

Ethical Praxis: new theoretical insights and everyday practice.

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Abstract

While major ethical dilemmas have received much attention in the literature, a study in our service suggests that the experience of intellectually disabled people is subject to a multitude of decisions inherent in the discretionary nature of everyday life and the everyday tasks of supporting people. Two recent theoretical contributions are discussed in relation to this theme:

- a) the Ethics of Liberation of Enrique Dussel, and
- b) the critical analysis of boundary judgements, from Critical Systems theory (Ulrich).

Both these approaches are concerned with the point of view of those who are, or are likely to be marginalised, excluded or oppressed, and hence have a potential relevance to the experience of people disabled by intellectual difficulty. Possibilities and limitations of the two approaches are considered and suggestions made for ways of increasing the salience of ethical questions in everyday practice.

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Introduction

Consideration of the question of ethics in relation to people who are disabled by intellectual difficulty can not be done in isolation from their reality, their context within which life is lived and both ethical and unethical things happen. That context is both socially constructed or determined, as well as having aspects irreducible to a particular social conjuncture (Burton, 1996). Some features worthy of note include:

- The pervasive and fundamental nature of marginality and disempowerment.
- An official emphasis or rhetoric about values, citizenship, worth.
- People supported by organisations that have their own trajectory, emergent and systemic properties, and which can tend to displace the interests of the people they support.
- An increasingly impaired population for whom the priority is not simply self-determination: for many people this can only be at most a partial goal: there is an obligation to take responsibility and act in their best interests.

Advocacy (usually meaning citizen advocacy) has been promoted as a key safeguard for the interests of those who are not in a position to promote their own best interests. It purports to at once deal with the lack of power (by recruiting resource strong people) and the lack of articulation of own best interests (the person recruited acts as a proxy for the impaired person). It involves taking the part of the other, or representing others' interests (in some forms - as your own). But what does it mean to do this? - how is it done, or rather how can it be done?

Dominant approaches to ethics give only limited basis for guidance where there is such a huge differential between the parties (Reinders, 2000), while the nature of lived social intervention does not lend itself easily to the prescriptive ethical statements that have sprung up in professional circles (Sánchez,).

To try and bring some freshness of thought into these familiar topics, it might be helpful to look at two other bodies of work that concern ethics and other excluded groups:

- a) Latin American liberation thought, and specifically Enrique Dussel's Ethics of Liberation (1998)
- b) Boundary Critique from systems theory, and specifically Werner Ulrich's Critical Systems Heuristics.

I will look at both the perspectives these approaches offer, and the problems they face in relation to a) very impaired people, and b) the discretionary nature of everyday life.

Latin American Liberation Thought

Over the last 35 years there has been a flowering of critical or liberatory thought in America - Latin America. The main currents have been:-

- Critical Pedagogy (Freire, e.g. 1972, 1994; For a good introduction see Kane, 2001.)
- Liberation theology (e.g. Boff, Ellacuría, Romero, Sobrino, Betto)
- Psychology of Liberation (Martín-Baró, e.g. 1986, Montero 1991, Vázquez, 2000)
- Sociology of Liberation (Fals Borda, e.g. 1985)
- Philosophy of Liberation (Dussel, Hinkelammert)

These approaches will be explored, not because they 'have the answer' but because of their potential for illuminating some ignored questions in ethical praxis with people whose

experience and impairments means that some kind of proxy is needed in establishing what is in their interests, and in striving to attain and protect what these interests imply.

Dussel's Ethics of Liberation

Dussel's work should be understood as part of this broader intellectual and political movement that began in Latin America in the 1960s and 1970s. All of the currents have been concerned with rethinking and reconstructing particular disciplines (education, theology, psychology, sociology, philosophy) from the perspective of the poor, the excluded, marginalised, oppressed. The emphasis has been on the popular (populous) majorities of Latin America and the two-thirds world. However writers like Dussel also emphasise the multiple dimensions of this otherness (*alteridad*, *exterioridad*) (and indeed among his key inspirations are the treatments of the question of otherness in relation to the industrial proletariat and the Jews, by Marx and Levinas respectively, both in the European context). So for Dussel, exclusion and oppression on the basis of race, class, sex, and so on are all important. Dussel provides no explicit treatment of the situation of impaired people (although he did undergo formative experiences in this field, see Alcoff and Mendieta, 2000, p. 15), and he notes that his *Ethics of Liberation* is not intended as critical philosophy for minorities (1998: 15).. Nevertheless, the ground he covers does have some relevance to our concern here.

