The Quest of Inclusion:

Understandings of Ableism, Pedagogy, and the Right to Belong

A Thesis Submitted to the College of

Graduate Studies and Research

In Partial Fulfillment of the Requirements

For the Degree of Master of Education

In the Department of Educational Foundations

University of Saskatchewan

Saskatoon

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ABSTRACT

The intent of this work is to explore how children, youth, and adults with disabilities are discriminated against in cultural systems, specifically the education system, and how the beliefs and structures encompassed in these systems create and recreate the phenomena of ableism. This study will explore the hegemony of ableism within school cultures by exposing prevailing discourses and the systems that enforce these discriminatory discourses and educational practices. Additionally, it will illustrate significant human rights infractions and discriminatory processes that keep disabled peoples throughout the world in states of marginalization and oppression.

The analysis of this study shows resistance to the oppression of people with disabilities through the use of critical disability theory, legal theory, and social justice philosophy. In addition, the advancement of inclusive education as a human right is offered as a solution to the collective oppression and states of disenfranchisement that many disabled people's experience.

The exploration of moral and legal theory, equality jurisprudence, and libratory pedagogy will advance a collective human rights framework as an educational model for school cultures globally. This analysis will utilize an equality premise known as the "right to belong" to defend inclusive education as a fundamental human right. In support of this fundamental right, a theoretical base for inclusive pedagogies reveals how the deconstruction of hegemonic practices and, simultaneously, the development of transformative educational models of learning are necessary "best practices" in the pursuit of equality for all disabled students. This work concludes with recommendations for changes in educational leadership, philosophy, and research of education for disabled students.

ACKNOWLEDGEMENTS

I would like to take this opportunity to express my thanks to my co-supervisors Dr. Dianne Miller and Professor Robert Regnier. Their guidance, wisdom, support, and encouragement have strengthened my resolve to continue to challenge the ways in which we have become accustomed to thinking about education for children and youth with differences. I am grateful for the example of academic excellence that each have provided to me as I worked through a complex and critical analysis of disability education. I thank you both for your belief in my capacities, intellectually and intuitively.

In addition, I thank Dr. Alexandria Wilson for her knowledge and support as a member of my advisory committee. I also recognize the intellectual guidance of Dr. Verna St. Denis and Dr. Mark Flynn, and I extend my gratitude to Dr. Ailsa Watkinson for participating as an external.

Collectively, the insights and compassions of all of these academics have strengthened my growth intellectually, professionally, and personally. I gratefully acknowledge the financial support of the University of Saskatchewan for the numerous awards and funds that I have received while I completed this graduate degree. Lastly, I acknowledge colleagues and friends who have assisted me with the logistics of this endeavour, especially Sue McCart. The construction of a strong argument, the command of English grammar, and the technical skills of formatting a document of this nature need reassurance and support. Each of you and especially Sue, have provided insights, advice, support, and encouragement, and I am grateful.

DEDICATION

The thesis is dedicated to my children, Mackenzie Elizabeth Katharina White, Robin Michael White, and Andrew Richard Clement White. Their visions, words, and actions generate hope that each of us together with others can create a world in which all children, youth, and adults belong and are valued.

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INTRODUCTION

This thesis study examines the existence of ableism in educational institutions and it provides a critical analysis of why and how ableism is perpetuated through the discourse and practice of special education. In this study I recommend a theoretical base for inclusive pedagogies that support the deconstruction of hegemonic educational processes and structures of delivery for disabled students. More specifically, I recommend the application of a human rights lens to the delivery of education for disabled students and I advance the "right to belong" as a foundational theory for authentic inclusive education. This thesis poses the question: On what theoretical and practical arguments can the notion of the "right to belong" be formulated and justified to provide a basis to advance education for persons with disabilities that moves beyond the limits of inclusive education founded on ableist assumptions? The work of the thesis, therefore, is to identify the entitlements that all other persons benefit from through the discourses of human rights and fundamental freedoms and to advance the "right to belong" as an equality provision for students with disabilities.

I begin this study by examining the two-fold problem of societal exclusion of persons with disabilities by analysing cultural and sociological constructs associated with disability and with the reinforcement of ableism within school cultures. Many prevailing discourses profess inclusion but essentially promote ableistic practices of "special education". In response to this critique of ableism, I identify, define, and interpret the meaning of the "right to belong" based upon my examination of various theories and principles. My arguments are supported by critical disability theorists, legal theorists, critical pedagogues, and social justice philosophers. I formulate and justify the theoretical and practical arguments for inclusion on the basis of the notion

of the "right to belong" and I advance this notion for moving beyond ableism with insights from perspectives of marginalized peoples. This notion of the "right to belong" is constructed through appeals to equality rights assumptions and arguments advanced by various liberation movements including, most specifically the disability rights movement (Allan, 2005; MacKay, 2005; Frazee, 2003; Bach, 2002; Freire, 1998; Vanier, 1998). In conclusion, this thesis will demonstrate how the notion of the "right to belong" may serve as a theoretical foundation for a liberating pedagogy in the practical emancipation of disabled students.

