of her paper is the thorough examination of what happens when the Western medical system is confronted with a disease or illness that cannot be cured: the chronic illness.

⁵⁹ Estroff, Sue E. “Identity, Disability and Schizophrenia: The Problem of Chronicity”. In *Knowledge, Power and Practice: An Anthropology of Medicine in Everyday Life*. Shirley Lindenbaum and Margaret Lock, eds. University of California Press, 1993.

The chronicity of an illness has a profound effect on the individual experiencing it, on their families, and on society.

In the West, adults with unresolved, serious illnesses, especially schizophrenia, frequently fail to attain or retain the expected roles of student, employee, spouse, and parent... [the] progressive role constriction accompanying chronic illnesses contributes to simultaneous loss of valued, competent role experiences and increase in devalued, incompetent roles and experiences.⁶⁰

A result of chronic illness is that it leaves people unable to provide for themselves and therefore, often dependent on family and on society for subsistence. If an individual is unable to work and poses an economic burden, the chronic illnesses are linked with the political economy and cultural ideals (often embodied in the form of law and legislation). One of the values promoted as an American cultural ideal (and in capitalist systems in general) is that “adults should have and produce more resources than needs, have or earn more money than is spent”.⁶¹

Estroff brings attention to an important economic and ethical conflict between a healthcare system and the individuals that it is to care for. Chronic illnesses are conditions that affect an individual’s well being and their ability to provide for themselves, forcing them to become, in economic terms, “issues” that a “system” must address. A chronic illness may be a place of conflict between a patient and the greater healthcare system because it asks society to provide for individuals that can no longer fully contribute. There are individuals with chronic disabilities, ranging from mental and developmental disabilities to the elderly who can no longer care for themselves, who are in need of support. A society must decide how to approach the needs of these individuals. For example, a society must determine how much funding will go to which programs, often programs that will not make money, but are an “economic drain”. In a market driven system, such as the US, this might be considered a problem.

The governments of both Germany and the US must contend with this conflict. Differences in allocation of funding and a range of programs provided may be observed on a political level by examining laws pertaining to these issues. Societal values may be extracted by observing the laws dictating medical policy and the allocation of resources to programs for the chronically ill.

⁶⁰ IBDM, pg 259.

⁶¹ IBDM

In “Challenges in the Provision of Care for the Chronically Ill”, J. Rodgers Hollingsworth and Ellen Jane Hollingsworth examine how nations such as Germany and the United States adjust their political economic and medical systems to include populations with chronic illness.⁶² The issues they address in this paper echo the concerns and analysis of Estroff:

In the twentieth century, the medical systems of most Western, industrialized countries have been predominately oriented toward the supply of services for clients who are fully functioning or likely to become fully functioning, once they have received medical care... but provision of medical care for the working population has been the dominate paradigm.⁶³

What Hollingsworth and Hollingsworth add and emphasize is that there has been a paradigm shift in Western, industrialized nations regarding the provision of medical care. Due to a greater number of individuals, including “the chronically ill who are not sufficiently ill to be hospitalized in acute care facilities for long periods of time” in need of services, a new approach to care needed to be developed.⁶⁴ This shift entails a move away from a strictly bio-medical approach toward a system that combines both medical care and social services. Such a system has come to be referred to as “long-term care”.

Individuals with chronic illness are in need of long-term solutions, hence, the development of “long-term care” programs. The exact definition of “long-term care” can be difficult to delineate. Jenny Brodsky et. al., authors of “A Review of Long-Term Care Laws in Five Developed Countries” explains that “‘Long-term care’ is defined broadly, and varies by country,” however:

Usually, it includes some combination of health, social, housing, transportation and support services for people with physical, mental or cognitive limitations who wish to live as independently as possible. In most countries, home and community services are preferred over institutional care, and are seen as supplementing family support of the disabled elderly.⁶⁵

⁶² Hollingsworth, J. Rodgers and Ellen Jane Hollingsworth. “Challenges in the Provision of Care for the Chronically Ill” in *Journal of Health Politics, Policy and Law*. Durham, N.C., Duke University Press. Winter, 1992.

⁶³ IBDM, pg. 869.

⁶⁴ IBDM.

⁶⁵ Brodsky, Jenny, Jack Habib, Ilana Mirzrahi. “A Review of Long-Term Care Laws in Five Developed Countries.” JDC-Brookdale Institute of Gerontology and Human Development. And Who Collaborating Center for Research on Health of the Elderly. Jerusalem, June 2000

“Chronic illness” is a general term that can engulf millions of people in the world from the developmentally disabled to those who become debilitated with age.⁶⁶ It is an issue to which many individuals can relate. This issue is elaborated on by Kay Toombs et. al in Chronic Illness: From Experience to Policy:

Since chronic disorders represent the major source of morbidity and mortality in our society with most individuals over sixty experiencing at least one chronic disorder, it is probable that each of us will be one day affected, either through our own experience or through that of a family member.⁶⁷

Echoing this tone is Joseph Shapiro in his well written account of the American Disability Rights movement, No Pity. He quotes Patricia Wright, the Washington lobbyist for the Disability Rights Education and Defense Fund, to elaborate on this point: “Disability knows no socioeconomic boundaries. You can become disabled from your mother’s poor nutrition or from falling off your polo pony.”⁶⁸ He goes on to explain that, “since disability catches up with most of us in old age, it is a minority that we all, if we live long enough, join.”

Chronic illness is a serious issue worth addressing at the international level, however, concerns about the terminology of chronic illness and long-term care are arising. The terminology of chronic illness and long-term care is changing, particularly in the United States. For example, Mary Jo Gibson, Steven R. Gregory and Sheel M. Pandya provide the following disclaimer in “Long-Term Care in Developed Nations: A Brief Overview”: “In the United States, many persons with disabilities prefer the term “long-term services and supports” rather than “long-term care” because the latter can convey paternalism and dependence.”⁶⁹ The backlash against terms has been strong in the United States but has also begun to spread to the global, international arenas. This shift is due, in part, to the disabilities movement in the US and abroad.

⁶⁶ For an excellent study on debility, see Livingston, Julie. Debility and the Moral Imagination in Botswana. Indiana University Press, 2005.

⁶⁷ Toombs, Kay and David Barnard and Ronald A. Carson, eds. Chronic Illness: From Experience to Policy. Indiana University Press, 1995.

⁶⁸ Shapiro, Joseph P. People with Disabilities Forging a New Civil Rights Movement: No Pity. Times Books, 1994, pg. 7-8.

⁶⁹ Gibson, Mary Jo and Steven R. Gregory and Sheel M. Pandya. “Long-Term Care in Developed Nations: A Brief Overview.” AARP, Washington D.C. 2003.

B. Disability Rights and Equality

“Disability is frequently not seen as a human rights issue. Rather, disability is considered as a medical problem and associated with welfare and social law or charity work.”

*Theresia Degener and Yolan Koster Deese*⁷⁰

It is vital to note that the development of disability rights carried with it a discourse of *normalization* (a sociological approach that claims that people with developmental disabilities thrive ‘when they are placed in ‘normal’ settings- in homes, schools and jobs alongside other non-disabled people)⁷¹ and *integration* (the gradual inclusion of developmentally disabled individuals into the community).⁷² These concepts are considered to provide a higher *quality of life*.

Many of the concepts that now embody the disability-impairment rights debate began in Sweden. One of the first to introduce the groundbreaking ideas of normalization was Bengt Nirje, director of the Swedish Parents Association for Mentally Retarded Children in the late 1960’s.⁷³ As the story goes, he was conducting a routine conversation with a group of adults that had developmental disabilities when,

he realized they knew what they liked and disliked better than he or any of the social workers and other professionals did. From the meeting came an epiphany: that retarded people could and should have a role in their own choices.⁷⁴

Soon after this “epiphany,” a conference was held by individuals with developmental disabilities (primarily those diagnosed with mental retardation).

To everyone’s surprise, the conference participants came up with a list of demands, one of which was that they did not want to go to summer camps. Most summer camps for handicapped people are child-like, and have few culturally valued analogues for ordinary citizens.⁷⁵

⁷⁰ Degener, Theresia and Yolan Koster Deese, eds. Human Rights and Disabled Persons. Amsterdam: Martinus Nijhoff Publishers, 1996.

⁷¹ Shapiro, Joseph P., ‘No Pity: People with Disabilities Forging a New Civil Rights Movement’, Times Books, 1993. pg. 161.

⁷² IBDM, Pg. 164.

⁷³ IBDM.

⁷⁴ IBDM.

⁷⁵ Wolfensberger, Wolf. “A Brief Overview of the Principle of Normalization” in Normalization, Social Integration, and Community Services. Robert J. Flynn and Kathleen E. Nitsch, eds. Baltimore, University Park Press, 1980.

Though these ideas originally stem from Scandinavia, they were brought to America by Wolf Wolfensberger in his book titled the Principle of Normalization in Human Services in 1972.⁷⁶ Wolfensberger's definition of normalization is three fold:

1. The use of culturally valued means, in order to enable people to live culturally valued lives.
2. Use of culturally normative means to offer persons life conditions at least as good as that of average citizens, and to as much as possible enhance or support their behavior, appearances, experiences, status and reputation.
3. Utilization of means which are as culturally normative as possible, in order to establish, enable or support behaviors, appearances, experiences and interpretations which are as culturally normative as possible.⁷⁷

Over time, and with popularization and politicization, the term *normalization* became pronounced. Scholars such as Robert J. Flynn and Kathleen E. Nitsch stress that it became an international paradigm, however, "the recent widespread adoption the concept of normalization has frequently been accompanied by superficial understanding of what the term means...."⁷⁸ This creates a problem of people advocating a program that they may not fully understand. For example, "one of the original and currently neglected meanings of 'rehabilitation' is precisely the restoration of a person to a valued status, role and reputation, and not merely restoration to adequate physical or mental functioning."⁷⁹ Regardless of misunderstandings of the term, normalization has become an international paradigm.⁸⁰ It is thought to improve the quality of life indicators of individuals with developmental disabilities. Quality of life, defined by Ivan Brown and Roy I. Brown in Quality of Life and Disability: An Approach for Community Practitioners, is:

⁷⁶ IBDM.

⁷⁷ IBDM, pg. 8.

⁷⁸ Flynn, Robert J. and Kathleen E. Nitsch, eds. Normalization, Social Integration, and Community Services. Baltimore, University Park Press, 1980.

⁷⁹ IBDM, pg. 3.

⁸⁰ IBDM, pg. 4.

Having a life that is very meaningful to individuals and that provides them with resources... it can mean having an interesting and enjoyable job to go to, feeling safe, confident and happy with yourself, feeling close to those people who share your life, having fun, and living life according to the beliefs and values that are important. It also means having the freedom to choose to do the things you wish, and having a richness of opportunities to choose from.⁸¹

Disability scholarship goes hand in hand with the disability rights movement, which began in the US in the 1960's. With it came a demand for civil liberties for individuals with disabilities.⁸² A shift in the perception in society took place, one that brought disabled populations into the role of political actors in the form of a minority group. It is here that the definitions and delineations put forth by the World Health Organization (WHO) become increasingly important.⁸³ The definitions and delineations of WHO now reflect this transition. With a changed perception of the impaired body in society, came a vast critique of what was called the "medical model" which defined a disabled person as inherently sick. Disability-impairment scholars argue that a person can be perfectly healthy in spite of an impairment. The handicap comes when society continues to categorize a person as sick and therefore, unfit or unable to participate in society.

The legal framework for programs providing care for developmentally disabled populations have been evolving away from the "medical model", where in all individuals are recipients of medical care and charity programs, to one of "civil rights". Two such scholars in the development of the disability-impairment studies, Russell P. Shuttleworth and Devva Kasnitz, laude others who have made the transition away from the study of "chronic illness" to that of "disability-impairment".⁸⁴ Theresia Degener and Gerard Quinn also examine conceptions of disability, economy and law in "A Survey of International, Comparative and Regional Disability Law Reform".⁸⁵ They explore how disability has transcended medical categories and has crossed into social categories.

⁸¹ Brown, Ivan and Roy I. Brown. Quality of Life and Disability: An Approach for Community Practitioners. Jessica Kingsley Publishers, 2003.

⁸² Shapiro, Joseph P. *People with Disabilities Forging a New Civil Rights Movement: No Pity*. Times Books, 1994, pg. 7-8.

⁸³ See Chapter 1.

⁸⁴ Shuttleworth, Russell P. and Devva Kasnitz. "Stigma, Community, Ethnography: Joan Ablon's Contribution to the Anthropology of Impairment-Disability." *Medical Anthropology Quarterly*, Vol. 18, Issue 2, pp.139-161.

Central to disability rights movement is the demand that socio-legal systems focus less on the medical issues of disability and address the civil rights aspects. In this way, disability rights are considered human rights issues.⁸⁶

The premises of policy is now that those with disabilities should be considered *equal citizens* with *rights* versus passive sick people in need of pity. This issue grows complex, however, as Degener and Quinn point out that there are different kinds of equality; *equality of opportunity* as well as *equality of results*. Equal opportunity means that individuals should have the chance to succeed, while equality of results means that, all said and done, individuals will have equality. An example might be, everyone is given the opportunity to have a job and make money and therefore, are considered equal. Equality of results focuses not on the opportunity to make money, but whether needs are met in the end. Degener and Quinn speculate that in welfare states (i.e. Germany), equality of results might be emphasized while in a free market economy (i.e. US), equality of opportunity would be valued.⁸⁷ These concepts of equality are often an implicit part of policy making surrounding the care of individuals with developmental disabilities.

The “civil rights” model, which denotes equality of opportunity, has been most successful in the United States with the passage of the Americans with Disabilities Act in 1990. Indeed, Degener and Quinn advocate a Europeans with Disabilities Act, which would enforce some of the same principles (which will be discussed in Chapter 4).⁸⁸ Disability activists in Germany have attempted to draw on the American model but due to the different socio-legal environment in Germany, it has not taken as readily as in the US.⁸⁹ It is here that the definitions and delineations put forth by the World Health Organization become increasingly important.⁹⁰ The equality of results emphasis of the German welfare state may be partially responsible for this resistance.

⁸⁵ Degener, Theresia and Gerard Quinn. “A Survey of International, Comparative and Regional Disability Law Reform.” Presented at Expert Group Meeting on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities. June 2002. www.sre.gob.mx/discapacidad/paperdegener.htm

⁸⁶ IBDM.

⁸⁷ IBDM, Pg. 10

⁸⁸ IBDM.

⁸⁹ Heyer, Katharina . ‘ADA on the Road: Disability Rights in Germany’. Law & Social Inquiry, 2002, 27, 4 pp. 723-762.

⁹⁰ See Chapter 1.

