Inclusive Learning and Educational Equity 6

Roger Slee
Gordon Tait

Ethics and Inclusive Education

Disability, Schooling and Justice

Springer

Inclusive Learning and Educational Equity

Volume 6

Aims and Scope:

This book series reflects on the challenges of inclusive education as a strategy for improving educational equity. The series addresses issues of diversity in support of the UN Sustainable Development Goals (SDGs) which set the global education agenda for 2030 in SDG 4: Ensure inclusive and quality education for all and promote lifelong learning.

Although considered an important aspect of a global human rights agenda ensuring education for all is a complex endeavour that is subject to the forces of globalization, and the exclusionary pressures associated with migration, mobility, language, ethnicity, disability, and intergenerational poverty. Acknowledgement of the reciprocal links between these markers of diversity and educational under-achievement has led to an increasing interest in the development of inclusive education as a strategy for improving educational equity.

By addressing these and related diversity issues, this series aims to contribute important advances in knowledge about the enactment of inclusive education. The development of educational processes and pedagogical interventions that respond to the tensions between education policies that promote competition and those designed to promote inclusion at individual, classroom, school, district, national, and international levels are explored by the contributors to this series.

This series:

- Offers a critical perspective on current practice.
- Stimulates and challenges further developments for the field.
- Explores global disparities in educational provision and compares developments.
- Provides a welcome addition to the literature on inclusive education.

More information about this series at https://link.springer.com/bookseries/13450

Roger Slee • Gordon Tait

Ethics and Inclusive Education

Disability, Schooling and Justice

Springer

Roger Slee
School of Sociology & Social Policy
The University of Leeds
Leeds, UK

Gordon Tait
Faculty of Creative Industries, Education and Social Justice
Queensland University of Technology
Kelvin Grove, QLD, Australia

ISSN 2512-1499 ISSN 2512-1510 (electronic)
Inclusive Learning and Educational Equity
ISBN 978-3-030-97434-3 ISBN 978-3-030-97435-0 (eBook)
https://doi.org/10.1007/978-3-030-97435-0

This Springer imprint is published by the registered company Springer Nature Switzerland AG
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Series Editor's Preface

Questions about what inclusive education can learn from philosophy have interested scholars for some time. The *Cambridge Journal of Education* dedicated a special issue (44:4) to it in 2014, and a number of books have investigated the concept of inclusion through specific theoretical lenses, for example, Julie Allan's 2008 book *Rethinking Inclusive Education: The Philosophers of Difference in Practice* and Lorella Terzi's 2010 study, *Justice and Equality in Education: A Capability Perspective on Disability and Special Educational Needs.* In this volume, Roger Slee and Gordon Tait interrogate a range of philosophical perspectives and ask what they have to offer the field. In doing so, they explore of the intersection of rights and justice in education ethics to make a case for an applied philosophy for inclusive education. Their aim is to develop an 'everyday philosophy' that can guide attempts to make school a welcoming place for students with disabilities.

The idea of an everyday philosophy is appealing because it encourages a reflection on what and how things are thought about. Taking an epistemological stance offers a shift away from the tradition of sociological critique about the way things are or came to be, which has shaped the field, towards hope for what they might become. The focus of this optimistic intention is addressed by exploring philosophical traditions for tackling everyday dilemmas of exclusion and inclusion in education.

Beginning within the familiar rights-based frameworks that recognise education as a fundamental human right as well as means for achieving other important rights, the book reviews and reminds the reader how deficit assumptions still underpin thinking about equity and justice in education. As this volume points out, deficit assumptions lead to remedies that perpetuate the status quo because they rely on traditional ethical frameworks that depend on consequentialist arguments such as the utilitarian idea of the greatest good for the greatest number that underpins the bell curve structure of schooling, or dentological logic that suggests actions are inherently right or wrong, so decisions about schooling are moral imperatives about what is the right thing to do rather than utilitarian decisions about what is right for most people. A consideration of virtue ethics is presented, offering an alternative

perspective that suggests a values-based orientation with a specific emphasis on an ethic of care is promising, but the limits of this perspective are also discussed.