Dussel has written over 40 books, few of which have been translated into English. ***Ética de la Liberación, en la Edad de la Globalización y de la Exclusión*** (1998) (*Ethics of Liberation in the Age of Globalisation and Exclusion*) is regarded as a key and summative text, presenting a remarkable panorama of philosophy, social science, history and politics. It draws on his previous body of work that covers the fields of history, philosophy, critical social science, and theology. Key areas of engagement are the philosophies of Levinas, and Apel, an original re-reading of Marx, and the critique of Eurocentric accounts of modernity (for English language sources see Dussel, 1997; Bühler, 2001; Barber, 1998; and the collection edited by Alcoff and Mendieta, 2000).

Dussel's approach to ethics is comprehensive. A central theme is a critical engagement with the discourse ethics of Habermas and Apel. For these philosophers of the second Frankfurt school, ethics was to be founded on the notion of honest and fair debate, that would lead to a reasonable consideration of the issues affecting people. They argue that it is not possible to set out a criterion for the good that is not founded on human communication (for a treatment of Habermas in relation to people disabled by intellectual difficulty, see my 1994). Dussel disagrees: for him the fundamental first principle of ethics is the material - understood in terms of human life - its maintenance and reproduction, in the social sense of the human being reproducing its physical, spiritual, and cultural, life in its material content' (Dussel, 1998, p. 131).

Dussel then incorporates much of discourse ethics in his second (formal or intersubjective) principle, that requires communication among equals to decide how to implement the material principle (1998, p. 206). A third, and novel principle, drawing on the North American pragmatists, is the principle of feasibility (*factibilidad*) that requires proposals for norms, acts, institutions, or for that matter systems of ethics, to be actually possible, logically, empirically, technically, and ethically). It concerns the adequate and effective mediators to determine ends.

Dussel's perspective is explicitly anti-Eurocentric. Neither modernist, nor post-modern, but 'transmodern', he defends reason while criticising its distortion in the dominant system (eurocentric, capitalist, imperialist). The second half of the book, having established the material, formal and feasibility principles revisits each, critically. Here the central idea is that of the critique of the conditions caused by the dominant system from the perspective of the 'oppressed other', the victims of the system. For each principle in turn, he articulates a practical approach to ethics in a world where the majority are excluded from the possibility of producing, reproducing and developing their lives (from the narrow material sense to the wider social, cultural sense that has to do with living with dignity). The book concludes with an affirmation of the principle of liberation -the positive critical moment of feasibility: as a duty for us to work for liberation whether that is through feasible reform of aspects of the system or feasible transformation of the whole system.

Dussel's overall scheme, then looks something like this:-

Dussel's overall scheme:

Ethical Foundations		Critical Aspect	
		<i>negative</i>	<i>positive</i>
Content <i>Material ethics</i>	Defining the good: Life, its reproduction and development.	Critique of imposed impossibility of living/developing.	Recognition of the dignity of the other, as other and taking of responsibility to stand up for the victims (as victims or as committed others).
Intersubjectivity <i>Discourse ethics</i>	Procedures for reaching agreement.	Self-recognition as excluded / distinct.	Agreement among the victims / solidarity
Practicality <i>Ethics of feasibility</i>	Consideration of what is actually possible to achieve.	Critique of dominant power.	Transformation of the existing reality

A key theme in liberation thought is that liberation is not a thing, nor can it be located in a moment in time. It is not something to be given, but rather it is a movement and a series of processes. It has origins in the interaction of two types of agents or activists: -

1. External catalytic agents,
2. Oppressed groups themselves

The Latin American notion of liberation proposes a strategic alliance between these two sectors.

Dussel elaborates this by means of the 'speech act' of interpellation.

Interpellation

This is developed through varied examples: the grounding of philosophy of Marx through his direct contact with (in the first place) Parisian workers in struggle, the autobiographical account of Rigoberta Menchú's becoming conscious of herself and her people (indigenous Maya, women, peasant, Guatemalan, non-white: the English translation of the title of her book *Me llamo Rigoberta Menchú: y así me nació la conciencia* completely misses this central point); the role of a Freirean popular teacher in facilitating the conscientisation - the reading of the world, on the part of previously silent, functionally illiterate learners. In all these instances, and Dussel is making a general claim here, members of a community of victims, recognising one another as distinct from the oppressive system, and also recognising their oppression, call to one another and to those within the dominant system who would stand up for them, in order to transform the current social reality. Here Dussel is both formalising but also deepening the common approaches in all the currents of Latin American liberatory praxis identified above. The ideas here (seen as a whole with the aid of his schema 4.3, p. 304) are relevant to the work of supporting people disabled by intellectual difficulty who could or do meet together to reflect on their situation and work together and with allies to change it (e.g. People First and other groups, see Burton et al. 2001).