CALL FOR JUSTICE

Critical disability theorists Len Barton and Leonard Davis call for a human rights approach to disability education that both criticizes the hegemony of school cultures that protects ableism and they call for an approach that simultaneously creates the possibility of inclusive and welcoming school cultures that embrace and protect children. Their critique is centred on exploring the hostility and rejection many people with disabilities experience (Barton, 1997). This thesis takes up the call of these two theorists for a critique of ableism and recommends a human rights-based approach to educational transformation.

Legal, medical, and educational institutions have significantly shaped cultural understandings of disabled peoples[1]. It is, therefore, critical that researchers include an analysis of "disability" discourse and productivity to understand how ableism is both produced and reproduced. Educational institutions play a particularly significant role in this regard. Schools, for example, often replicate notions and assumptions about the status of disability that are validated through court decisions utilizing the

[1] The author uses the terms "*disabled learners"*, "*disabled students"* and "*disabled peoples"* interchangeably with the term *"persons with disabilities"*. Disability rights activists, Marta Russell and Ravi Malhotra advocate for these terms to be used in the embracement of identity. The author uses the term with recognition and respect for the disabled people's movement.

medical model of disability (Davis, 2002; Barton, 2001). The research and development of policies, systems, and structures in education contains categorizations of "regular" and "special" education which cannot be ignored in this critique. Special education is currently viewed as "best practice" for students with learning difficulties. If one is to authentically critique ableism, all parts of pedagogy, including recent and espoused "best practices" for students with disabilities must be taken apart and examined with a critical eye (Lupart, 2000; Slee, 1997). The argument developed in this thesis, therefore, specifically seeks to criticize those very assumptions upon which the production and reproduction of ableist forms of education are created and maintained.

The methodology utilized in this thesis relies on the current scholarship and praxis of critical disability theorists to deconstruct ableistic ideology and to advance the "right to belong" as an equality right protecting inclusive education as a basic human right. Pothier and Devlin (2006) contend that there are new ways to think about disability and disabled peoples, and further, new ways to develop policy that protects participatory citizenship and equality entitlements. Critical disability theory celebrates the ontology of disabled persons and critiques ableistic attitudes, practices and policies found within institutions and communities. It enables individuals, families, professionals, and other collectives to think about the value of disabled persons and their right to become self-determined. Pothier and Devlin (2006) contend disabled persons experience a "regime of dis-citizenship" and link that to "deep structural economic, social, political, legal and cultural inequality" (p.1) as they advocate for the use of critical disability theory in higher education, legislation and institutional policy. The utilization of critical disability theory not only changes the scholarship around disability, it has the potential to change the life experiences of

disabled persons, their families, advocates and those who work in the "disability" industry. Scholars advancing critical disability theory call for disabled individuals, their families, advocates and others to engage in critical reflection and critical action to ensure the citizenship of disabled persons. Pothier and Devlin (2006) argue that "disability is not fundamentally a question of medicine or health, nor is it just an issue of sensitivity and compassion; it is a question of politics and power (lessness), power over, and power to" (p.2). I use the methodology of critical disability theory within my thesis to advance an "understanding of disability that focuses on genuine inclusiveness, not just abstract rights" (Pothier & Devlin; p.2).

Institutional assumptions, which reinforce ableist cultural practices, are fundamentally based on what is conceptualized as valid knowledge about disability. Linda Ware (2001) indicates these conceptions determine not only "what" is known about disability but also those things that shape attitudes toward disability and disabled peoples. She draws on Gilman (1985) to explain:

> Disability has been the exclusive domain of the biological, social, and cognitive sciences that shape practise in education, rehabilitative medicine, and social work. As a consequence of this limited understanding, disabled people are generally stereotyped as weak, pitiful, dependent, passive, tragic and many times deserving of their predicament," (p. 107).

Many persons and societies of the Western world have come to believe that disabled people's needs and wants can be addressed through legislation and through charity initiatives in the same way that they believe racism can be resolved by civil rights legislation. Many scholars, however, help educators recognize that in the same ways that desegregation and the issues of racism in schools and other community institutions require critique, "special" education also requires critique to unmask the illusion of equity that it propagates through the discourse of inclusion (Ware, 2001; Davis, 2002; Slee, 1997).