Following this discussion, rights-based claims for determining how social institutions and practices might be shaped are reconsidered. Here, the contested nature of rights – whose rights, which rights, what kind of rights – is deliberated as a fundamental consideration that leads to a discussion of justice and questions about fairness. Emphasising the contributions of some notable contemporary thinkers on justice encourages readers to engage with contemporary notions of fairness, distributive justice, and social entitlements in asking how a genuinely inclusive school system might be created. These questions serve as provocations intended to stimulate further, deeper thinking and action, and therein lies the contribution this book makes to a new generation of theorists, activists, researchers and practitioners.

Edinburgh, UK Lani Florian

Acknowledgements

Writing this book commenced in a different world to the one we find ourselves in now. The authors were, for the most part, very socially distanced: Gordon moving between York and Brisbane, and Roger working upstairs in Caffe Lago Di Como in Harrogate in between periods of lockdown. Roger is indebted to Antonio for the "office" space.

We are grateful to Lani Florian, Bell Professor of Education at The University of Edinburgh and series editor, for her enthusiasm in our project. Thank you also to Nitesh Shrivastava and Astrid Noordermeer at Springer for their caring contribution to the production of this book.

We thank our families for their care and support – Belinda, Ella, Buddy, and Jeanette, Carly, Rowan, and Hendrik. Also, thanks to colleagues whose time we have borrowed to rehearse ideas and test logic.

Contents

Chapter 1
What Is Inclusive Education and Why All the Fuss?

Abstract This introduction to our description of ethical frameworks for reconsidering unresolved controversies surrounding the education of students with disabilities, includes: a history of movements to observe and safeguard the *Universal Declaration of Human Rights (United Nations, 1948)* as an attempt to ensure that vulnerable populations realise their right to an education. An acknowledgement of exclusion as a stubborn foe that has long been a part of schooling's institutional and cultural DNA. Recognising this is a necessary first step for moving beyond the deficit-locked assumptions that historically binds our thinking about equity and justice in education, and registers "unfortunate others" as the targets for change in order to boost their educational achievement. We describe the long struggle for educational rights for children with disabilities, and consider the contested question of the form of schooling for students with disabilities: separate, same or something of both. This is the prelude for considering the benefits or otherwise of using traditional ethical frameworks for interrogating the provision of education for students with disabilities.

Keywords Disability · Disablement · Ableism · Exclusion · Segregation · Discrimination · Human rights

1.1 Three Housekeeping Matters to Guide Our Readers

1.1.1 Considering Disability and Disablement

We advise readers that language matters (Shakespeare, 2018) and we have been careful in this text to use People First language with reference to people with disabilities consistent with the United Nations Convention on the Rights of People with Disability and Optional Protocol (2006). That said, we are also comfortable with references to "disabled people" as has long been the preference of many disability activists who use "disabled" to describe what becomes of people with impairments and illness living in a world unwilling or incapable of changing itself to guarantee access and participation.

R. Slee, G. Tait, *Ethics and Inclusive Education*, Inclusive Learning and Educational Equity 6, https://doi.org/10.1007/978-3-030-97435-0_1

Accordingly, terms such as "special educational needs" or "additional needs" grate. They are the administrative rationale and organisers for systems that see the child with disabilities as having a secondary, an additional claim to schooling and the pool of resources set aside for that social endeavour. We do not take this lightly. Just as language matters in dismantling racism, it also matters when calling out and dismantling ableism in education.

1.1.2 Contingency

Inclusive education is recognised as a global movement. This is not surprising because educational exclusion is ubiquitous, reaching back in time and across nation-states and continents. We recognise that inclusive educational responses are to a greater or lesser degree contingent. In other words, the causes of exclusion change according to context and culture. The moment you elect to describe inclusive education as a universal or homogenous movement you set yourself an impossible task.

Recognising this, we do not set out to provide a global survey of inclusive education and ethics. We acknowledge our lack of familiarity with many jurisdictions and with their struggle to improve educational access for all students. For that reason, we use examples with which we are familiar to establish themes and issues for readers to reflect on as they make their own transpositions.

Likewise, we do not consider all of the population cohorts who gather under the banner of inclusive education. For us, that's a task we have set for ourselves for another day. This is a book is a consideration of the experiences of students with disabilities in, and out of, schooling. We are asking ourselves, and you, what represents fairness and equity for this diverse population cohort, and how far will philosophical postulations take us in this ongoing project.

1.1.3 Definition & Diction

Consistent with the comments above we have not set out to rigidly define inclusive education. We have observed before the counsel of Van Morrison who lamented cleaning up his diction and having nothing left to say (Slee, 2011). Inclusive education is contingent – changing with the exigencies of time, place, political economy and culture.