C. Conclusions

The ideas of **normalization**, **integration** and **quality of life** were developed to help improve the lives of individuals with developmental disabilities. Their definition and application denotes a shift away from the “medical model” or “chronic illness,” to a paradigm of “**disability-impairment rights**”. Examining laws and whether they are geared toward social programs, insurance (economic) programs, medical programs or granting civil rights can be indicative of the values that a particular society maintains. Because the disability rights model in the US values integration and “**equality of opportunity**” one might speculate that it is in conflict with the Camphill values of rural location and farming. It is also of import to examine to what extent the disability rights model has been introduced to Germany. It is helpful to revisit the concept of legal pluralism and consider how the various levels of laws shape and influence each other. The following Chapter will look at the actors that negotiate power and their possible impacts on the Camphill movement.

Chapter 4: Law and Care for the Developmentally Disabled In United States and Germany

Chapter 4: Law and Care for the Developmentally Disabled In United States and Germany

I. Introduction

The US and Germany are similar in structure in the following three ways: First, both are based on a Federal government, with smaller state governments carrying much of the burden of medical care. Germany consists of sixteen states or *Länder*, while the US

consists of fifty states. Secondly, medical care is administered on a “fee for service” basis in both countries, meaning one pays for medical care costs as they arise.⁹¹ Furthermore, many employers and employees jointly pay for medical insurance.⁹² However, there is a difference in the underlying ideology of the laws, which translates to a variance in care provision. The US is considered to be a “quasi-market system”⁹³ while Germany is a Welfare State.

As a “quasi-market system” the US considers medical care as a commodity to be purchased. The only major safeguards for vulnerable populations in the US are Medicare and Medicaid. Medicare and Medicaid have been funding medical services in the US since 1965.⁹⁴ These programs were originally developed to aid the poor but have morphed into a program of more general coverage for the elderly and populations with disabilities.⁹⁵ The central government finances Medicare for the elderly (65+), while central state governments jointly cover Medicaid for those with other chronic needs.⁹⁶ Medicaid covers 12.9% of the population, primarily children, pregnant women, elderly and individuals with disabilities.⁹⁷

Due to the fee for service construction of medical care and the “quasi-market system” there is very little to contain the cost of medical care.⁹⁸ The fact that there are fifty states translates into a wide variation between the levels of medical and social services provided from state to state: “The limits for eligibility, as well as the scope of services covered, are set at a state level and thus vary between states.”⁹⁹

Germany, conversely, is a Social Welfare State with a long history of providing medical coverage for its workers. In 1994, an all inclusive (Long-Term) Care insurance

⁹¹ Hollingsworth, J. Rodgers and Ellen Jane Hollingsworth. “Challenges in the Provision of Care for the Chronically Ill” in *Journal of Health Politics, Policy and Law*. Durham, N.C., Duke University Press. Winter, 1992. pg. 872.

⁹² IBDM.

⁹³ IBDM, pg. 875.

⁹⁴ Office of the Assistant Secretary for Planning and Evaluation. “Overview of the Uninsured in the United States: An Analysis of the 2005 Current Population Survey.” Department of Health and Human Services. <http://aspe.hhs.gov>, 2005.

⁹⁵ Karlsson, Martin, et.al. “An International Comparison of Long-Term Care Arrangements”, April 26, 2004. pg. 40.

⁹⁶ IBDM.

⁹⁷ Office of the Assistant Secretary for Planning and Evaluation. “Overview of the Uninsured in the United States: An Analysis of the 2005 Current Population Survey.” Department of Health and Human Services. <http://aspe.hhs.gov>, 2005.

⁹⁸ Hollingsworth.

⁹⁹ Karlsson, Martin et.al, pg. 41.

known as the *Pflegeversicherung*, was voted in to provide extensive coverage to all citizens with severe disabilities.¹⁰⁰ Funded by a tax on wages, both institutional and in-home care is part of this insurance scheme.¹⁰¹ Insurance programs cover not only individuals with disabilities, but approximately 90 percent of the German populations, while most of the remaining “have signed up for voluntary private insurance.”¹⁰²

According to Martin Karlsson et. al. , authors of “An International Comparison of Long-Term Care Arrangements,” individuals applying for benefits from this insurance scheme must fall into one of the three following groups:

1. Those who need help with at least two activities for at least 90 min. a day (total) and need help with cooking or shopping at least two times a week.
2. Those who need help at least three times a day, and also need help with cooking and shopping at least twice a week.
3. Those who have a need for care least five hours a day, where at least four of them are due to basic personal care, and who need help with cooking and shopping.

The US and Germany, while both considered to be part of Western society and contributing to Western ideologies, have very different histories and approaches to social programs for individuals with developmental disabilities.

B. US Disability History: A Quasi-Market System

The history of care for developmentally disabled people is described by Deborah S. Metzel and Pamela M. Walker in “The Illusion of Inclusion: Geographies of the Lives of People with Developmental Disabilities in the United States” (2001).¹⁰³ They explore the history and contemporary placement of people with developmental disabilities. They

¹⁰⁰ Gibson, Mary Jo, Steven R. Gregory and Sheel M. Pandya. “Long-Term Care in Developed Nations: A Brief Overview.” AARP, 2003. pg. 13.

¹⁰¹ Brodsky, Jenny, Jack Habib, Ilana Mizrahi. “A Review of Long-Term Care Laws in Five Developed Countries”. Bookdale Institute of Gerontology and Human Development and WHO Collaborating Center for Research on Health of the Elderly, June 2000, pg. 29.

¹⁰² Karlsson, Martin, pg. 2.

¹⁰³ Metzel, Deborah S. and Pamela M. Walker. “The Illusion of Inclusion: Geographies of Lives of People with Developmental Disabilities.” *Disability Studies Quarterly*, Vol. 21, No. 4, Fall 2001, pgs 114-128.

list the time frame, the policy and the predominant kind of institution where people with disabilities would reside.

- Colonial-1820: “Indoor Relief”: Disabled placed predominantly with families, relatives or other community households.
- 1820s-1850s: “Outdoor Relief”: Almshouses
- 1850s-1870s: “Education”: Schools in the community, then expansion into rural locations.
- 1870s-1880s: “Protection of people with developmental disabilities”: Asylums in distant rural locations.
- 1880s-1920s: “Protection of people with developmental disabilities” and “Colonies and parole”: Institutions in distant rural locations and the latter in communities.
- 1920s-1950: “Custodial care”: Institutions in distant rural locations.
- 1950s-1970s: “Custodial care” in institutions and “initiation of community-based services” in schools, day activities and residences in the communities.
- 1970s-2000: Deinstitutionalization and continued growth of community-based services in schools, day activity and residences in the communities.

The tradition of distinct rural locations for programs for individuals with developmental disabilities and the subsequent shift to urban settings is significant. The more recent development of deinstitutionalization and community-based services are important because they have become the template for many other nations.¹⁰⁴

Due to the “quasi-market system”, one would expect an emphasis on an equality of opportunity over the equality of results philosophy.¹⁰⁵ That is exactly what this process is supporting.

The concept of “equality of opportunity” is very strong in the US. Not only is it tied to the quasi-market system, but the whole disability rights movement was based on the ideology of rights and equal opportunity. It was a unified struggle of individuals with disability, demanding that the “pity laws” assumed they were incapable and ineffective people. They demanded that laws (and public opinion) be reevaluated and restructured to allow them an equal opportunity to join the work force. The Disability Rights movement

¹⁰⁴ Degener, Teresia and Gerard Quinn. “A Survey of International, Comparative and Regional Disability Law Reform.” Presented at Expert Group Meeting on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities. June 2002. www.sre.gob.mx/discapacidad/paperdegener.htm

Metts, Robert L. “Disability Issues, Trends and Recommendations for the World Bank.” World Bank, February, 2002.

¹⁰⁵ Degener, Theresia and Gerard Quinn.

in the US culminated in the Americans with Disabilities Act in 1990, signed by the first Bush Administration. The removal of structural barriers was a central part of this law.

1. State Hospitals and Deinstitutionalization

The disability rights movement was long in coming and began to take force in the 1960's. Wolf Wolfensberger was introducing the Scandinavian concept of normalization to the US at a time when there was already a move to shut down many state hospitals.

State Mental Hospitals, large, state-funded mental institutions, once provided the primary care of developmentally disabled adults in the US, including California.

Disabled people were never sent to institutions for economic reasons. But at institutions they were put to work, often backbreaking work, for long hours and without pay. Many state facilities had their own farms, where inmates grew crops and raised animals to feed the institution. Others worked as maids, janitors, and cooks or made blankets and other items for sale to raise money for the running of the facility.¹⁰⁶

The California State Hospitals once had farms that sustained the populations within, however, reliance on such methods ended in the 1960's.¹⁰⁷ Soon after came the deinstitutionalization movement, which entailed a move away from self-contained communities and toward community based care.¹⁰⁸ The reasons for this movement were many: namely the reported abuses against the inmates of State Hospitals, including beatings and rapes, which later became publicized in the 1960's and 1970's. The abuses and unsanitary living conditions were, in part, brought into the open by exposes by Burton Blatt and Fred Kaplen's Christmas in Purgatory (1966).¹⁰⁹ In addition, community care was cheaper for the government. Also, the development of anti-psychotic drugs allowed for the containment of some mental disorders, such as schizophrenia, which created incentive for releasing many inmates into the community.¹¹⁰

¹⁰⁶ Shapiro, Joseph P. People with Disabilities Forging a New Civil Rights Movement: No Pity. Times Books, 1994. pg.160

¹⁰⁷ California Department of Mental Health. <http://www.dmh.ca.gov/Statehospitals/Napa/default.asp> 01/03/2005

¹⁰⁸ Lamb, HR. 'The New State Mental Hospitals in the Community.' *Psychiatr Serv.* 1997, Oct. 48 (10): 1307-10.

¹⁰⁹ Blatt, Burton and Fred Kaplin. Christmas in Purgatory. 1966.

¹¹⁰IBDM.

The history of the State Hospitals and their infamous abuses against developmentally disabled charges created a slew of legislation and movements that seek to prevent such abuses from happening in the future. Robert Edgerton, whose work in the State Hospitals in California and on the deinstitutionalization movement thereafter, adds depth to the understanding of the movement. Particularly, his observations in Environments and Behavior: The Adaptation of Mentally Retarded Persons (1983)¹¹¹ and “I’ve Seen It All!”: Lives of Older Persons with Mental Retardation in the Community¹¹² (1991) provided descriptions of the normalization process. His work found that most of the individuals he and his colleagues interviewed had successfully integrated into the community and maintained a higher quality of life.

What is significant about this history is that it creates an environment that is antithetical to the Anthroposophical or Camphill ideology. The communal living is now suspect as an environment for abuse and one that robs individuals of fundamental consumer rights. For these reasons, the villages found in Europe would not likely be found in California.

2. California Specifics: The Lanterman Act and the Regional Centers

The most important state laws in relation to residential care in California are under Title 17 (also know as the Lanterman Developmental Disabilities Services Act)¹¹³ and Title 22.¹¹⁴ The Lanterman Act was implemented in 1969 to define the rights of persons with developmental disabilities “and establishes how these services will be delivered.”¹¹⁵ In the language of the Lanterman Act, a person with a developmental disability is called a “consumer” because this person is purchasing services from the

¹¹¹ Kernan, Keith T. Michael J. Bgab, and Robert B. Edgerton. Environments and Behavior: The Adaptation of Mentally Retarded Persons. University Park Press, Baltimore, 1983.

¹¹² Edgerton, Robert and Marcia A. Gaston. “I’ve Seen It All!” Lives of Older Persons with Mental Retardation I the Community. Paul H. Brookes Publishing, 1991.

¹¹³ Lanterman Developmental Disabilities Services Act and Related Laws. State of California Department of Developmental Services, January, 2001.

¹¹⁴ Title 22, Barclays California Code of Regulations.

¹¹⁵ State of California Statues web site: www.dds.cahwnet.gov/statutes/Statues_Main.cfm

mental health system. The word “consumer” is favored by the disability rights movement, which replaces some of the older terminology such as “patient” (used in the medical model). This change in terminology ideally gives an individual an active rather than a passive role.

The Lanterman act helped to develop the role of the Regional Center, which is now a central actor in the California Department of Developmental services. Regional Centers are “non-profit private corporations that contract with the Department of Developmental Services to provide or coordinate services and supports for individuals with developmental disabilities.”¹¹⁶ Regional Centers are not technically a government entity, however, they are in charge of allocating government funds to individuals with developmental disabilities. An important service that they provide for the purpose of this study is connecting individuals with disabilities with available services, such as group homes or other living arrangements. In the words of a pamphlet written for “consumers”,

The regional center is the place to go to get the services and supports you need to live, work, learn, and have fun in your community. People who wrote the Lanterman Act set up organizations called REGIONAL CENTERS to help people with developmental disabilities (people like you) get the help they need. The Lanterman Act has the rules about how the regional centers can help you.¹¹⁷

The Regional Center that interacts with Camphill California is the San Andreas Regional Center. The duties of the San Andreas Regional Center include matching families and potential residents to what they feel might be appropriate facilities. They also conduct the inspections of the group homes or facilities within their jurisdiction to ensure that the facilities comply with the Lanterman Act regulations. The Department of Developmental Services also has its own separate set of inspections.

Title 22 dictates how group homes should be set up, specifically, ensuring that residential living is a home-like environment and not a hospital. Examples of this are the setup of the dining table, living room and bedrooms.

There has been some critique that the new laws, in spite of their empowering language of consumerism, have simply applied some of the same regulations onto the group homes that were once on the State Hospitals.

¹¹⁶ Department of Developmental Services Web site: www.dds.cahwnet.gov/rc/RCInfo.cfm Thursday, December 29, 2005.

¹¹⁷ A Consumer’s Guide to the Lanterman Act. Department of Developmental Services, June 2001.

B. German Context: A Social Welfare State

Germany is a social welfare state with a long history of providing financial assistance to individuals in need. The nature of a social welfare state is that it relies on taxes to provide a wide range of social services. T.H. Marshall explained, “‘Staatsbürgerversorgung’, or treating all citizens as meriting the care previously bestowed by government on its military and civil servants, is often considered to be the significant new element in the social policy of the Welfare State.”¹¹⁸ This is an example of “equality of results” being valued over “equality of opportunity” which strongly contrasts with the US system.

Lutz Leiserling wrote a chapter in International Social Policy called “Germany: Reform from Within”, which discussed the development of the German Social Welfare State.¹¹⁹ Though Germany has undergone several regime changes, the Federal and Welfare State structure has remained relatively constant. The timeline described by Leiserling went thus:

- Imperial Germany, the Reich (1871-1918), developed by Bismarck.
- Weimar Republic, the first Germany democracy (1919-33).
- National Socialism, the Third Reich (1900-45).¹²⁰
- After a period of occupation, a democratic and capitalist West Germany, the Federal Republic of Germany (FGR),
- And a totalitarian and communist East Germany, the Germany Democratic Republic (GDR), were founded in 1949 and only reunited in 1990.

Though the structure of the Welfare State remained under the National Socialist ‘welfare state’ (1933-45), many individuals of Jewish decent or individuals with iesdisability were

¹¹⁸ Marshall, T.H. . “The Welfare State: A sociological Interpretation.” Archives Europeennes de Sociologie, 1961, II pg. 292.