But the approach does raise some problems when we consider people who have such intellectual difficulty they are unlikely to be able to be self-conscious, to be able to recognise or articulate their own situation, or to mobilise effectively. This is not to question Dussel's ethical principles, above, but rather, it indicates some profound difficulties in complying with the discursive and feasibility aspects. These are also problems with the discourse ethics which Dussel both criticises and uses to build his approach.

However, another approach also tries to bring the interests of those affected into the deliberations and decisions of the dominant system.

Boundary critique

The practice of boundary critique comes from the field of critical systems theory and practice. This discipline has been quietly developing over the last thirty or so years, initially as an offshoot of operational research and the analysis of physical and biological systems(see Midgley, 2001, for an overview). One of the key concepts has been that the boundaries of systems should be subject to debate and challenge. Innovations, reforms, interventions, treatments, and so on are all intended improvements that are meant to alter a system or some parts of it. What is to be included or excluded in the scope of the improvement is a vital consideration: something seen as an improvement given a narrowly defined boundary may not be

seen as an improvement if the boundaries are extended. Defining the boundaries of an improvement is an ethical issue, requiring the exercise of value judgements.

Technical and pragmatic demands often make it necessary to limit the boundaries considered. On the other hand, ethical considerations typically require extension of the boundaries.

Ulrich's Critical System Heuristics

Ulrich (1983) developed what he calls critical system heuristics, based on the development of his ideas about the critique of boundary judgements. Following Habermas (1981), rationality is regarded as dialogical (based on free and open questioning between people). Dialogue is distorted by the effects of power (direct through coercion, or indirect through unquestioned assumptions). Not all those affected by an improvement could possibly be involved in dialogue, (also Dussel's critique of Apel). So, Ulrich asks, what questions need to be covered to ensure that the interests of the potentially affected are respected?

For Ulrich there are two types of boundary judgements:

- 1 the boundary of the social system to be considered, vs. its environment
- 2 those affected vs. those involved.

Ulrich suggests twelve key questions that can be worked through for any system / improvement. The questions fall into four groups:

- a) the sources of **motivation for the improvement in question: the value basis.**
- b) the sources of **control / the basis for power.**
- c) the sources of **expertise** assumed to be adequate to the realisation of the improvement.
- d) the sources of **legitimation** to be considered for the improvement.

For each of which three kinds of categories are considered: concerning **social roles, role-specific concerns, and key issues in determining the necessary boundary judgements** relative to the two previous categories.

	motivation: value basis	control / the basis for power	expertise	legitimation
social roles,	1	4	7	10
role-specific concerns,	2	5	8	11
key issues	3	6	9	12

Boundary Questions from Ulrich (1983/1994) (here presented in *ought* mode).

- 1 Who ought to be the actual **client** (beneficiary) of the system *S* to be designed/improved?
- 2 What ought to be the actual **purpose** of *S*'s design?
- 3 What ought to be *S*'s **measure of success** or improvement?
- 4 Who ought to be the **decision taker** -i.e. who can change the definition of *S*'s success?
- 5 What **components** (resources and constraints) of *S* ought to be controlled by the decision taker?
- 6 What resources and conditions ought to be part of *S*'s **environment**, i.e. should not be controlled by the decision taker?
- 7 Who ought to be involved as **designer** of *S*?
- 8 What kind of **expertise** ought to flow into the design of *S* - who ought to be considered an expert and what is her role?
- 9 Who (or what) ought to be the **guarantor** of *S*; i.e. where should the designer seek the guarantee that the design will be implemented and will prove successful?
10. Who ought to be the **witnesses** representing the concerns of those that will or might be affected by the design of *S*? i.e. who among the affected ought to get involved?
11. To what degree and in what way ought the affected be given the chance of **emancipation** from the premises and promises of the involved? (or else, who decides what is right for them, what quality of life means for them, etc.?)
12. Upon what **world-views** of either the involved or the affected ought *S*'s design to be based?

The questions are meant to be posed first in a 'what is', and then in the 'what ought to be' form. Ulrich's book (1983, see also Ulrich 1987, 1996)) contains some worked examples of the use of these questions, as do Flood (1995) and Midgley (2000). However, it is perhaps more important to have a flexible and situationally appropriate orientation to the politics of boundaries, rather than always working through what appears a somewhat formal and cumbersome set of questions that derive from a confrontation with the philosophies of Kant and Habermas and perhaps insufficiently orientate themselves to the material (content) dimension of ethics.