This of course presents a conundrum. If we don't define it – anything goes and we find conservative forces deploying the language of inclusion to maintain practices of exclusion. If we insist on attempting intellectual foreclosure on a definition for what is essentially a rebellious challenge to oppression in and through education, we may quickly sacrifice, as Edward Said (2000) reminds us in his essay *Travelling Theory*

Revisited, this "insurrectionary zeal" and create a "tamed and domesticated" body of dogma.

That said, we opt to apply some principles for guidance. Generally speaking, we subscribe to the notion that inclusive education refers to increasing access, presence, participation and success for all children in their neighbourhood school. Specifically, when thinking about students with disabilities, for us inclusive education is not simply the merging of special and regular education. It demands a more far-reaching transformation of education. Paradoxically, pandemic may provide a glimmer of hope that this magnitude of change is possible and desirable. COVID-19 has demonstrated the ability of monolithic institutions to reassess structures and practices to provide nuanced responses to changing exigencies. The flexibility it has demanded from schools may point to new ways of embracing the thorny equity agenda.

1.2 A Legacy of Exclusion

In his George F. Kneller Lecture to the Comparative and International Education Society Conference in April 2019 in San Francisco, the eminent economist, Professor Jeffrey D Sachs reminds his audience of the significance of the location for his keynote address in the Herbst Auditorium on Van Ness Avenue. It was there that the *United Nations Charter* had been signed in 1945. Three years later in 1948, the "moral charter" of the United Nations, the *Universal Declaration of Human Rights* was signed, within which education was declared a basic human right. Our assumption is that the signatories to the *Universal Declaration of Human Rights* were serious in declaring human rights to be enjoyed universally. Consequently, the right to education was meant for all, not for chosen groups.

In deference to the occupational hazard for the privileged academics gathered to hear him – *jetlag* – Professor Sachs promises his audience provocation. His complaint against educators, he asserts, and here we paraphrase, is that they need to fight harder for the resources to guarantee the right of all children and young people to an education. *"You are too polite, too nice"*, he tells us. Without anger, resistance, and agitation, he contends, the more than two hundred and fifty million children of school-age who are not in school on this day continue to carry a lifelong burden, especially in the twenty-first century (Sachs, 2019, https://cies2019.org/keynote/). In 2018 UNESCO had declared that 258.4 million children were out of school (UNESCO, 2019). The advent of the COVID-19 pandemic moved UNESCO Director General, Audrey Azoulay to revise the global out of school data showing that with temporary school closures some 290 million children were denied their right to an education (UNESCO, 2020a, b). This latest pandemic makes access to and participation in education more difficult for vulnerable population groups (Marr, 2020; Li, 2020). UNESCO (2020a, b: 4/06) reports that:

> The COVID-19 pandemic is having a disproportionate impact on learners with disabilities who were already experiencing social and educational disadvantage. As many as half of the estimated 65 million primary and lower secondary-school age children with disabilities in developing countries were already out of school before COVID-19 according to GLAD (Global Action on Disability). … With COVID-related school closures, many countries have turned to online instruction to ensure continuity of learning.

UNESCO's Asia and Pacific Regional Bureau for Education also reports:

- In health crises such as COVID-19, persons with disabilities are often provided with less help and inadequately trained teachers. [4]
- More time and resources are required for students with disabilities to actively participate in learning. [5] This includes equipment, internet access and specially designed materials and support. This makes **learning more costly** for students and their families. (UNESCO Bangkok, May 4th 2020)

The exclusion of this estimated 290 million children from school is contingent on a number of intersecting and compounding factors. Some adhere to geopolitical context; others are more idiosyncratic. Schooling may be interrupted, if provided in the first place, by:

Conflict and population displacement – the spectre of terrorism and warfare caused by religious, tribal, ideological and ethnic animosities is a permanent fixture of global affairs. The relentless movement of displaced people searching for asylum and refuge obstructs educational provision (Bhopal & Myers, 2008; Bunar, 2020). Where people find temporary accommodation in large refugee camps, limited educational access may be achieved. However, the readiness and ability of children living with trauma to draw benefit from schooling is compromised. The damaging effects of the indefinite detention of people seeking asylum in Australia were scrutinised by a United Nations investigation into human rights abuses by the Australian government (Doherty, 2018).