¹¹⁹ Leiserling, Lutz. “Germany: Reform from Within”. In International Social Policy. Pete Alcock and Gary Craig, eds. Palgrave Press, 2001.

¹²⁰ It is important to note that during the Nazi regime, thousands of individuals with disabilities were sterilized and murdered. They were actually implementing eugenics programs that came from the US. See Marks, Johnathon. Human Biodiversity: Genes, Race, and History. Aldine De Gruyther, New York, 1995.

expelled from the programs. According to Leiserling, “One of the original promises of the regime was to replace mass unemployment and misery by new welfare.” This was ultimately accomplished through the systematic sterilization and murder of thousands of individuals who did not fit into the classic paradigm of the Aryan race. This left its mark on disabled populations in the future, which will be addressed further in Chapter 5.

Leiserling described the era of 1966-1975 as the “Modernizing the welfare state”.¹²¹ During this time, social policies were expanded, “provoking high hopes of social planning and active policies directed to enhancing ‘the quality of life’ for all groups in society, and not only for workers, as in traditional industrial social policy.”¹²² Educational planning was improved and an expanded list of social services and benefits were offered to all groups in society. As in the US, “It was also the formative period of social work as a semi-profession.”¹²³

The expansion was not to last economic difficulties which took hold of Germany. Leiserling describes the following two decades, 1975-1995 as “Consolidation and New Expansion.”

Fiscal Constraints began to dominate policy-making, the social security systems were restructured rather than extended. Unlike Thatcher, however, Chancellor Kohl’s neoconservatism remained largely rhetorical during his 16 years of office (1982-1998). benefits were cut repeatedly, but key structures remained intact.¹²⁴

One of the factors that lead to these difficulties in 1990 was “unification with the economically run down East Germany”. The reunification brought many benefits, however, a drawback was mass unemployment, which continues to be an issue (though not as severe) in Germany through 2005.

1. Subsidiary

One of the most important ideas in the German Welfare system is that of Subsidiary. Subsidiary “means that small units have priority over larger units, especially over the state, whenever appropriate.”¹²⁵ Bureaucratic organizations supplement and support relationships within the family and “state aid is second to aid by voluntary

¹²¹ Leiserling, Lutz.

¹²² IBDM.

¹²³ IBDM.

¹²⁴ IBDM.

¹²⁵ IBDM.

welfare associations.” The principle of subsidiary is directed to social services for groups of people with special needs such as the poor and people with disabilities. The welfare associations are now very important actors since they “employ one million waged employees (1996) and large numbers of unpaid (voluntary) helpers.”

Those familiar with Michel Foucault’s Civilization and Madness, may find it no surprise that religious organizations have played a large role in providing medical care and mental health services for vulnerable groups in Germany.¹²⁶ Leiserling writes that it is the Roman Catholic Church (under the name of Caritas) and the Protestant Church (Under the name Diakonie) that make up the “major umbrella organizations of voluntary welfare”.¹²⁷ There are also Non-Denominational, Workers, Central Jewish Welfare Associations and the Red Cross that also provide voluntary services. It would be safe to say that Camphill would fall into this category since it provides health services, residential homes and workshops with some aid from voluntary services.

These associations act as service providers in service centers, hospitals, residential homes and care for the elderly and people with disabilities, and sheltered employment. In addition, they are political actors- in the field of children and youth services they have a formal say in the administrative board. Besides their welfare associations, the churches also play a direct part, for example by running social work schools.¹²⁸

Camphill Lehenhof does indeed have a social work school on its campus. It trains individuals not only in Anthroposophical philosophical teachings but can qualify individuals to provide care for disabled populations throughout Germany.

Service providers are moving more and more into roles of political activism as they find themselves under pressure from new laws.

After many years of privileged symbiosis with the state and high degree of bureaucratization, the associations now find themselves under pressure to improve efficiency to survive in competition with commercial providers in the social services market developing under the new Care insurance. In social policy debates, they have subsequently moved from conformism with official policies to sustained criticism of benefit cuts and lobbying for the poor.¹²⁹

¹²⁶ Foucault, Michel. Madness and Civilization: A History of Insanity in the Age of Reason. Vintage Books Edition, 1988.

¹²⁷ Leiserling, Lutz. “Germany: Reform from Within”. In International Social Policy. Pete Alcock and Gary Craig, eds. Palgrave Press, 2001.

¹²⁸ IBDM.

¹²⁹ IBDM.

The role of smaller (often religious) organizations in providing care (versus state run institutions) has been a long tradition in Germany. The government has provided these smaller organizations with funding to provide the necessary services in society. As the rules and regulations change, the subsidiary organizations have often stepped up their political role.

2. Disability Specifics: Sozialgestzbuch IX & XII

The administrators in Camphill Lehenhof, Föhrenbühl and Bruckfelden all directed my attention to the *Sozialgestzbuch* (Social Law Book) IX & XII, which had the most direct impact on the German Camphill Communities.¹³⁰ The legislations within had been voted in in 1995 and then amended in 2001.¹³¹ The Social Law Book IX addresses the guidelines for rehabilitation and integrative work environments for those with disabilities.¹³² I was informed that Lehenhof was legally a workshop center. The villagers were allowed to live in the same place that that they worked with the permission of the local government, though that was not the standard understanding under “norms for decision”.¹³³ Therefore, the Social Law Book IX had a particular impact for Lehenhof.

Chapter 5 of the Social Law Book IX requires that individuals with disabilities be evaluated for their strengths and an appropriate job that suites them be found. From my observations at Lehenhof, individuals strengths and jobs were very well matched. For example, a man who worked in the *Dorfmeisteri* (the village workshop or carpentry) used leftover scrap wood to make beautiful handmade toys. His ingenuity with the odd pieces of wood was impressive and unique as he was the only individual assigned this “job”. Sometimes, he would literally laugh as he was creating one of his toys. He would consult with Klaus Levine, the villager wood workman with whom he worked, for advise on shaping the wood.

Other examples were individuals who had a keen eye for color and nimble hands might work in the weavery, making beautiful textiles that were later sewn into high

¹³⁰ SGB IX. http://www.karlsruhe.de/Wirtschaft/php_wett/wett_detail.php?auswahl=65&auswahl1=Sozialgestzbuch,

¹³¹ <http://www.rechtsanwaltgroh.de/Schwerpunkte/Sozialhilfe/Neu2005/neu2005.htm>

¹³² The German word, *behinderte* has been traditionally translated into handicapped, however, I will translate it as disabled.
Sozialgestzbuch IX.

¹³³ Steele, Richard.

quality bags, tablecloths, aprons and other stunning pieces of work. Villagers and co-workers alike worked in the bakery, cheese shop, in the gardens or on the farm. Social Law Book IX also provides guidelines for the social support structure to surround individuals with disabilities.

The Social Law Book XII lists the financial reimbursements that individuals with disabilities are qualified for and entitled to.¹³⁴ These include the funding for housing and medical needs that should arise. Lehenhof villagers receive funding for their basic living needs, such as rent and groceries. The house parents have a fixed budget for the house and for each particular resident provided by the government.¹³⁵ Though much of the food is grown and made within the community, the cost of vegetables from the garden, bread and cheese for each house is tracked and charged. In this way, the balance of the cost of workshops and products purchased is maintained.

When I was assigned to working in the village grocery store, house parents would come in and fill up a basket of groceries, which I would charge to a house account. The personal items for individual residents (deodorant, toothpaste, hair brushes), however, had to be charged separately to the villager. Depending on the needs of different individuals, the villagers might manage their own funds or be assisted by their house parents.

3. Current Debates

The discourse of disability rights and deinstitutionalization has been exported to Germany, however, there are not the same level and types of regulations.¹³⁶ As stated above, the Camphill Community in Germany remains comparatively self-sufficient and separate from the larger society. According to Erving Goffman's Asylums, a total institution may be defined by an encompassing, symbolic barrier to social intercourse between the 'inside' of an institution and the 'outside'.¹³⁷ When I had first observed the

¹³⁴ http://www.muenchen.de/Rathaus/soz/sozialbuengerhaeuser/nm/41212/hilfen_nm.html

¹³⁵ Klein, Anka. Personal Interview: 9/20/05.

¹³⁶ Heyer, Katharina . 'ADA on the Road: Disability Rights in Germany'. *Law & Social Inquiry*, 2002, 27, 4 pp. 723-762

¹³⁷ Goffman, Erving (1961) Asylums: Essays on the Social Situation of Mental Patients and Other Inmates. Anchor Books.

German Camphill, I had been culturally unaware of these facts. I perceived the program in Germany as a close knit and caring community wherein people lived fulfilling lives.

Katarina Heyer's article, 'The ADA on the Road: Disability Rights in Germany', examines the transplantation of disability rights discourse from the United States (US) into Germany.¹³⁸ Heyer discusses the German government's resistance to such discourse and the implementation of policy changes, primarily due to the fundamental differences between the civil rights model of the US and the welfare model of Germany. Heyer's article looks at the activist side of the disability rights movement in Germany and the US. Though changes in policy have been taking place, questions may be raised as to what extent these laws are actually impacting the care for individuals with developmental disabilities in the German system.¹³⁹

A central point is that the historical German approach to disability politics and activism has been an expansion of welfare legislation. In many ways this is antithetical to the US disability rights model, which stresses equal rights and integration (normalization) over welfare assistance. Heyer finds that German activists, inspired by the 1990 American Disabilities Act (ADA), pushed for this new kind of disability rights and were successful in first, the passage of the 1994 Equality Amendment and secondly, the anti-discrimination legislation of 2002. Her conclusions are that:

the globalisation of disability rights should not be viewed as an imposition of American norms but as a more complex process of adaptation and cultural transformation that involves constructing locally legitimate approaches to disability rights with an American import.¹⁴⁰

While Heyer's article specifically looks at the activist side of the disability rights movement in Germany and the US, I am interested in the result of this legislation in practice. The issues of activism and policy are important to my questions, however, because not all laws are enforced to the extent that activists would like. I would like to examine how these laws are actually impacting care for disabled individuals.

Some activists and scholars, such as Theresia Degener, use Germany as an example of a country 'where there is no history of civil rights legislation and litigation, the constitutional anti-discrimination clause has been rendered a toothless tiger by the

¹³⁸Heyer, Katherina.

¹³⁹ Degener & Quinn.

¹⁴⁰ Ibidm. Pg 723.

Federal Constitutional Court'.¹⁴¹ Though changes in German policy have been taking place, questions may be raised as to what extent these laws are actually impacting the care for individuals with developmental disabilities in the German (and US) system(s).¹⁴² First of all, the legislation cited (the 1994 Equality Amendment and the 2002 anti-discrimination legislation) has met resistance in practice. The German courts are not enforcing the legislation as activists have hoped. For example, the 1994 Equality Amendment lost some legitimacy when the courts, and in 1996, failed to enforce a disabled girl's right to attend public school on account of her special needs.¹⁴³

Furthermore, though there was sweeping anti-discrimination legislation put forth in 2002, it was met by staunch resistance by many officials in the government and only a part of it was passed.¹⁴⁴ Katharina Heyer addresses this and systematically explains what was included in the final draft legislation, however, she does not fully address what was removed. What was removed may be even more important when examining the impact on 'living law'. Other scholars have explored this issue in the German Law Journal during this time.¹⁴⁵ For example, Nicola Venneman explained Germany's reaction to the legislation as thus: "Germany remained hesitant until a European directive created a strong incentive to act."¹⁴⁶ In addition, in 2001 the German Minister of Justice, Herta Daubler-Gmelin, presented a draft of legislation aiming at the elimination of discrimination in the private sector and declared her firm determination to have the law passed before the end of this parliamentary term."¹⁴⁷ This draft legislation was required by the Coalition Agreement of 1998 which anticipated these efforts. Though her term witnessed unprecedented agenda in private law legislation, these anti-discrimination laws

¹⁴¹ Degener, Theresia and Gerard Quinn. 'A Survey of International, comparative and Regional Disability Law Reform' presented at the Expert Meeting on the comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities in Mexico City, June 2002.

¹⁴² *Ibidm.*

¹⁴³ *Ibidm.*

¹⁴⁴ See: Venneman, Nicola. 'The German Draft Legislation On the Prevention of Discrimination in the Private Sector'. German Law Journal, Vol. 3, No. 3. 01-March 2002.

¹⁴⁵

Engert, Andreas. 'Allied by Surprise? The Economic Case for an Anti-Discrimination Statute.' German Law Journal No. 7, 1 July 2003.

¹⁴⁶ Venneman.

¹⁴⁷ *Ibidm.*

were not passed.¹⁴⁸ The complete Act to Prevent Discrimination in Private Law ‘was shelved’. Degener’s response to this was as follows:

The mere level acknowledgement of disability as a discrimination category carries the recognition that persons with disabilities are persons with rights not problems. Some of these anti-discrimination laws are strong, others appear to be ‘toothless tigers’. Often domestic disability groups fought very hard for equality laws, and were not fully or perhaps even partially satisfied with the act that was finally passed by their legislators...¹⁴⁹

Indeed, the most important critic of the German draft legislation’s adequacy has been the European Union, which, according to council directive 2000/43/EC, required Germany to adopt enforceable anti-discrimination legislation.¹⁵⁰ The Official Journal of the European Union, 2004, declared that Germany had failed to meet its obligation. The symbolic sanction was for Germany to pay the costs of the proceedings (2004/C239/13). Engert points out that this anti-discrimination legislation will not be muted “as Germany is under obligation to translate two EU anti-discrimination directives into national law”.

If these ‘norms for decisions’, or laws, are not considered adequate by international standards, then how can they bring about significant change in practice? This suggests that there are mechanisms of resistance in Germany, slowing this globalizing change in the area of disability rights. Indeed, many disability rights advocates on the international arena have lamented Germany’s ability to thwart international pressures.

Heyer’s work demonstrates that there is an exchange of ideology between the US and Germany pertaining to disability rights. Some of the disability rights ideology have been met with some resistance to its transplantation into Germany. Some examples that may be given are the different definitions of equality tied to economic systems (quasi-capitalist/equal opportunity vs. welfare state/equality of results). The results of these differences are very tangible ways of providing medical and social programs.¹⁵¹

¹⁴⁸ Engert, pg 685.

¹⁴⁹ Degener, Teresia.

¹⁵⁰ Official Journal of the European Union, 2000/43/EC. ‘Action brought on 29 July 2004 by the Commission of the European Communities against the Federal Republic of Germany’. (Case C-329-04). http://www.coe.int/t/E/human_rights

¹⁵¹ Ibidm.

4. Conclusions

Both the US and Germany have structures in place to assist individuals with developmental disabilities, however, there are very different ideas about how they should be approached. The US is based on a market system and has a rights-themed “equal opportunity” rhetoric. Germany, conversely, is concerned with “equal results”, falling in line with the Welfare State system that ensures health care provision to the majority of its populations. Evidence of the abandonment of the medical model for the disability rights model (discussed in chapter three) can be seen in both countries, although it is strongest in the US. There is a built-in resistance in Germany that attempts to maintain its traditional structure of the welfare state.