Ulrich argues for the inclusion in the process of enquiry of 'witnesses' who represent the concerns of those who are likely to be affected but who are not involved. Their role is to contest the boundary judgements being made by the three categories of those involved - the client (in this sense those commissioning the improvement), the decision-maker, and the planner.

This issue is particularly pertinent in human service systems, where there may be a persistent tendency to marginalise and distort the interests of the least powerful interest group, those who depend on the service.

In such systems, there are several interest groups including primary users, secondary users (their families), tertiary users (potential users/the wider community interest), staff, managers, authority or board members, etc. This has the character of a complex *system* of interest or stakeholder groups, with different levels of power,

absolutely as well as relatively over time, context, and content. In these situations Ulrich calls for the witnesses to shift the **burden of proof** for the validity of boundary judgements from the affected to the involved experts, by questioning the grounds for the experts' allegedly technically justified boundary judgements, and offering subjectively justified alternative boundary judgements.

Ulrich therefore suggests a way of dealing with the central problem of the inability to participate for practical reasons. This might help in defining more concretely the minimum requirements for the effective discharge of the responsibilities of an advocate. It might also help pragmatise (make practical and feasible) the sometimes romantic notions of listening to the wishes of the person in person centred planning approaches. If the person cannot actively and intentionally tell us, there is little mileage in a rhetoric that seems to imply that they can if we are good enough at listening. Instead, an alternative approach based on the polemical critique of boundary judgements might help uncover the potential false assumptions being made about a person's wellbeing, and enable a more adequate supportive praxis.

Some examples of boundary challenges are provided in box 1.

Box 1: Boundary challenges in the intellectual disability field.

1. It was seen as a success when a service director visited a small, staffed house, and everyone had gone to the cinema. However, it was then asked whether anyone other than staff might have been able to accompany the tenants: here the boundary was shifted from that of locational inclusion to one of social inclusion.
2. At events set up to obtain feedback on service performance, the disabled people consistently asked to be able to choose their own staff. Here the boundary was shifted from one of consultation about service performance to one of control of service personnel and policy.,
3. At a case conference about someone who presented serious levels of self-injury, it was decided to prioritise obtaining the most effective analgesic for the particular type of tissue damage caused. Here the boundary was widened from one around interventions to reduce the behaviour in question to include the previously missed imperative about the person's immediate well being.
4. On a review visit to a staffed house it was noticed that although the television was on, the disabled tenant showed no interest in it: its use, and its very presence was subsequently challenged. Here the boundary was shifted from one around the question of normative appearances to the true interests of the person affected.
5. A debate took place as to whether staffed houses should have milk delivered or make use of the cheaper milk from supermarkets. It was argued that as well as providing an opportunity for the disabled tenants to get to know someone in an ordinary job role, the milk delivery service in Britain was a real asset in making neighbourhoods safer for vulnerable people, through a regular and observant presence going through the streets. Here the boundary was shifted from a narrow economic one to allow consideration of the wider security of vulnerable people not necessarily supported by this service.

But there is a further problem. The above approach is designed for a **deliberative forum** so it would have applications to major decisions about individuals or about systems, and might be a way of pragmatising the aspirations of advocacy and person centred planning. But decisions taken in a deliberative forum, while

affecting major matters, could only ever account for a part of people's lived, day to day experience.