Unremitting poverty – caused by conflict, global economic exploitation, so-called "natural" disasters that are more precisely framed by discussions of the earth's depletion in the Anthropocene, or by the relentless requirement and search by capital for cheap labour (too-often child labour) to supply commodities for the enjoyment of the privileged. Of course, we express collective distress over child labour and exploitative working conditions when regular disasters such as building collapses or garment factory fires in Bangladesh remind us of the cheap origins of our expensive trainers and "leisure wear". The Rana Plaza nine-story building collapse in Dhaka took the lives of 1130 people and injured over 2500 others. We hasten to add that victim-blaming is easy for the privileged (Mills, 1959). Not sending children to work is not an option for many families who see no other choice when they choosing between homelessness and starvation on the one hand, or everyone selling their labour on the other.

The lottery of place of birth – Immediately our thoughts turn to the countries of the south where poverty is endemic and sustained by the countries of the North (Lewis, 2006; Moyo, 2009, 2018), and it is right that we should acknowledge and respond to our complicity. We contend that poverty is contingent and pernicious in

its effects across geographic boundaries. It immiserates communities in so-called developed countries of the world as has been extensively documented (Dorling, 2018). Wilkinson and Pickett (2010), in their examination of growing levels of inequality in affluent economies in *The Spirit Level,* demonstrate that the greater the gap between privilege and disadvantage, the greater is the corresponding level of dysfunction as represented by indicators such as incarceration, educational absence and underperformance, poor health, reduced life expectancy and so on. The *Rust Belts* and *Broiler Belts* (Harvey, 1996; Kozol, 2000, 2005) of the US; entrenched rural poverty in Australia; and the residual intergenerational unemployment and poverty across the large conurbations of Europe and Asia manifest myriad exclusions born of structural disadvantage. As Michael Sandel counsels, it is difficult to sustain a commitment to meritocracy knowing that it comes down to a question of luck as to where we are born or the roulette wheel of talent (Sandel, 2020: 122–126).

In addition, other identity markers are also bound up with poverty we describe and inhabit the data on exclusion from school:

- Gender and or sexual identity.
- Race/ethnicity.
- Religious, tribal or political affiliation.
- Cultural practices e.g., child marriage.
- Disability.

Our list is not exhaustive and the compound effects of these intersecting and overlapping factors is manifold. If we take just one of these indicators – in this case, disability – the two-way relationship between disability and poverty quickly reveals itself (Saunders, 2016). For example, the Australian Council of Social Services (ACOSS) and University of New South Wales reported that people with disabilities face a risk of poverty well above average. Four out of every ten Australians living in poverty have a disability. That is 739,200 or 38% of the almost two million adult Australians living in poverty. If we consider poverty rates for people with disabilities, Davidson et al. (2018) suggest that 45% of people with disability in Australia are living near or below the poverty line. This more than double the OECD average of 22%.

Available research on poverty and disability in Australia understates the extent of poverty amongst people with disability because of the greater costs of living incurred for a range of necessary supports (Davidson et al., 2018: 58). Moreover, reduced employment opportunities for people with disability increases the incidence of poverty (Davidson et al., 2018: 58).

You may ask about the mitigating effects of the welfare state. Arguably, both "welfare" and "state" have become pejorative terms in the Australian political lexicon. People with disabilities may qualify for the Disability Allowance or for the New Start Allowance. The New Start Allowance pays less. Increasingly, people with disabilities who 'enjoy' the Disability Allowance are being shifted through new eligibility criteria to the New Start Allowance. 33% of people with disabilities receiving the Disability Allowance live in poverty and 55% of people with disabilities receiving the New Start Allowance live in poverty (Davidson et al., 2018).

Though described in legislation as "free, secular & compulsory", the costs of education, even state schooling, remain significant for families living in poverty. Public schools turn to parents to bridge funding shortfalls through so-called voluntary contributions (Shad, 2019; The Smith Family, 2020). In 2017 parents in the state of New South Wales contributed $75.4 million in public school contributions. Shad (2019) observes the shaming of children to extract parents' voluntary contributions. Teese (2007, 2013) shows the attenuation of educational opportunity through poverty, including the shrinkage of curriculum offerings according to postcode; a common proxy for poverty.

Without digressing too far, we note that in Australia the loosely named 'private schooling sector' is supported by a combination of direct payment of school fees and annual grants from the federal government budget. Contrary to the mantra of "trickle-down" economics which suggests that rewarding privilege will create opportunity for the disadvantaged, there is a gravity defying redistribution of wealth upwards; wealth never trickles down, it consolidates (Dorling, 2018; Sachs, 2017).