Chapter 5: Case Study Analysis at Camphill Lehenhof, Germany

Chapter 5: Case Study Analysis at Camphill Lehenhof, Germany

I. Camphill Lehenhof, Germany

The Bodensee, better known in English as Lake Constance, is a stunning body of water majestically placed in the foothills of the Alps in the *Land* (state) of Baden-Württemberg. Picturesque towns and villages that boast of a German heritage surround her shores. Lehenhof, the village community in which I spent my time, is located roughly a half-hour away from the lake, nestled in the lushly green Deggenhausertal Valley.

According to locals, the location was historically one of healing. Individuals with various illnesses would travel to the southern borders of Germany for rest and relaxation. Some described the area as “energy point”.¹⁵² These concepts have long been embraced by the Germans, who according to Lynn Payer, author of Medicine and Culture, have a strong connection to “romanticism” and prescribe massage therapy and travel to hot springs more readily than in the US.¹⁵³

The tradition of “subsidiary”, the role of smaller (often religious) organizations providing health care and social services throughout Germany is also a prominent feature of the historic landscape.¹⁵⁴ The Catholic church once dominated this role, whereas most

¹⁵² Bay, Gita and Tackel Bay. Personal Interview: 9/29/05

¹⁵³ Payer, Lynn. Medicine and Culture. Owl Books, 1996.

¹⁵⁴ Leiserling, Lutz. “Germany: Reform from Within”. In International Social Policy. Pete Alcock and Gary Craig, eds. Palgrave Press, 2001.

hospitals used to be convents, monasteries, leperseoums or other places with religious connotations.¹⁵⁵ The current socio-legal environment in Germany now depends on a variety of such organizations for the majority of its healthcare provision.¹⁵⁶ Steiner's Anthroposophy played a strong role in rebuilding social infrastructure in Germany after both World War I and World War II.¹⁵⁷ It is therefore natural to find Anthroposophic hospitals or communities such as Lehenhof scattered throughout the Bodenseekreis (Lake Constance County).

One travels up a forested, windy, steep road to reach Lehenhof. The sounds of lazily clanking bells greet visitors as they drive past fields of silver-brown cows. When they reach Lehenhof, a barn and several uniquely shaped buildings surround them. It is strikingly similar to any European village. According to the pamphlet, "a village consists of living houses, workshops, a cultural center, land workshops, a garden, a nursing station and workstations".¹⁵⁸ In addition, there is a *Bakeri* (Bakery), a *Buro* (office) connected with a *Post* (post office), a *Kaseri* (Cheese shop), a small grocery store and homes scattered throughout. A long loop road connects the 15 large houses together with the large Saal (theater or meeting hall). People bustle about, stop to greet each other and introduce themselves to the unfamiliar visitors.

Following the road past the barn, Meeting Hall and homes one reaches the garden. Deliveries from the workshops to the houses are made throughout the day. Some of the carts may be coming from the small grocery store carrying outside goods, while others may have baskets of bread from the bakery.

Tractors, cars and buses frequent the road, transporting people from different workshops within Lehenhof and also outside, in the surrounding community. Some individuals work in the valley, producing colorful, paper workbooks for the Waldorf schools. Some individuals live in houses in the valley and take the bus into Lehenhof to work. There was constant movement and interconnection.

As one becomes more familiar with the layout for the village and the personalities within it, one begins to understand the terminology. Nearly everyone lives in or nearby

¹⁵⁵ Foucault, Michel. *Madness and Civilization: A History of Insanity in the Age of Reason*. Vintage Books Edition, 1988.

¹⁵⁶ Leiserling, Lutz.

¹⁵⁷ Steel, Richard. Personal Interview: 9/19/05. and Lyles, Colman. Personal Interview:

¹⁵⁸ Redaktionsgruppe, Camphill Dorfgemeinschaft Lehenhof e. V. 2005.

the village, yet only those who have developmental disabilities are called *Dorflers* or “villagers”. Those who are employed there are called *mitarbeiters* or “co-workers”. In 2005, there were over 300 people living and working in Camphill Lehenhof; 150 villagers and 150 co-workers.¹⁵⁹

I had come to visit Lehenhof three times. During my initial visit in 2000, I worked in a house called *Haus Sonnenblume*, which was a special home for the individuals who had “retired” or needed special assistance and medical care. My second visit in 2004 consisted of three months living and working in *Hilda-Heinemann Haus* and working in the small grocery store. My third visit in 2005 was a short month to revisit and interview my co-workers. As a volunteer, I never received direct wages while I was there, however, my room and board was provided within the village.

Individuals wishing to work in Lehenhof must do as I did and check in with Herr Clause Hünnes in the main office. Paperwork and documentation, including medical history, must be filed and approved by the *Bodenseekreis* capital in Friedrichschafen. Individuals are assigned to a position where there is the greatest need within the village. Much to my chagrin, I was assigned to the grocery store, where I quickly had to improve on my mathematics in German and manage the flurry of questions thrown at me about unfamiliar foods. When I protested, it was explained to me by my co-workers, including the shopkeeper Rodger Furze (thankfully an English speaker from Canada), that this was part of the Anthroposophical experience.¹⁶⁰ An Anthroposophical belief is that individuals should work in areas that they are unfamiliar with to broaden their experience base and strengthen themselves. For this reason, many short-term co-workers were assigned as needs arose regardless of ability.

However, long-term co-workers, (often the house parents), had to have a regulated amount of training. Lehenhof offered three year courses known as *seminar* that would train and qualify individuals to provide care in various kinds of residential communities or nursing homes throughout Germany. Even with the seminar training, one was not qualified to be a house parent, which ultimately required a degree from a

¹⁵⁹ Herr Hünnes clarified that not all of the co-workers worked full time.

¹⁶⁰ Furze, Roger. Personal Interview: 9/21/05

University.¹⁶¹ Though Anthroposophical theory was taught in these seminars, the qualifications were issued by the state and were not Anthroposophy specific.

Most of the short-term help were students of the Waldorf schools who were required to spend one month doing a social internship, known as *pratikum*. Though Waldorf schools were also based on Anthroposophy, they were not formally taught Anthroposophic principles in the classroom. Internships in Camphill Communities or other Anthroposophically based medical programs allowed them to experience Anthroposophy in practice. It also provided an invaluable amount of help to the house parents and long-term co-workers in the homes of the Camphill Communities.

A. Legal Pluralism and “Norms for Decisions”

Germany is a federal social welfare state, which means that citizens are heavily taxed to pay for a wide variety of medical and social programs. The federal government indirectly funds Lehenhof, as it does nearly all organizations in Germany. The funds are given to the individual states, in this case Baden-Württemberg, to be distributed among the counties (*Kreis*). The funds are then further allocated to service providing programs, or the subsidiaries. Camphill Lehenhof is a subsidiary, technically providing a “social service”, and in some cases (as in *Haus Sonnenblume*), “health care” for developmentally disabled populations.

When Lehenhof was founded in 1964, the co-workers did not receive a salary because it was in opposition to Anthroposophical philosophy.¹⁶² The money from the government was pooled into a common fund from which the co-workers could draw upon as their needs arose.¹⁶³ Recently, however, this has come into conflict with the funding from the federal government. If the government relies on taxes to pay for programs such as Lehenhof, it was therefore problematic that the co-workers themselves were not paying taxes and feeding into the system. The federal government began to require that all Camphill employees were given direct wages so that they could be taxed. For a while, individuals continued to put their paychecks back into a common “pool” so that the money could be redistributed among the community members as needed. The Federal

¹⁶¹Koblentz-Hitsch, Simone. Personal Interview: 9/22/05

¹⁶²Baisch, Regina. Personal Interview: 9/29/05

¹⁶³IBDM.

government recently introduced a tax on the interest earned on individual bank accounts so that exact earnings could be closely monitored. This new law, according to Richard Steel, made it increasingly difficult to continue to pool funds. In addition, the community continued to expand and grow and the Fundamental Social Rule became more and more challenging as some individuals did not have the community at the center of their thoughts. Currently, salary is determined in the standard way that all salaries in Germany are determined:

The salaries set up here are just normal. Very normal. There is a social agreement, which all social institutions use. They base their salaries on this social agreement which they have with the authorities. And, um, depending on how old you are, if you are married or not married, how many children you have got and so on and so forth, and how much experience you have then you get a particular salary. And we just go by this. It is very simple.¹⁶⁴

Administrators, such as Herr Hünnies mentioned another impact of the salary/coworker connection; Room and board are considered indirect wages. The funding to pay for the food must come from somewhere, in this case the German government. Since the funding ultimately comes from the federal government of Germany, it can dictate exactly who works at Lehenhof. In some cases, however, the pressures may come from yet another level of law: The European Union (EU).

Since Germany became reunified during the past ten years, in accordance with EU law, the diversity in the number of individuals from different countries has declined. According to Herr Hünnies, it is almost impossible to have people from Eastern Europe work in Lehenhof. He informed me that they would not be allowed to even volunteer for any significant amount of time because the requirement for room and board was considered a form of indirect payment. There is a high level of unemployment in Germany and so priority must be given to German citizens. However, due to EU laws, all others within the EU member states must also be given an opportunity to work.

When I asked why I, as an American citizen, had been allowed to come to Lehenof without a problem, I was told that the US received “special handling” by the German government. First, there were not many Americans wanting to work in

¹⁶⁴ Furze, Roger. Personal Interview: 9/21/05

Germany. Furthermore, the US tended to offer many job opportunities to German citizens and thus it was desirable to maintain a favorable relationship.

The restrictions placed on where volunteers come from is an example of “norms of decision” being enforced from the European Union level, affecting the community in its desire for diversity. The German government, as a member state, must comply. This complicates relationships within the Anthroposophical/Camphill network because there are co-workers in South Africa, Botswana, and Poland, for example, who would not be legally allowed to work or even volunteer within the community. Richard Steel said that this made it difficult to train individuals in different countries, since the best way to learn how to provide care within the Camphill context is to “watch and learn”.

B. Legal Pluralism and “Living Law”

Though there was evidence of many state restrictions, there were also many examples of living law that varied from the written codes. Herr Hünnes reported that, though the co-workers’ positions are treated like a “very normal job” on the surface, in reality they are not paid for all of the hours that are worked.¹⁶⁵ Co-workers are paid for only eight hours of work a day when, in actuality, they work closer to 10 to 12 hours a day. As I observed, work usually began around 6 a.m., helping to prepare breakfast, and did not end until around 10 at night, after most everyone was in bed. In addition, co-workers work six days of seven during the week, averaging about 60 hours of work a week. The office does not document all of these hours and the government does not become involved, hence, a prime example of “living law”.

Herr Hünnes points out that co-workers know this when they join Camphill and that it is a conscious choice. The work can be very demanding and it is clear that the individuals working there are not doing it for the money. One rationale for the long workweek, explained to me by Klaus Levin, the village craftsman, was that “the villagers do not have any days off. They live and work here and they cannot just leave like we do.”¹⁶⁶ After ten at night, individuals had time for themselves to do as they wished.

¹⁶⁵ Hünnes, Clause. Personal Interview: 9/28/05

¹⁶⁶ Levin, Klaus. Personal Interview: 9/31/05

The central point to be extracted from this is that living and working in a Camphill village is ideally “a way of life”, and not a mundane “job”. The “normative” workweek imposed by the German government did actually impact most of the workers within Camphill Lehenhof. The “the law that embodied life itself” was found in the Anthroposophical ideal.¹⁶⁷ In spite of receiving salary, commitment to the community remained a central aspect of its structure.

The methods of internships were also a very important part of the Camphill Community. New co-workers were rarely given rules to follow, rather they were shown by example how to perform tasks or how to behave. The lack of written guidelines had the potential for some confusion, however, such situations were generally ameliorated with conversation and discussion.

1. Aging Disabled Populations and Socio-Legal Context

A particular aspect to the German Socio-Legal environment is the remaining impact from the Nazi regime, which exterminated individuals with disabilities. Though programs had been created to assist individuals with disabilities, the current government was not prepared to handle those who had aged and became too ill to continue working in such programs.

Richard Steel introduced this dilemma that had been explored in a German newspaper:

It was not so long ago that the question of old age handicapped people became an issue. All of the sudden, it was a question of how does the state provide for Lehnhof villagers who get old? And do you know what went though the newspaper? It was the headline, “They were not meant to be old?” I mean they were trying to be provocative of course, but, uh this article was quite something because it wakened people up to the fact that there hadn’t been any old disabled people before. At least sixty years since the end of the war.

Lehenhof was in a particular situation because they had accepted individuals into the community, but in the eyes of the government individuals had been accepted into workshops. The residents of Lehenhof happened to be allowed to live where they worked, however there were different sets of regulations for the group homes and the

¹⁶⁷ Ehrlich, Eugene, Fundamental Principles of the Sociology of Law. Walter L. Moll, translator. Cambridge, Mass.: Harvard University Press, 1936.

workshops. The funding remained to be focused on the workshops.

You have provisions for workshops and you have provisions for group homes. Right? You don't have provisions for community, of course, right? So, they are in a situation where they accept people into the community. They are either there or not there, obviously. But, the state has a different understanding. The particular understanding of the German government is... It has the understanding that people who are admitted to the workshops are also permitted to live there. And the funding is based on being able to work in the workshops. Of course it is economics. The home life, is subsidized because people are working in the workshops. If they do not work in the workshops anymore, if they become too handicapped, if they become too old, if they become too difficult to take care of, then actually, they are not allowed to live there anymore.

If individuals were unable to work in the workshops, they would be unable to continue living in the community. This was a very problematic situation for the community members of Lehenhof, who had created a family-like connection with their residents. As Richard stated, “ [This is] a community which runs, of course, according to the law but actually, parallel to the law because it is a set of workshops and the whole life situation which is actually not meant to be together in German law.” Lehenhof responded to this scenario by seeking to build a special home in the community for villagers who had increased medical needs with age and could no longer participate in the workshops. This was particularly challenging because there was no room in the regulations to put the aspects of workshops, housing and medical facilities together. Richard described this as, “a tremendous difficulty, because, you can't imagine the tangle of fault and legislation and economics to be able to build a house for a purpose, which is other than the purpose of the Lehenhof, on land that belongs to the Lehenhof.” Though challenging, the desire to maintain community prevailed. Through negotiation with the government, Lehenhof was eventually able to erect Haus Sonnenblume, in which I worked during my first visit.

It is amazing. And, you know, in actual fact, it would have been much easier to say, “We are giving these people to the state, and we'll see what you do with them.” Yeah? But, you know, that is not our approach. So, the Lehenhof had to go through an incredible process of, at least ten years, I would say, to get the State to agree they have to build this house. Even if they [Lehenhof] would pay for it. And yeah, they got a lot of State funding for it but it was an incredible feat of legislation to get around with.

Eventually, Haus Sonnenblume was built to provide for the increased needs of villagers

within the community. It is staffed with nurses who are trained to provide for all of the needs of the residents.