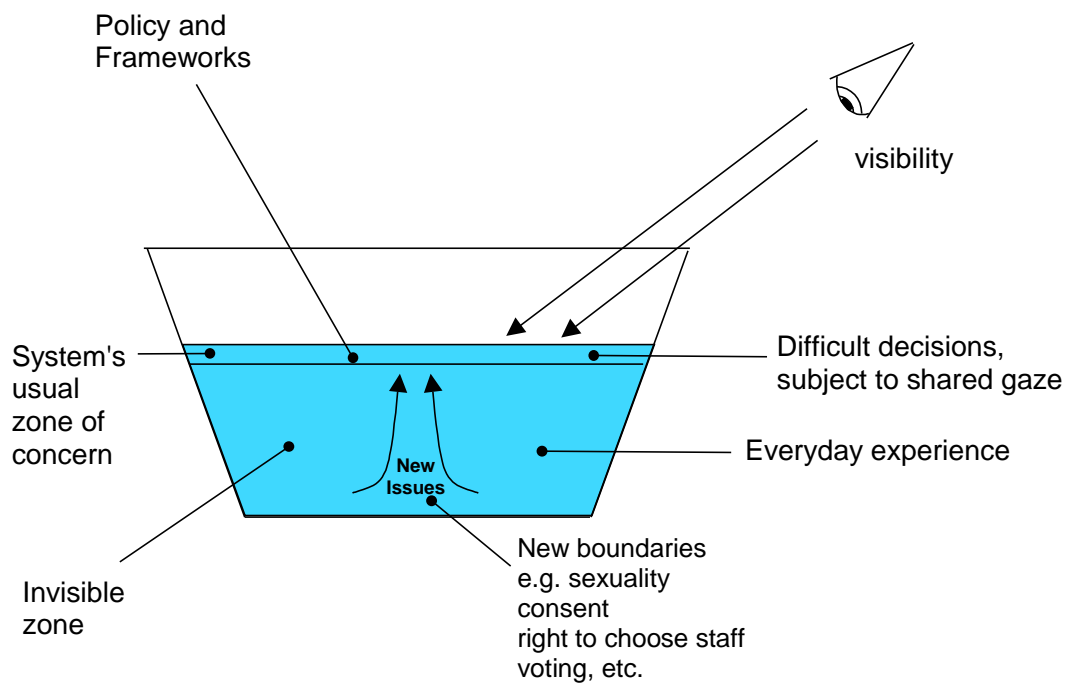
The everyday nature of ethical praxis

My colleagues Anna Fedeczko and Tom McLean (2002) studied the ethical guidance of decision making by staff and managers in a service for people disabled through intellectual difficulty. They found that:

- Only a weak link was made between day to day decisions and explicit service philosophy and principles (although a strong link was made for major decisions).
- Major decisions were subject to checking, challenge, scrutiny, discussion, but minor ones were not.
- Staff perceived their own scope for discretion as limited, although in the absence of tight specification of all actions, this is questionable.
- The perception of what 'decision making' on behalf of disabled person meant was that this referred to major decisions (where to live and who with, restriction of freedoms to protect person, sex, major expenditure, medical treatments, etc.).
- Everyday decision making on immediate, practical, 'minor' matters not mentioned, nor apparently understood as decision making in the same sense, and therefore unlikely to be the conscious object of an ethical understanding or questioning.

Given that everyday life is fundamentally discretionary in nature, as is the task of accompanying and supporting people, how can an ethical consciousness be more fully brought to bear on the relatively invisible processes of day to day provision of support, to the structuring of everyday life with people who require significant levels of support? The above two approaches from outside the field affirm the importance of taking the perspective of 'the other' and together understanding the nature and causes of oppression. The need is articulated for alternative praxis where people are excluded from deliberative decision making, and some signposts (interpellation and the critique of boundary judgements) are identified. But in the everyday mundanity of supporting a significantly disabled person in the day to day, or minute by minute flow of life, how can actions be ethically grounded and guided, and safeguards built in since as both Ulrich and Dussel argue, there always will be mistakes and harm done through trying to do good? The answer perhaps lies in finding multiple ways to make more things explicit.

The life of a human service setting where people are assisted day to day can be viewed in terms of the metaphor of a body of water (see diagram). Only the top section is visible at any time, and what does become visible is determined by a variety of internal and external processes. Pursuing the metaphor, water comes to the top, the visible zone when it is warmed. To increase the ethicality of the flow of everyday decisions, how might the two possibilities of 'surface heating' and 'heating from below' be maximised to ensure the maximum 'convection currents' bringing important ethical questions into awareness from the relatively invisible zone of everyday practice ?



This is not the place to do more than hint at an answer that question. The idea of this paper is to provoke reflection and debate about how this might take place. The analysis here does, however, imply a (renewed) emphasis on constructing frameworks for training, staff support, service design and management, that continually create opportunities to confront the lived experience of the affected, and to process that experience, so people effect their discretionary acts in ways that reflect the interests of the affected - in both the fundamental and critical aspects. The minimum requirement for doing this is by ensuring that those who exert influence on the experience of people disabled through intellectual difficulty share time with those people, experiencing, sensing, feeling situations, noticing what is, and first reflecting on how they would find the same circumstances, and then adjusting for the particular needs of the persons concerned (e.g. a person who is easily distressed by too much talk will have different interaction comfort zones than the person spending time with them) (see Burton and Kagan, 1995 Chapter 5, for some practical methods). That would require both the internalisation of an ethics of 'the other', and the availability of challenges and reminders to the unexamined, quasi-invisible practices (commissions and omissions) that without being meant that way, can reduce the viability of the production, reproduction and development of the life of the person who relies on these service supports.

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