To conclude this brief consideration of exclusion as a stubborn educational foe, we are obliged to recognise exclusion as a tradition of the modern invention of schooling. Schooling has always been the boiler-room of inequality. The architecture of schooling (Tait, 2017) – and here we refer not simply to the built environment, but also to the culture of schooling concocted by the alchemy of values and beliefs stirred together in the cauldron of curriculum, pedagogy, assessment, operational policies and practices, organisational protocols and habits, workforce structures, hiring prerogative, expenditure priorities, classroom layout, playground equipment and design and so the list goes on – interact with population cohorts differentially. Charting the origins of inclusive education must first acknowledge the fact that education, and more recently schooling, was never meant for all-comers. Rather, the successful completion of schooling, and transition to higher education and training for the rewards of the more prestigious professions, was reserved for the privileged few (Connell, 1993). Others were systematically ejected to take their allotted place in the unskilled labour market (Slee, 2011).

The collapse of the unskilled labour market through obsolescence caused by technological advancement, and the relocation of manufacturing to the sites of cheapest labour supplies, has generated crises in schooling. Failed children, who fitted into an insatiable and unfussy labour market, stay at school now. How might schools deal with this growing and fundamentally *disengaged* populous?

Zygmunt Bauman (2004) refers to surplus populations and the production of human waste in his analysis of advanced capitalist economies. In order to objectify decisions that result in the redundancy of increasing numbers of people, he describes the use of technical language to render the pain of rejection and *uselessness* (Sennett, 2006) benign; to render exclusion as rational.

> . . . the production of human waste has all the markings of an impersonal, purely technical issue. The principal actors in the drama are 'terms of trade', 'market demands', 'competitive pressures', 'productivity' or 'efficiency requirements', all covering up or explicitly denying any connection with the intentions, will, decisions and actions of real humans with names and addresses.

Let us explain the perverse effects of this process in relation to schooling more carefully. *The Diagnostic and Statistical Manual of Mental Disorders (APA,* 2013*)* has become an indispensable tool for student management in contemporary schooling (Tobin & House, 2016). Whereas previously children who failed or were failed by school could leave; willingly or otherwise, and find a place in the unskilled or semi-skilled workforce. This source of productive employment and transition into adult life has reshaped itself and we see young people moving into the precarious "gig economy" or staying on in education. The twist of the institutional knife always was the blaming of students for their failure. It was the student who failed to learn because of their own defectiveness; typically described as not having the "brains" to do well. Or, students failed because of the problems they inherited from their parents. Schools have long sifted and sorted, tracked and banded students according to ascribed ability, efficient management and effective pedagogy (Gamoran, 2010, 2016; Oakes, 2005). The window dressing for this process of sorting, and ejecting, is the discourse of meritocracy that has dominated education from Plato to the invention of mass schooling (Tait, 2017).

Dealing with increasing numbers of disengaged and disruptive young people sustains perverse effects. First, is the increased levels of exclusion of students from "compulsory" schooling. The recent Timpson Review (DfE, 2019) of exclusions from schools in England reveals over 40 permanent exclusions from school each day and 2000 fixed-term exclusions each day in England. The review reports the multiplier effect of student characteristics with poverty, ethnicity and disability enduring as markers of educational vulnerability. Second, is the more frequent application of diagnoses of behaviour disorder to describe increasing numbers of uncompliant students. Officially reported and treated as disabled, these students are effectively managed through the processes of special and, ironically, inclusive education (Tomlinson, 1982; Fulcher, 1989; Slee, 2011, 2018; Harwood & Allan, 2014). We have just encountered another level of complication for this text to consider; paradoxically exclusion may well be, and increasingly is, a within-school phenomenon. Schools have shown the capacity for constructing schools within schools, or programmes within schools to isolate and hold different categories of children.

Exclusions from education, formalised through institutional disciplinary procedures, informal and unacknowledged, are typically permanent in effect and expanding. The need therefore for research into the reasons for, and means of excluding some students and including others, is urgent. The troubling question of why some children are favoured in education and others are not is a deeply ethical problem. Why should some children get a lesser education deal than others? Inclusive education is an attempt to interrogate exclusion and advocate for educational justice for all children, including children with disabilities. Let's pursue this further.