C. Legal Consciousness

Co-workers rarely mentioned the outside influences of the law on their work, the exception being the administrators who tended to specialize in the legal issues. The house parents were aware of some regulations enforced by the state, such as “no raw eggs in the food” (foiling my attempts to make tiramisu) and “no wooden cooking instruments” because of potential bacterial contamination. I was told that there were inspections made by the government on occasion, however I never actually saw one. I was told that even if there were wooden cooking instruments that inspectors tended “look the other way” because they considered the overall quality of the Camphill Community to be high.¹⁶⁸

Most of the “legal” language spoken of during my interviews surrounded the Anthroposophical “living law”. Though there were concerns about possible future regulations, the “norms for decision” imposed from other levels of government did not seem to be an invasive force, excepting the issue of salary.

1. Legal Consciousness and Salary

There were several different explanations for the receipt of salary from individuals at Lehenhof and other Camphill organizations are the Bodenseekreis [this sentence doesn't really make sense]. One was the economic reasoning and legal logistics of the welfare state mentioned above (Roger Furze, Siegal-Holz, Hunnies), yet others blamed it on a change in social ideals among the younger generation (Regina Baisch, Erika Von Ahrnim). Some drew on a range of understanding (Levin, Furze, Steel, Witherington).

Regina Baisch, who had been working in Lehenhof since 1964, reported that for nearly 20 years, the workers received no salary. “Every month you would get what you needed. We promised each other not to take more than we needed for our lives.” What was left over went into building up the village. “Then, one year they stopped it.” Regina

¹⁶⁸ Seigal-Holz, Stephan. Personal Interview: 9/29/05

says that it was stopped because the younger people wanted to keep some of their own money. “It was lovely when we spoke about our money, not my money. Dr. König was convinced that was very important. He felt that the spiritual being should lead us, not the money. But, the younger generation needed more for their own life and the children and so on.” She shook her head. “A sense of community is deeper when you share the money.”

Erika Von Arhnm, an individual who had helped to bring Camphill from Scotland to Germany, also insisted that it was a choice made by the younger generation to begin to receive salary.¹⁶⁹ When I asked her about external laws, she shook her head. “It would still be possible to have a pool if people really wanted it.”

Henry Everard, also a long-time member of Camphill, does not live in the Lehenhof village, however, he manages a busy book-making workshop outside in the valley. Nearly thirty of the one hundred-fifty villagers work in this workshop. Some villagers take a bus from Lehenhof, down into the Deggenhausertal valley where the workshop is located.

Everard was able to describe the differences and similarities between several Camphill Communities because of his work in both Scotland and Germany.¹⁷⁰ He said that in Camphill, you could really feel at home anywhere. The feeling of togetherness was strong. He uses the past tense intentionally because he says that the world has changed a lot since 1962, and the different Camphill communities mirror the outside world. “It is difficult to keep one’s ideals and it is more difficult to continue to live in a Camphill community.” When I asked Everard how the world has changed, he responded that in the old days, one tried not to put themselves in the foreground. “People have become more individualized.” This seemed to be a sentiment he shared with some of the other co-workers who had spent most of their lives within Camphill communities.

Gillian Witherington¹⁷¹ lived and worked on the land workshop in the community. She had also worked at Camphills in South Africa and Botswana. When I asked what she thought were the most important rules or guidelines within the community, Witherington responded that the “Ethos” of Camphill remains important. She mentions that there is

¹⁶⁹ Von Arhnm, Erika. Personal Interview: 9/22/05.

¹⁷⁰ Everard, Henry. Personal Interview: 9/28/05.

¹⁷¹ Witherington, Gillian. Personal Interview: 9/29/05.

some state interference, but it is still not strong. The Ethos of the “old Camphill” which included “giving up wealth and you will be looked after” is not as strong. “It is still here, but it is not the carrying Ethos. It is more individualized now. It is about a lot of different ideas existing side by side.” Camphill exists in and must contend with a legally pluralistic environment.

When I asked co-workers what the most important rule or regulation within Lehenhof was, all but one mentioned the Anthroposophical ideal of brotherly living, equality and all people contribute and are of value. Even those who did not consider themselves to be Anthroposophists acknowledged that the underlying ideals of Anthroposophy, specifically the Fundamental Social Law were the most central guidelines for Camphill Lehenhof. The one exception was Herr Hünnies, who said that the most important principle was “that the villagers should be always treated as adults”, which under further analysis, might fall under the Anthroposophical ideal of equality and brotherly living.

2. Lehenhof and the Disability Rights Movement

A central part of Camphill Lehenhof is allowing the personalities of the disabled adults to grow and develop in an environment of love and acceptance.¹⁷² To become a villager at Camphill Lehenhof an individual’s family will generally have heard of it through social connections. There does not seem to be a standard route via the government to a Camphill community.¹⁷³ When individuals are looking for a living set-up for themselves or for someone in their family they are invited to visit Lehenhof. There is a guest period for the potential resident, where they can come and stay for a weekend. Then later they may visit for a week, and then they can decide whether they would like to live there.

Ankia Klein, a house parent, described how important it was that a person with a disability really *wanted* to move there. “Would never take someone who did not want to be here because they could simply run away. We do not have any walls that surround us and we do not want to have locked doors. It has to be a choice for himself.”

¹⁷² Klein, Ankia. Personal Interview: 9/20/05

¹⁷³ Steel, Richard. Personal Interview: 9/19/05

Evidence of self-advocacy among the villagers could be seen in the “village meeting”, where everyone who was part of the community came together in the Saal. At this time, the villagers were asked to create a list of concerns and changes they would like to see. For example, during a village meeting that I witnessed, villagers requested a place for their families and friends to stay when they came to visit them.

Some new aspects of the disability rights movement were emerging. Many, like Henery Everard and Regina Baisch, felt that there had been a shift in society, one that focused more on the individual. They felt that this shift was being reflected in the internal guidelines that made up Camphill Lehenhof. Others, such as Stephan Siegal-Holz, Simona Koblentz Hirsch, Anika Klein, Rodger Furze and Richard Steel, recognized a very real reflection of the language of the individual, that of consumerism, was being introduced, not on behalf of the co-workers but for the villagers.

Koblentz-Hirsch explained that each villager has a budget that can be used for services. With the incoming perspective, a villager would also hire individual co-workers to perform a service like helping them to brush their teeth. Though this ideology falls in line with the disability movement, it is antithetical to the underlying Camphill philosophy. Siegal-Holz, as the leader and legal specialist, had taken steps to educate legislators about Camphill and invited them to visit. Klein also expressed concern with the encroaching language of consumerism.

Roger Furze mentioned that it came from the US along with several other ideas, such as extensive documentation, integration and normalization. There is now a lobby, called the *Lebensorter*, which argues for diversity in ways of living.

That is sort of a movement that is to explain why people like to live the way we live. Also, handicapped people, like to live together with other people in a small village and that this is therapeutic also, for the people. When you compare that with a handicapped person who is living in an apartment in the middle of Berlin who is just able to go around the corner to buy his cornflakes and perhaps take a ride on the subway and gets visited, if you like, perhaps once a week and goes around the corner to go to the movies and that is his life. And that is what you call integration. Now that is very extreme. Now, of course, there are very positive sides to integration as well. There are the people who manage to, who manage to go along and find their friends and all of the rest of it. But, when you put an autistic person in such a position and leave him daily on his own, I mean even if you come daily to come to visit, it is lonely.

The argument for Community is that there is a network of people who have built their lives around supporting each other. The stark individualistic lifestyle is a lonely one. Klein also made this argument, mentioning that with an increase in broken homes in Germany, many people were looking for something that could substitute.

Integration and Normalization were also familiar terms in Germany. In Henry Everard's opinion, there has been a greater connection with the surrounding community of Deggenhausertal which has improved the quality for all. "We may have seemed an odd people, living up on the hill in big houses. It has taken a long time but we are now more accepted by the people in Deggenhausertal." Furze also pointed out that there were several villagers who lived in their own apartments in the Deggenhausen Valley and walked to work in the morning. Furthermore, there were some homes that were located outside of the Lehenhof village and in the valley. It is about a ten minute bus ride to the integrated houses that are located there (Haus am Bach, Morgenstein Ost, Morgenstein West). There are other workshops near this location, with jobs such as packaging Demeter and Sonate products, which are foods and cleaning products respectively, all made from organic materials and are environmentally friendly. In this way, there were integrative options for those who needed it.

The attempts to integrate villagers had had mixed results. It had been very successful for some, while there were others who decided they wanted to return to the community because they could benefit from the added support and companionship. The fact that there is a rich diversity of options is important because there are a diverse variety of people with different needs.

D. Conclusions

Though the socio-legal environment of Germany was relatively accepting of the Anthroposophically-based Camphill Communities, there were still many legal challenges that Lehenhof had to face in order to maintain its core philosophy. The "norms for decision" had a large impact on enforcing salaries, which went against the

Anthroposophical ideals. Lehenhof also faced challenges with aging villagers being forced to leave the community when they could no longer work in the workshops.

“Living law” was most noticeably seen in the response to salaries, which indicated that the co-workers were not getting paid for all of the long hours or days worked. Most co-workers fulfilled their duties whether they were paid or not, out of a desire to contribute to the needs of the community.

As Richard Steel noted, Lehenhof works in accordance with the law, but also parallel to it. The struggle between these different levels can be seen in formation of Haus Sonnenblume, so that the community ideals could be maintained in spite of the “normative decisions” used in the legal understanding. While working with the “norms for decision” Lehenhof was able to maintain many of its unwritten ideals.

Co-workers were aware of several changes in language and external pressures of consumerism. There were illusive pressures to alter the Camphill program, which was considered as a service or a product to be consumed, and is thereby considered to empower the “mental healthcare consumer”. Co-workers on all levels protested this type of language because it goes in direct opposition to the Anthroposophic ideal of working together on equal terms.

Ultimately, the co-workers seemed to feel that there should be a diversity of programs. Though the consumer ideology may be beneficial for some, community life may be better for others.

Herein lies an essential dichotomy that is interwoven with all of my observations: The cornerstone of the disability rights movement to allow people with disabilities the right to make empowering decisions about their life such as where to live, where to work and how to spend their money. Both the disability rights model and Camphill communities are opposed to the medical model and hospitalization/institutionalization of individuals with disabilities. The essential difference is with their perspectives on how to best offer choices to individuals are diametrically opposed.

The disability rights movement views consumerism as the empowering vehicle that leads to a diversity of choice. This echoes the concept of “equality of opportunity” that is so highly regarded in a capitalist society. Equality of opportunity requires only that you are given an equal chance at success and happiness, not that you actually gain it.

According to this theory, if people with disabilities are given the same opportunity as others to attain a valued position in society, then society has done its job. If individuals with disabilities continue to have a devalued position even after given an “equal opportunity”, then it is implicitly assumed that failure is on the individuals’ part.

In my observations in *non-Camphill* programs in California, choice for individuals was limited even in the guise of consumerism and “equal opportunity”; for example, community work programs were limited to picking up trash or working on an assembly line. Being integrated into the larger community did not necessarily mean that individuals with disabilities attained a more valued or equal position within society.

Camphill Communities, conversely, see themselves as an alternative to the now prominent paradigm of the disability rights movement. Like the German Welfare state in general, Camphillers tend to value “equality of results” over “equal opportunity”. Camphillers feel that creating an environment where everyone, those with disabilities and those without, have similar roles working in the garden or making bread, and ultimately have a valued position within their own community. They hold a position (or perhaps several positions) where they both contribute and receive.

Undoubtedly, a Camphill community would not be suitable for all individuals with disabilities. Not all individuals would choose to live in one, however, perhaps the structure would be therapeutic for some who desire the “equality of results”: in this case, a valued position in society.

As will be illustrated in the following chapter, the negotiations between these different ideologies (consumerism’s “equality of opportunity” and the welfare’s “equality of results”) are often difficult and frustrating for the co-workers in Camphill California. The dialogue between law, society, organization and individuals is both complicated and tantalizing.

Chapter 6: Camphill California

Chapter Six: Camphill California

The California Highway 1 is famous for its striking views of the Pacific Ocean. Driving south past Santa Cruz, one arrives in the smaller town of Soquel. The road leading to Camphill California might be easily missed and one would hardly notice the house, “Ishi”. Though hardly distinguishable from the rest of the homes on the block, it is a significant home in which half of the co-workers, “friends” (residents with disabilities) and the main office reside. A short walk away is the second home, “Marimi”, also non-descript and blending with the rest of the homes in the neighborhood.

Camphill California is still a budding community at only 10 years old, however, it will never be a village like that of Lehenhof. Consisting of three houses and two workshops, it is quite small when compared to many of its German counterparts. However, I learned that there are several Camphill Communities on the East coast, including Pennsylvania and New York State, that are large and resemble those in Europe.

Camphill California consisted of three houses with 13 friends and 9 senior co-workers, and four short-term co-workers (with a year commitment). The co-workers came from around the world, including the US, England, Germany and South Africa. Evidence of “norms for decision”, including the integrated setting of the homes, were everywhere. As a “licensed adult residential facility” there were a series of structural regulations, but also lists of “client rights” and “employee rights” posted on the wall along with the fire escape route.

Before I could visit Camphill California, I had to go through a series of tests. Medically, I had to have a skin test to determine that I was free from the Tuberculosis pathogen frequently found in densely populated areas. Once I arrived, I was greeted by Sirleen Ghirleri¹⁷⁴ and taken to a government building where my fingerprints could be “scanned” and screened against a database to ensure that I had never been convicted of a serious crime. Ghirleri flinched a bit when she told me about the abuse video all co-workers were required to watch. It was a video required for training at all “adult residential facilities” in California that showed various examples of employees abusing the residents. The point was to educate new employees about, not only avoiding the actions, but to recognize abuse and report it to the state. I then had to sign a paper acknowledging that I would be required to report “suspected abuse of dependent adults and elders.” Ghirleri apologized to me and explained that, though this was not what they were all about, it was a standard requirement by the state.

I was given a “Manual for Co-Workers” which gave some explanation to the Camphill movement, schedules and “guidelines for care of the friends”. In Germany, I had been expected to learn from “watching” and “doing”, whereas here I was given written outlines (required by the state). It also included paperwork such as a job description for a “Direct Care Worker” and “employee rights”.

Sirleen also apologized for the discontinuity of some of the paperwork. “From what I have seen, it has certainly been a challenge to make Camphill fit into the paradigm that the California State Department of Social Services... Because it is so totally different from the group homes that they are used to, that have employees that come and go.”¹⁷⁵ Most “adult residential facilities” are run by shift work, meaning that a person works a standard eight hours or fraction thereof and then returns to a home away from work. Because the co-workers at Camphill California are also, technically, “residents” and the individuals with disabilities also “work” on the location, there has been much confusion on behalf of the California state government.

¹⁷⁴ Ghirleri, Sirleen: Personal Interview: 6/29/2005. Camphill California.

¹⁷⁵ IBDM.

The story of Camphill California is best understood as a dialogue between the California Regional Centers, which were put into place to implement and enforce the Lanterman Act, and the individuals who were attempting to pioneer the new community.

1. The Beginnings

The tension between the state of California's Regional Centers and the internal regulations and philosophy of Anthroposophy has been high. Nearly everyone in the community was aware of this friction, which began over ten years ago when parents of disabled adults began requesting that a Camphill Community be built on the West Coast. Colman Lyles¹⁷⁶, his wife Katherine Lyles¹⁷⁷ and Steve Zipperlin¹⁷⁸ came out to explore the possibility in 1996.

The initial plan was to purchase rural farmland in Sonoma County and begin a village. According to Mr. Zipperlin, the Sonoma County regional center was extremely opposed to some of the concepts central to the proposed Camphill, especially its proposed rural setting. It was "made clear" that the Camphill Community would not be welcome. The support of the local Regional Center is imperative for the residential care providers. With the many details drawn out in the Lanterman Act, including inspections from the Regional Center and the DDS [not sure what this stands for – was it previously spelled out?], it would be possible to find many technical reasons for shutting it down once started.

Two counties away in Santa Cruz, the San Andreas Regional Center indicated that it would be open to the founding of a Camphill. Even with a more understanding Regional Center, norms for decision shape the community in a variety of ways. One of the most visible is the fact that Camphill California cannot be a village, which was a central part of Camphill ideology. The enforced smaller scale of the Camphill California has the effect of more strain being put on the co-workers, which would have been "absorbed" and supported in a larger community with more staff. In addition, the

¹⁷⁶ Lyles, Coleman. Personal Interview: 6/16/05

¹⁷⁷ Lyles, Katherine. Personal Interview: 6/13/05

¹⁷⁸ Zipperlin, Steve. Personal Interview: 6/16/05

personalities of the long-term co-workers were a very strong force in the community. The strain of the lack of support was evident on the co-workers of Camphill California.

Another issue is the pervasive force of the “norms for decision”, which assume that group homes are a breeding ground for abuse. The cultural memory of the atrocities that took place in the State Hospitals remains clear and has informed the law’s approach to programs providing for individuals with disabilities. However, the assumptions and the safeguards in place to prevent abuse begin to have a “toxic effect” on the community.¹⁷⁹ A sense of anxiousness was prominent when it came to the issue of law. A fear of violating the law in some way was ever present and detracted from the desired atmosphere of trust.

In spite of these issues, Camphill California has managed to maintain some aspects of the Camphill philosophy that was challenged in Germany, such as community funds meeting the co-worker’s needs in place of salary. This helped to maintain a sense of interconnectedness and brotherhood that is so valued in Anthroposophy. What also remained the same was the Camphill ethos, which was based on the communication flow set up in the various meetings.

Indeed, Camphill California challenged some of the Regional Centers conceptions of what made a “good group home”. The willingness and cooperation of the San Andreas Regional Center allowed for a unique hybrid of ideologies. The exchange of ideals and values resulted in a unique legally pluralistic environment.

B. Legal Pluralism and Norms for Decision

It may have seemed that Camphill California was small and in an urban setting simply because it was new. However, during my interview with Colman Lyles I was informed that this was not the case. “We will never be a large village,” Coleman informed me.

No matter how good they are for *some* people, they are just prohibited. You cannot do that anymore. And there are Regional Centers that will not support that. They want us to be close to town. They don’t want us to be a large village

¹⁷⁹ Lyles, Katherine.

In fact, the two houses that made up Camphill California, “Ishi” and “Marimi” were legally considered two separate facilities, further reducing the technical size. Steve Zipperlin explained some of the reasons why:

We are two totally separate facilities. And that has to do with zoning and everything else and the level of regulations. You have by right, you must produce the most unrestrictive regulations for six clients. It is an adult residential facility according to California Code.

By law, a house is not to have more than six “clients”. Furthermore, there were laws prohibiting two adult residential facilities from being too close to each other. If Camphill California had wanted to purchase the land connecting the two homes, they would not be able to build another facility. Steve went on to explain that if they did:

We would no longer be able to operate for six people as an Adult Residential Facility. And there would have had to be 300 feet between them. That’s to protect interests of the residents on the street. You can’t put more than two facilities on a residential street... property value and all that. And so there is that... not more than two on the same block or even several feet apart, there is nothing local zoning can do.

All of this makes it impossible for Camphill California ever to develop a village community that has been found in Europe or even on the East Coast of the US.

The benefit of complying with such regulations is the financial compensation. Nearly 85% of the Camphill California’s operating expenses are covered by the State and Federal government. The remaining 15% is supplemented by fundraising and donations.¹⁸⁰

C. Legal Pluralism and Living Law

In spite of conceptual challenges, Camphill California maintains many of the features of an ideal Camphill Community. As mentioned above, the co-workers live and work in the same place as the “friends” (as the residents here are called since “villager” is not appropriate). The co-workers do not receive salary, unlike their German counterpart. Coleman explained, “It is an ‘Adult Residential Facility’ but this really is a community. And it certainly doesn’t feel like a group home and it does not look like one and so,

¹⁸⁰ Coleman Lyles.

people really appreciate that, but they are also really challenged by that.” Ary King said that though the San Andreas Regional Center was supportive the foundation of a Camphill, there were fundamental difficulties.

Camphill simply did not fit into the paradigm that was set up for group homes. Individuals with disabilities would leave the group home to go to their work in the greater community. Group homes were also assumed to be a house where the staff came in, did their job and went to their own home when they were through. Camphill California, however, offered an environment where both those with and without disabilities lived and worked together. Often they would work together in the garden or preparing meals for the community to enjoy. However, the negotiation between the community and the regional center has created a unique hybrid based on a “living law”.

They were so locked into certain ways of thinking about how a home was supposed to be. So, like, to have an organization where you don’t have workers coming in on shifts and then going home after 8 hours or 6 hours... it was just very hard for them to figure out how we could be in compliance with certain paper work that asks for, you know, paperwork that describes people working in shifts.¹⁸¹

However, the local regional center was willing to be flexible in their interpretation of the written laws, which allowed for a compromise.

We had to do a lot. It is sort of like a round peg in a square hole. We kind of do a lot of sort figuring out how to work these things out. So, it wasn’t so much changing laws as it was... trying... the way I see it, it was more trying to get them to think a little more expansively.¹⁸²

The local Regional Center was willing to “expand its thinking” on several issues that has allowed Camphill California to maintain several of its Anthroposophical ideals. Most of the challenges, however, came from the stigma left over from the State Hospitals, which had people working in the same place that they lived. Though it was considered to be restrictive to have people work and live in the same place, the San Andreas Regional Center allowed for some latitude with Camphill California. The weaving and gardening workshops were on the same properties as Ishi and Marimi house respectively, which

¹⁸¹ King, Ary. Personal Interview: 6/28/05

¹⁸² King, Ary.

initially caused concern with the Social Worker assigned to monitoring the individuals at Camphill California.

In addition, the Regional Centers faced a challenge to their role in the placing process for disabled adults in their jurisdiction. Usually, it is the role of the Regional Center to evaluate an individual and suggest a type of residential care that they believed would be fitting. In the language of the law, it was their role to connect the “consumers” to the “product”. However, families began requesting that their adult children be considered for the Camphill Community, which went against the natural flow. According to Ary, “This is something new to them [the regional center]. They never used to have a family coming directly to a community and say, ‘ I would like to have my child be with you.’ And they were quite upset when that first began happening.” However, the Regional Center has apparently adjusted to this change of course.

Interestingly, Camphill California has taken on a more authoritarian atmosphere. The house parents, perhaps out of necessity, have taken a more forceful role in this smaller community. The short-term co-workers all seemed to feel that they had less of a voice in assignments or meetings than those in Germany. It is possible that this is a reflection of a legal environment that dictates the majority of the action and allows little leeway.

The result of the “living laws” is a hybrid that was perhaps not the “ideal” Camphill Community, nor the “ideal” group home, however an effective program was created. There are some things that would be impossible to legislate, such as requiring people to be dedicated enough to spend years of their life without a paycheck. It is difficult to comprehend, especially in a primarily market driven, consumer society that there would be people willing to devote their life to the community.

D. Legal Consciousness

The level of legal consciousness, both of the “norms of decision” and of the “living laws” was very high among co-workers. The types of laws that were cited and well understood were the California codes, such as the Lanterman Act. Anthroposophy was still cited as the most important guideline within the community. Compliance with

the California codes is enforced by inspections from both the Department of Developmental Services as well as the San Andreas Regional Center. During the month that I was at Camphill California, there was an unannounced visit on behalf of a resident who had been sick and the Regional Center social worker had come by on two different occasions.

The language of the law was often referenced in interviews. For example, several of the short-term co-workers were aware that they were working in a California Mental Health facility and knew that the “friends” were considered to be “mental health system consumers” in the Lanterman Act. The term “consumer” is meant to place individuals with disabilities in an empowering position where they are in control and choosing their services. It is a language, however, that does not meld well with the Anthroposophical ideology based on working together on equal terms.

Short-term co-workers were also aware of the conflict between the development of a village and the California laws. For example, Amanda Smith, a short-term co-worker from Michigan, was able to reference these issues during our interview: “Beyond having some of the best funding and the best civil rights laws, California looks down upon intentional communities, since the 60’s.”¹⁸³ However, when asked what the most important guidelines were within the community, Smith still answered in Anthroposophical terms:

The most important rule about Camphill, and it is the reason why I work here really, beyond any of the spiritual stuff, beyond anything, it is because there is no... you treat the friends like family. They are, you know, you give them the care that you give yourself and your family. There is no line. The only blurry line, between the co-workers and the friends, is that the co-workers create the rhythm, or make sure that the rhythm is followed and reinforce the importance of that. We make their lives possible, but they make our lives possible as well.

The reciprocal ideal was strong, in spite of the market driven system that surrounded it. Other co-workers, though aware of the laws, found that there was a blurring of the Anthroposophical ideals and those of the state.

Naturally, the long-term co-workers seemed to have a higher awareness of the law, since they had pioneered the community’s foundation in the face of California’s socio-legal environment. They had negotiated the course between the California “norms for

¹⁸³ Smith, Amanda. Personal Interview: 6/23/05

decision” and the Anthroposophical “living laws” into what was currently Camphill California. Katherine Lyles explained that state law forces documentation of what is acceptable and unacceptable behavior, whereas Anthroposophical communities are usually based on human interaction, which takes the place of such regulation: “Human relationships rather than code is more Anthroposophic. Living by example and internships. Law forces more business and impersonal interaction than we would like.”¹⁸⁴

1. The Cycle of Fear

As president of the Camphill California organization, Colman Lyles was deeply familiar with the ebb and flow of the “norms of decision” of the State of California and the “living law.” He noticed and reported a phenomenon which he called the “Cycle of Fear”.¹⁸⁵ This cycle consisted of three actors: the Regional Centers, the “adult residential facilities” and the families of the developmentally disabled adults.

In many ways, this cycle is fed by the market system in which it exists. The adult residential facilities or group homes receive money for each individual that lives with their support. The Regional Center is in charge of placing these individuals in the homes, thereby allocating funds. The families often sit on the board of the Regional Center and can complain about the services, however they are also afraid of the group homes. There is fear because they do not want their family members mistreated and they feel vulnerable. Rather than paraphrase the interview, the “Cycle of Fear” is best explained in Coleman’s own words:¹⁸⁶

But, what the Regional Center can do, if they don’t like a place, is they can just stop sending referrals. Now, I will tell you something really interesting. And when I first came out here, I noticed that I was working with some parents and they were interested in establishing a Camphill place and they had, you know, adults and developmentally disabled children in different places in California. And I observed, when it came to talking about their kids... and it came time to arrange for them to meet with their kids... and talk to the people who were taking care of their kids... about the future and the idea of a Camphill, these parents

¹⁸⁴ Lyles, Katherine. Personal Interview.

¹⁸⁵ Lyles, Coleman.

¹⁸⁶ The ellipsis... does not refer to removed text. It is used to denote the flow of the conversation in this case.

were very, very nervous. They did not really want me talking to the other service providers about their children and their futures.

Then I realized that these families, they are afraid of the service providers because the service providers have control over their children. And if [the service providers] hear that [the resident's] parents are thinking about withdrawing their child and putting them in another program, that might upset [the service provider] because there is money involved.

That whole system is being driven by money and these people represent money. And the state does not necessarily fill the vacancy right away. And, all together, just notice that the families and also these places are not in a position where they can just dismiss, you know, a person on thirty day notice, usually. Ok? So, families, you know, who are very concerned about getting into a position where their child can dismiss and there wouldn't be a program for them and they might have to come home and then they might not be able to deal with them.

So, then I started talking to the service providers around here... not service providers who were... Involved. Objective, other service providers, just to find out what is going on. And, I observed that they were very fearful of the regional centers... Because the Regional centers really control their lives. They send them referrals. The Regional Center, you know, they are very powerful entities. They fund, and they can block funding. The case workers are very involved with the programs. And, the service providers are intimidated by the Regional Centers. And then I started talking to the Regional Centers and I noticed that they actually felt intimidated by the families.

The families, you know, make them... They say you have to do this. The Lanterman act says you have to do this. The families serve on the boards of the regional center. You know... So, the regional centers are afraid of families. Families are afraid of service providers. Service providers are afraid of Regional Centers. 'Its like a little cycle of fear and intimidation.

Lyles saw it as his duty to stop this cycle of intimidation whenever possible. He decided to try to create a better working environment with the families and the Regional Centers.

And I noticed this and I said, the first thing we have to do is reverse this cycle. I mean, we have got to get the people, you know, feeling positive about each other, working well together. And, it has been interesting that I made this observation, because subsequently, I have had the opportunity to put it to the test. And it is so amazing to me that that negative, you know, cycle is such a strong reality here that it can be easily evoked.

You know, a parent, inadvertently makes a comment to the case worker. Right? This is inadvertently, you know, about something that is going on here. Case worker explodes, calls me up and explodes. What's supposed to happen then? I am supposed to call the parent and say, "God damn it, you have caused me a whole lot of problems and now, you know, we are going to throw your kid out." And I have to say, "Oh no. It stops here."

Once conscious of this cycle, Lyles was able to try to stop its wheels from turning. He made the decision not to contribute to this negative cycle. However, the ability to do so was often challenged. He explained that his cycle has been created in a very specific environment.

This doesn't just happen in a vacuum. It happens in an atmosphere that has been created over almost a decade now, you know by, the idea that anything that ever happens that is bad, should never happen again so we have got to come up with a regulation so this doesn't happen again. And, you know, people have done... there was a whole project that was done in Camphill... back in the 80's or 90's called the Safe Guards project. I have something on that. But, the Safe Guards project, which was done by, you know, people who think about these things in the field of developmental disabilities. Basically, they said, no amount of regulations is ever going to do anything... make a person safe. All of the regulations do is allow you to come in after the fact and shut a place down. Regulations do not really make places safer or better. They just allow you... they give you the authority to close down bad places. So, the question is, how do you really create good places?

This interview calls the number of regulations into question. Though the intention behind these regulations are good, the Camphill example elucidates many inherent problems with the bureaucracy and, perhaps, with the paradigm itself. Steve Zipperlin also noted these issues:

Well, to defend them... there have always been cases of abuse [in California]. There have always been problems... California went through this whole thing with the Lanterman Act and everything is based on it but they did not loose the institutional, political thing that came with it. All of this money that used to be going to the institution is now going to the group homes. Day programs and what have you. And they still apply institutional regulations to it. What they want is to do is create this 'normalized' family units but it does not work. Every time there is something. Something they haven't regulated happens in... LA ... Then there is a regulation right across the board to try to stop this one, isolated incident ever happening again.

The intentions of such regulations are good: they seek to protect the individuals with developmental disabilities from the harm that they so often suffered in the State Hospitals. They were created in light of the disability rights movement and have done much to improve safety, self-advocacy and overall quality of life. The question is whether or not a truly high-quality program can be legislated by an ever-growing amount

of legislation. This research certainly cannot answer this question, but it does give reason to reevaluate the paradigm for a “good” adult residential facility.

The administrators of Camphill are not the only people who question the paradigm of community care. Other scholars, such as Deborah S. Metzel and Pamela M. Walker also note that building homes in the community does not guarantee community acceptance: “These services have not necessarily facilitated community membership and in some ways have been an impediment giving the illusion of inclusion.”¹⁸⁷ Metzel and Walker suggest that “providing individualized supports that offer opportunities for participation in places of one’s choosing” may be conducive to acceptance, but that this “does not necessarily guarantee that people will experience a sense of membership and belonging.” This requires an education of community members and society to confront the fear of working with individuals with disabilities, something that is difficult to legislate.

One might contemplate the creation of a community where there is acceptance from within, to foster acceptance from without.

F. Conclusions

There may be more than one kind of program that creates a healthy environment for individuals with developmental disabilities. There are a range of programs that can meet the needs of individuals with developmental disabilities. Some individuals may thrive in their own apartment in town while others may fare better with a community that fosters support, acceptance and mutual contributions. It is this diversity that Camphill is attempting to encourage. In the words of Ary King, “more what I have seen is a process of education, to educate the people who come here to take a look at us, to be open minded to how we, as this different group can still fit into their paradigm.”

¹⁸⁷ Metzel, Deborah S. and Pamela M. Walker. “The Illusion of Inclusion: Geographies of the Lives of People with Developmental Disabilities in the United States.” *Disability Studies Quarterly*. Vol. 21, No. 4, Fall 2001.

Chapter 7: Conclusions and Recommendations for Future Research

Chapter 7: Conclusions and Recommendation for Further Research.

Chapter 7

Comment: I have met the criticism from the side of the authorities that we run the risk of making things too easy for the young people, which does not help what they call rehabilitation into the wider community outside. When we listen to what they have to say, they feel inclined to respond: 'All well and good, but you don't adjust them to the outside.'

Dr. König: They are the ones who make it so easy for the human being to become just a robot. And there we should speak out very clearly.

*Lecture and Discussion by Dr. König,
Britain, January 10, 1962¹⁸⁸*

A. Introduction:

One cannot visit an “ideal” Camphill community because it does not exist in actuality. Nor can one person say exactly what this model place would look like. Essays and transcriptions of lectures given by Dr. König provide an outline for the conceptualization of an ideal Camphill Community, which includes the incorporation of the three pillars: the College Meeting, Bible Evening, and the Fundamental Social Law.¹⁸⁹ Interviews with community members have the potential to paint a hypothetical picture of this idyllic place, which would include a rural, farming based social life, multiple homes

¹⁸⁸ König, Karl. In Need of Special Understanding: Camphill Conferences on Living with Handicapped Adults. Hubert Zipperlen, ed., Camphill Press, 1986.

¹⁸⁹ König, Karl. The Camphill Movement: Two Essays. Camphill Books, Trustees of the Karl König Archive. 1993.

and workshops and combined (pooled) monetary funds. The ultimate goal is the structured, efficient, yet egalitarian and supportive environment.

One of the reasons that Camphill Communities stray from the ideal conceptualization is that they often exist in disparate socio-legal environments, forcing them to contend with very different cultural paradigms and pressures. This comparative case study analysis of Camphill California in the US and Camphill Lehenhof in Germany provided insight into how these socio-legal pressures may influence and alter each respective community.

Both the US and Germany are federal systems, which makes them inherently legally pluralistic. As Sally Engle Merry observes, legal pluralism in the post-modern sense is about contending for power within and among the state and federal levels of law.¹⁹⁰ Also coming into play in this analysis is international law and the local county laws. The internal understanding of self-regulation within Camphill Communities must also be considered. Furthermore, there can be a difference between policy and practice, which I examined in light of Eugene Ehrlich's distinctions between "norms of decision" and "living law".¹⁹¹ All of these elements come into play when considering Camphill Communities within their Socio-legal environments.

Through participant observation and focused ethnographic interviews, I attempted to determine the strengths of each level of law within these legally pluralistic environments. One way of measuring the strength of a law was to consider legal consciousness among co-workers (or staff) within these communities. I looked at their location, structure, training processes and how familiar co-workers were with the legal terminology. I also considered if there was a variation between what was said to be the law and what was actually practiced.

B. Short-term co-workers and legal consciousness

¹⁹⁰ Merry Sally Engle. "Anthropology, Law, and Transnational Processes". *Ann. Rev. Anthropology* 1992. 357-79.

¹⁹¹ Ehrlich, Eugene. Fundamental Principles of the Sociology of Law. Walter L. Moll, translator. Merry Sally Engle. "Anthropology, Law, and Transnational Processes". *Ann. Rev. Anthropology* 1992. 357-79. Cambridge, Mass.: Harvard University Press, 1936.

What constitutes a short-term co-worker is different in the two Camphill Communities I observed. In Camphill California a short-term co-worker has a year-long commitment and it is rare to have anyone for a shorter period of time. Due to legal constraints, Camphill California is small and simply does not have room to accommodate a large amount of co-workers. Preference is given to potential volunteers who are willing to commit to working for a minimum of one year.

In Germany, a short-term co-worker could be a matter of weeks or few months. There was much more room and space to accommodate short-term co-workers within the community. Praktikanten, interns from the Waldorf school, were routinely placed for a month at a time in the homes and given a taste of community life. Seminarists, who were training for a career in group homes, were required to spend three years there, although they had the opportunity to switch locations every year if they desired. They were paid, though not much, for their time and training. There was a greater variety in what constituted a short-term co-worker in Lehenhof and there were many more of them. This factor could alter the evaluation of legal consciousness among short-term co-workers because, the longer individuals stayed, the more they seemed to grasp of all levels of law.

What seemed to be true of all short-term co-workers was that there was quite an adjustment period. The ideals behind Camphill Communities are virtuous and can easily be romanticized, however, one should not forget that working in a Camphill community can be very difficult. It requires an amazing amount of patience and a willingness to examine one's own values. Most of the younger, short-term co-workers in both communities struggled with the transition from an individualistic society to a community that asked for a village-centered thought processes. Certainly, for many this was not an easy transition. There were no televisions, radios were discouraged, and there was no alcohol to be consumed on a Camphill Community. Entering into a Camphill Community required something of a cultural adjustment and it was not uncommon to experience a "culture shock".

The fact that Camphill Communities are so different from mainstream ideals can make them both appealing and repellant, not only to potential volunteers or co-workers, but to the surrounding communities and socio-legal structures. The ambivalent reaction to Camphill Communities was especially strong in Camphill California, where the idea

was both antithetical to the market-driven, equal opportunity, consumer ideology. The egalitarian ideals of the Anthroposophical philosophy were very difficult for the legal structures to understand, however, in order for Camphill California to exist, the Regional Center had to be willing to accept this alternative lifestyle.

Short-term co-workers in California were usually committed for a not-so-short amount of time: one year. During this time, they went through a rigorous screening process and training, which was required by the state. These processes made even short-term co-workers relatively aware of the California state laws. The regulations, training and threat of inspections also made them acutely aware of the role of the Regional Centers and the civil rights language of the State laws.

A federal program called Americorps helped to fund the American short-term volunteer's stay in Camphill California. This Federal program was usually found via the internet or introduced to co-workers once they became part of the community. The office would encourage co-workers to sign up for the program so that they might have documentation and educational reimbursement once their year of "service" was complete. The international volunteers did not qualify for this program and were usually given a certificate of participation and a letter of recommendation for their work once they completed their year.

Though the American's with Disabilities Act is considered to be a very important piece of federal legislation, only one short-term co-worker was aware that it might impact the structural make up of the community.

C. Long-term Co-workers and Legal Consciousness

It is not surprising that that most of my key informants on socio-legal processes were long-term co-workers or individuals who had made a life commitment to the Camphill way of life. There were cases in both communities when the long-term co-workers did not live within the community. However, they were deeply invested in the processes and rhythms of their of work. Some long-term co-workers, though they had an understanding of what Anthroposophy was, did not consider themselves to be Anthroposophists. One did not need to be an Anthroposophist to live in the community,

however one needed to acknowledge and have a dedication to the community ideals, such as interconnectedness. One did not have to be an Anthroposophist to be an important part of the community.

When I asked long-term co-workers what the most important rules, laws or guidelines were, nearly all answered in Anthroposophical terms: brotherhood, equality, the Fundamental Social Law or a respect for anthroposophy itself. According to them, the most important force within the community was Anthroposophy or concepts that would fall into the category of “living laws”. Even in California, where the State has a strong contender for power and has influenced the size and shape of the community, Anthroposophy was acknowledged to be the impulse for action within.

In my observation, this was generally true. To remain dedicated to ideals is difficult while constantly being challenged. The challenges were far greater in Camphill California, however, it must be noted that I spent less time there and therefore was less engaged in the community life than I had been in Germany.

D. Variances from the Ideal: Location and Structure

It is not the goal of Camphill Communities to conform to an “ideal”. It is expected that different Camphills will draw upon their local environments and adapt. In Camphill California for example, houses were named after Native Americans Ishi or local tribes, Marimi, incorporating local history and ideals. However, some variances are considered to be a hindrance to the Camphill ethos.

Even before conducting interviews, some differences between the communities were obvious. California varied from the ideal because it was in an urban environment. Especially in Camphill California, it was extremely difficult to maintain the Camphill ideology within the socio-legal environment. They tried to adjust to the norms of decision, but they also tried to educate the surrounding community on the positive alternative they offered. Workshops on location were discouraged. Inspections and legal postings were prominent and constant reminders of the rules and the ever-looming threat of having the community shut down because of infractions. Legal consciousness was high on all levels but especially among the long-term co-workers. It reached a point of

constant frustration with some and others referred to the outside laws as potentially “toxic”.

In this legally pluralistic environment, the State law wielded a significant amount of power and was a strong contender with the internal Anthroposophic guidelines. Interesting to note, however, Camphill California did not pay its co-workers in spite of the quasi-market system in which it was located. In this way, it conformed with the ideal Camphill Community.

Lehenhof, however, did not conform in this way, which is interesting because it is located within a social welfare state, where one might think would be more accepting to alternative payment schemes. The reason for this was explained by an interdependency between the Welfare State and the Camphill Communities. The Welfare State is dependent on income taxes to fund social programs; Camphill communities depend on government money to meet community needs (rather than supplementary donations like in the US). If the residents of Camphill communities do not pay income taxes, then the government is pouring money into the program, including wages and medical care, without being able to regain funds from the original source: income taxes. Lehenhof, forced to conform to the “norms of decision” in the issue of salary, was still able to maintain much of its own internal values.

While salary was imposed by government, there continues to be a debate about why the ‘pool’ ended. In spite of salary, co-workers are not paid for all of the hours they work, which denotes a high level of dedication and is a prime example of “living law” or “the law which embodies life itself”. It varies from the written legal expectations in order to fulfill the needs of the community. The receipt of salary does not have visible impact as an outside observer, however, the individuals who are older and have lived within the community for a large portion of their lives seem to be able to tell the difference.

However, Lehenhof conformed to the ideal in the way of location. It was farm based, located in a rural area and had many supporting homes and workshops. The most significant way in which it varied from the ideal was with the issue of salary. In these two Camphill’s, the structures of communication within were very similar. The meetings were in a place that facilitated a high amount of exchange of ideas and information.

It seemed that the difference in size deeply affected the feel of the community. The few long-term co-workers who lived in the community deeply set the tone. The house parents in smaller communities often had strong personalities and were sometimes intimidating for the short-term co-workers, making the general feeling in the community seem less egalitarian. In addition, because the community was small, all co-workers carried a heavy burden within the community that might, in a larger community, be redistributed and balanced in a healthier way.

In spite of Camphill California's requirement to be built in an urban environment, the Regional Center nervously allowed some flexibility as individuals with disabilities were still able to work in the bio-dynamic garden. In addition, the weavery was still located on the property of the group home.

All of these elements can be observed in the Camphill struggle to maintain its internal philosophies. The game of push and pull is a fascinating one to watch. Relevant influences include the disability rights movement, which challenges Camphill California in particular, but also holds sway in Germany. All actors have the positive and negative aspects that they must negotiate for the best possible situation for people with disabilities.

The Camphill Lehenhof was less challenged by its socio-legal environment for several reasons: it had a longer history that had co-evolved with the current political-economy and socio-legal paradigms such as the Welfare State. The tradition of subsidiary was also a structure that allowed Camphill Communities to flourish in Germany, since they had a natural role along side other philosophically or religiously based programs.

The paradox is that both the US and German systems are seeking to achieve equality. It is the different understanding of equality that has forced such a different structuring to the law or "norms of decision". In the US, the government is very authoritarian and enforces an "equal opportunity" ideology. In Germany, a Welfare State, the socio-legal system values an "equality of results" ideology. According to Roger Furze, the German government is more likely to inform programs of a desired outcome and ask the programs to develop a scheme that would achieve those results. If equality and acceptance were the desired effect, programs that produced this result would

be valued. Giving people an equal opportunity for acceptance does not guarantee success.

E. Camphill and Disability Rights:

Kimberton Hills, Pennsylvania is the location of a Camphill Community that emphatically declined state licensure, thereby declining state funding. From my discussions with administrators, to remain unlicensed would not be an option in Germany. Though Kimberton Hills was not part of my research, its existence raises further questions as to how Camphill Communities react and interact with their surrounding local governments.

Triform, New York is yet another example of a Camphill in the United States. In the year 2001, Triform Camphill Community hosted a national symposium for “state and county government, service provider organizations, self-advocacy organizations, and academia, as well as... the Camphill Communities” to discuss the debate surrounding services for individuals with developmental disabilities.¹⁹² The report of the symposium, written by Kay E. Sherwood, was called “Community-Based Care and Care in Communities: A Dialogue About Responding to the Issues Facing People with Developmental Disabilities”.

One of the keynote speakers was K. Charles Larkin from the Director of the Rehabilitations Research and Training Center on Community Living.¹⁹³ Dr. Larkin discussed the influence Camphill Communities had on two of the central figures in the disability rights movement: Burton Blatt and Wolf Wolfensberger (mentioned in Chapter 2). Burton Blatt was the author of Christmas in Purgatory, which openly condemned the State Hospitals for the degrading environments in which people with Developmental Disabilities were forced to live. Wolf Wolfensberger introduced the normalization principle to the US and deeply influenced the deinstitutionalization movement. Dr. Larkin described some of their interactions with the Camphill Communities.

¹⁹² Sherwood

¹⁹³ A component of the University of Minnesota’s Institute on Community Integration (UAP).

I know the incredible impact that had on the experience of Burton Blatt and how Burton from those experiences of Camphill began to think of the moral imperatives that we all have to share lives with people with disabilities and he taught that in powerful ways to people all over the country.’ Dr. Lakin also sees Camphill’s influence ‘in the transformation of Wolf Wolfensberger from somebody focused on typically and physical arrangements to the value of people’s roles within communities.’ He reported that “those experiences really permeate our society and we really need to thin about ways that we can communicate those more broadly.”

The report also notes that Blatt visited Camphill Village Copake in the late 1970’s and “before his untimely death in 1985, hoped to retire there.” Wolfensberger, apparently “engaged in continuous conversation with Camphill leaders and friends over his long career” which Larkin suggested influenced the shift from “his emphasis on the geography of living arrangements... to program approaches built on the quality of a person’s whole experience of living.” I had difficulty finding any direct quotes from Blatt or Wolfensberger’s writing supporting this, however, in addition to Larkin’s presentation at the symposium, their interaction with Camphill Communities was mentioned by several of the long-term co-workers in both Germany and the US. What this suggests is that even some of the strongest proponents of deinstitutionalization and normalization would have considered Camphill Communities to be a positive alternative.

It may be beneficial for local governments to acknowledge that it may take a wide range of programs to provide for a diverse group of people. In other words, perhaps a healthy variety of programs, rather than strict adherence to a single paradigm, would allow individuals with developmental disabilities the option of choosing the type of services that would best fit their lifestyle choices. This would require two steps, which are somewhat in place: first, provide a range of programs and secondly, ask the individuals with disabilities what they would like for themselves.

This last issue, discussing lifestyle choices with the individuals with developmental disabilities themselves, brings me to a deep shortcoming in my own research; though I discussed the well being of the Camphill Communities with co-workers, I did not interview the villagers, friends or individuals with developmental disabilities. I observed their life and interacted with them, however, I did not officially

discuss their satisfaction. I omitted this for several reasons, one being that I was concerned about ethics. I felt that I should wait until I was enrolled in a PhD program before approaching this task.

F. Conclusions:

“How do these systems interact and reshape one another? To what extent is the dominant able to control the subordinate? How do subordinate systems subvert or evade the dominant system?” Merry uses legal pluralism to describe the clash of competing ideologies and how they negotiate power.

Camphill communities were a very good example of legal pluralism in the terms Merry used. “Norms for Decision” and “Living Law” added a complex dimension to legal pluralism. Not only was I considering the written state, Federal and international laws, but I acknowledged the unwritten realities that governed life within the communities.

Camphill California was deeply impacted by State law, however Anthroposophical guidelines were considered to be the most important reality. All of the elements are legal pluralism are evident in both of the Camphills I observed. The game of push and pull between the different levels of law was a fascinating one to watch.

The Camphill Lehenhof was less challenged by its socio-legal environment for several reasons: it had a longer history that had co-evolved with the current political-economy and socio-legal paradigms such as the Welfare State. The tradition of subsidiary was also a structure that allowed Camphill Communities to flourish in Germany, since they had a natural role along side other philosophically or religiously based programs.

Though the “equal opportunity” approach has been favored by many disability rights activists, there are those, such as Blatt and Wolfensberger who might have considered the valuation within Camphill communities or “equality of results” to hold more importance.

G. Recommendations for Future Research

First and foremost, the best way to discover whether this is a good program is to ask the villagers.

The second, is to have a control, do interviews in non-camphill communities.

Third, go to the east coast and see what a camphill is like that is run without government involvement.

Fourth, consider going to South Africa, Bostswana... perhaps Britian and Canada to examine how they vary from the Camphills in Germany and the US.

Works Cited

- Blatt, Burton and Fred Kaplin. Christmas in Purgatory. 1966.
- Bock, Fridwart. The Builders of Camphill: Lives and Destinies of the Founders. Floris Books, 2004.
- Brodsky, Jenny, Jack Habib, Ilana Mirzrahi. "A Review of Long-Term Care Laws in Five Developed Countries." JDC-Brookdale Institute of Gerontology and Human Development. And Who Collaborating Center for Research on Health of the Elderly. Jerusalem, June 2000
- Brown, Ivan and Roy I. Brown. Quality of Life and Disability: An Approach for Community Practitioners. Jessica Kinsley Publishers, London, 2003.
- California Department of Mental Health.
<http://www.dmh.ca.gov/Statehospitals/Napa/default.asp>: 01/03/2005
- Camphill in Germany. www.camphill.de (4/12/2004)
- Degener, Theresia and Yolán Koster Deese, eds. Human Rights and Disabled Persons. Amsterdam: Martinus Nijhoff Publishers, 1996.
- Degener, Theresia and Gerard Quinn. "A Survey of International, Comparative and Regional Disability Law Reform." Presented at Expert Group Meeting on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities. June 2002.
- Department of Developmental Services Web site: www.dds.cahwnet.gov/rc/RCInfo.cfm
Thursday, December 29, 2005.
- . A Consumer's Guide to the Lanterman Act. Department of Developmental Services, June 2001.
- Edgerton, Robert and Marcia A. Gaston. "I've Seen It All!" Lives of Older Persons with Mental Retardation in the Community. Paul H. Brookes Publishing, 1991.
- Ehrlich, Eugene. Fundamental Principles of the Sociology of Law. Walter L. Moll, translator. Cambridge, Mass.: Harvard University Press, 1936.
- Engert, Andreas. 'Allied by Surprise? The Economic Case for an Anti-Discrimination Statute.' German Law Journal No. 7, 1 July 2003.
- Estroff, Sue E. "Identity, Disability and Schizophrenia: The Problem of Chronicity". In Knowledge, Power and Practice: An Anthropology of Medicine in Everyday Life. Shirley Lindenbaum and Margaret Lock, eds. University of California Press, 1993.
- Ewick, Patricia and Susan S. Silby. "Conformity, Contestation and Resistance: An Account of Legal Consciousness". In Sociological Perspectives on Law, Vol. II. Roger Cotterrell, ed. Aldershot: Dartmouth, 2001. Pg.731-749.
- Fetterman, David M. Ethnography: Step by Step. Sage Publications 1989.
- Flood, John. 'Doing Socio-Legal Ethnography'. Workshop on 'Socio-Legal Research Methods'. Oñati, IISJ =IISL, 3-4 April 2003.

- Flynn, Robert J. and Kathleen E. Nitsch, eds. Normalization, Social Integration, and Community Services. Baltimore, University Park Press, 1980.
- Foucault, Michel. Madness and Civilization: A History of Insanity in the Age of Reason. Vintage Books Edition, 1988.
- Gibson, Mary Jo and Steven R. Gregory and Sheel M. Pandya. "Long-Term Care in Developed Nations: A Brief Overview." AARP, Washington D.C. 2003.
- Goffman, Erving. Asylums: Essays on the Social Situation of Mental Patients and Other Inmates. Anchor Books, 1961.
- Heyer, Katharina . 'ADA on the Road: Disability Rights in Germany'. Law & Social Inquiry, 2002, 27, 4 pp. 723-762.
- Hollingsworth, J. Rodgers and Ellen Jane Hollingsworth. "Challenges in the Provision of Care for the Chronically Ill" in Journal of Health Politics, Policy and Law. Durham, N.C., Duke University Press. Winter, 1992.
- . Care of the Chronically and Severely Ill: Comparative Social Policies. Walter de Gruyter, New York, 1994.
- Kernan, Keith T. Michael J. Bgab, and Robert B. Edgerton. Environments and Behavior: The Adaptation of Mentally Retarded Persons. University Park Press, Baltimore, 1983.
- König, Karl. In Need of Special Understanding: Camphill Conferences on Living with Handicapped Adults. Hubert Zipperlen, ed., Camphill Press, 1986.
- . The Camphill Movement: Two Essays. Camphill Books, Trustees of the Karl König Archive. 1993.
- Lamb, HR. 'The New State Mental Hospitals in the Community.' Psychiatr Serv. 1997, Oct. 48 (10):1307-10.
- Lanterman Developmental Disabilities Services Act and Related Laws. State of California Department of Developmental Services, January, 2001.
- Leiserling, Lutz. "Germany: Reform from Within". In International Social Policy. Pete Alcock and Gary Craig, eds. Palgrave Press, 2001.
- Livingston, Julie. Debility and the Moral Imagination in Botswana. Indiana University Press. 2005.
- Luxford, Michael and Jane Luxford. A Sense for Community: The Camphill Movement. Directions for Change, 2003.
- Marks, Johnathon. Human Biodiversity: Genes, Race, and History. Aldine De Gruyther, New York, 1995.
- Marshall, T.H. "The Welfare State: A Sociological Interpretation." Archives Europeennes de Sociologie, 1961, II pg. 284-300.
- Merry Sally Engle. "Anthropology, Law, and Transnational Processes". Ann. Rev. Anthropology 1992. 357-79.
- Metts, Robert L. "Disability Issues, Trends and Recommendations for the World Bank." World Bank, February, 2002.
- Nelken, David. 'Law in Action or Living Law? Back to the Beginning in Sociology of Law.' In Cotterrell ed, Sociological Perspectives on Law, Vol 1. Aldershot: Dartmouth, 2001, pp. 197-214.
- Official Journal of the European Union, 2000/43/EC. 'Action brought on 29 July 2004 by the Commission of the European Communities against the Federal Republic of Germany'. (Case C-329-04). http://www.coe.int/t/E/human_rights

- Payer, Lynn. Medicine and Culture. Owl Books, 1996.
- Redaktionsgruppe, Camphill Dorfgemeinschaft Lehenhof e. V. 2005.
- Shapiro, Joseph P. People with Disabilities Forging a New Civil Rights Movement: No Pity. Times Books, 1994.
- Sherwood, Kay E. "A Dialogue About Responding to the Issues Facing People with Developmental Disabilities." Report of a Symposium Sponsored by the Camphill Association of North America. Hudson, New York. April 3-2, 2001.
- Shuttleworth, Russell P. and Devva Kasnitz. "Stigma, Community, Ethnography: Joan Ablon;s Contribution to the Anthropology of Impairment-Disability." Medical Anthropology Quarterly, Vol. 18, Issue 2, pp.139-161.
- Sozialgesetzbuch IX. (with commentary by Dirk Dau, Franz J. Düwell and Hartmut Haines.
- Sozialgesetzbuch XII. With commentary by [Johannes Münder](#), [Christian Armbrorst](#), [Uwe Berlit](#)
 Updates on Web:
<http://www.rechtsanwaltgroh.de/Schwerpunkte/Sozialhilfe/Neu2005/neu2005.htm>
- State of California Statues web site:
www.dds.cahwnet.gov/statutes/Statues_Main.cfm
- Steiner, Rudolf. What is Anthroposophy? Three Perspectives on Self-Knowledge. Christopher Bamford, editor. Anthroposophic Press, 2002.
- Title 22, Barclays California Code of Regulations.
- Toombs, Kay and David Barnard and Ronald A. Carson, eds. Chronic Illness: From Experience to Policy. Indiana University Press, 1995.
- Venneman, Nicola. 'The German Draft Legislation On the Prevention of Discrimination in the Private Sector'. German Law Journal, Vol. 3, No. 3. 01-March 2002.
- Wikipedia, encyclopedia. [Http://www.anthroposophy.net](http://www.anthroposophy.net). Written by Administrator January 14, 2005.
- Wolfensberger, Wolf. "A Brief Overview of the Principle of Normalization" in Normalization, Social Integration, and Community Services. Robert J. Flynn and Kathleen E. Nitsch, eds. Baltimore, University.
- Yin, Robert. 'Case Study Research: Design and Methods, second ed.' Sage Publications, 1994.

Interviews Conducted¹⁹⁴

Bay, Gita and Tackel Bay. Personal Interview: 9/23/05, Lehenhof, Germany.
Baisch, Regina. Personal Interview: 9/29/05. Lehenhof, Germany.
Bockemühof, Felix. Personal Interview: 9/21/05, Camphill Bruckfelden, Germany
Bontrager, John. Personal Interview: 6/14/05, Camphill California, USA.
Everard, Henry: Personal Interview: 9/28/05, Lehenhof, Germany.
Furze, Rodger: Personal Interview: 9/21/05: Lehenhof, Germany
Ghileri, Sirleen. Personal Interview: 6/29/05, Camphill California, USA.
Harrington, Peter. Personal Interview: 6/11/05, Camphill California, USA.
Howe, Elizabeth. Personal Interview: 6/11/05, Camphill California, USA.
Hünnes, Clause. Personal Interview: 9/28/05, Lehenhof, Germany.
King, Ary. Personal Interview: 6/28/2005, Camphill California, USA.
Klein, Ankia. Personal Interview: 9/20/05, Lehenhof, Germany.
Koblentz-Hitsch, Simone. Personal Interview: 9/22/05, Lehenhof Germany.
Lanza, Claudio. Personal Interview: 9/21/05, Camphill Bruckfelden, Germany.
Levin, Klaus. Personal Interview: 9/31/05, Lehenhof, Germany. (Not recorded).
Lodge, Jane. Personal Interview: 9/13/05, Camphill, California. (Not recorded)
Lyles, Coleman. Personal Interview: 6/16/2005, Camphill, California, USA.
Lyles, Katherine. Personal Interview: 6/13/05, Camphill California, USA.
Reyneke, Alwyn: Personal Interview: 6/23/05, Camphill California, USA.
Reyneke, Daphney: Personal Interview: 6/17/05, Camphill, California, USA.
Siegal-Holz, Stephan. Personal Interview: 9/29/05, Lehenhof, Germany.
Smith, Amanda: Personal Interview: 6/23/05. Camphill, California, USA.
Steel, Chritiane: Personal Interview: 9/21/05. Camphill Föhrenbühl, Germany.
Steel, Richard: personal interview: 9/19/05: Camphill Föhrenbühl, Germany.
Von Arnim, Erika. Personal Interview: 9/22/05, Camphill Föhrenbühl, Germany
Wehowski, Ines. 6/25/05: Personal Interview, 6/25/05, Camphill California. (Not recorded)
Weichert, Cornelius. Personal Interview: 9/29/05
Witherington, Gillian: Personal Interview: 9/29/05
Zipperlen, Steve. Personal Interview: 6/16/05, Camphill California, USA.

¹⁹⁴ Not all interviews were cited, however, they all contributed to my understanding of the Camphill system and I feel they should be listed.