Linda Ware (2001), Leonard Davis (2002), and Judy Lupart (2000) are three eminent scholars who argue that authentic criticism of our institutions beyond the face of legislative and charity initiatives is necessary to unmask the hegemony of normalcy and the prevalence of ableism in our society. Julie Allan and Roger Slee are two critical pedagogy scholars who unpack classification structures within special education. It is these classification structures upon which "disability" professionals formulate and re-create dominant understandings of normalcy with respect to characteristics of students' physicality, intellect and sociability. I draw upon the analysis of these theorists in my work to disclose the more intransigent roots of ableism.

Each of these theorists provides access to this more substantive critique. Davis, for example, recommends using his analysis of the "other" and ableism to expose institutional hegemony and to establish a new view of persons with disabilities. Slee shows how decades of hegemonic practice and oppressive discourses are hidden within the current practices of special education. He further argues discourses of inclusive education merely offer "new" language to retrofit this illusionary category. Through the change in lexicon, the deficit model of special education has attached itself to the educational philosophy of "inclusion" to receive cultural sanctioning (Slee, 2000). The processes that accompany this new categorization of education continue to exist as the "5 box model" and operate as an omnipresent and hegemonic practice defended by administrators and special educators alike (Lupart, 2000). Lupart defines the categorizations of the "5 box model" as the traditional processes within special education: (1) referral, 2) testing, 3) labelling, 4) placement, and 5) programming. These processes support a specialized and bureaucratic system that makes use of a variety of "disability"

professionals as they play collective roles in the delivery of education for disabled students. The language of special education may have changed to accommodate the politics of inclusion, but the systems and structures, and the "symbols" and "ceremonies" of mainstreaming in schools continue to reflect the ableistic milieu of the past (Lupart, 2000; Skrtic, 1991).

In addition, to criticism, several authors recommend approaches that attempt to move beyond assumptions now prevalent in models of special education. Allan (2000), for example, presents a theory of inclusion, which is tied to the development of ethical consideration. Allan suggests the personal ethics associated with the acceptance of inclusivity are developed by constituents reflecting upon how each personally embraces human diversity. Personal adherence to a high standard of "caring" ethics includes authentic engagement with those who are viewed as the "other". In reference to persons with disabilities, reflection affords educators the courage to provide space in which the voices of marginalized peoples are recognized. Such recognition is first effortful and conscious but with personal growth becomes almost unconscious. Allan's reference to "inclusion as an ethical consideration" helps educators focus on self-reflection and "right" action as a personal commitment to valuing students with disabilities. Additionally, this same reference ensures that optimal space—psychological, emotional, physical and spiritual—is afforded to support disabled students in their journeys to self-determination.

Spiritual philosopher Jean Vanier (1998) and critical theorist Paulo Freire (1970) identify a similar "poverty of self". Both call for courage and self-reflection as important first steps upon the road of accountability to the "other". Vanier's analysis of belonging is centred on his own self-reflection as a spiritual leader, teacher, counsellor, and philosopher, and through his "lived" experiences with disabled

peoples globally. He has done much personal and institutional critique to unmask the emotion of fear in his analysis of the exclusion and discrimination that disabled persons face. In *Pedagogy of the Oppressed*, Paulo Freire (1970) challenges the dominant population to recognize its role of oppressor through self-reflection and action. Reflection upon personal values, and the actions or inactions attached to these values, is the essential first step for an individual to become an ally of marginalized peoples.

This thesis is not merely a theoretical study for me. It arises from observations made in my own professional experiences. For two decades, in my professional roles as community-school coordinator, recreation therapist, elementary and high school teacher, college instructor and school-community advocate, I have gained insight about persons classified as disabled. I developed relationships with disabled children from various schools and the community at large by sharing experiences, leading activities, and by speaking with these students, their teachers, other students, disability therapists, recreation and community leaders, parents, family members, and friends. Many of these insights first began to form while I participated as a therapist and member of an extensive rehabilitative team. As a result of our conversations I learned how the medicalization of personhood has become the filter of all application and analysis of characteristics that the "disabled" person embodies.

My experiences as a recreation therapist, for example, provided me with relationships to individuals who were patients or clients in an acute care hospital and a long term care facility. These individuals were characteristically viewed through a medical lens in which a biophysical understanding of their human experience predominated. Team meetings that explored patient or client wellness primarily focused on the physical needs of the individual and seldom dealt with the emotional

needs that many newly disabled people's experience. More holistic approaches that recognize human capacity through emotional and spiritual understandings appeared secondary in these environments. The acceptance of the disability condition for a newly disabled person is a complex and lengthy process. Emotional and spiritual support often play a very significant role in human wellness associated with self-acceptance (Nussbaum, 2001; Wendell, 1996) but such support is often lacking in the current disability framework.

In my role as a member of the acute care rehabilitative team, I soon recognized that my community-based understanding of leisure did not fit with the dominant ideology. To adapt to this structure of employment and service, I was required to accept the medical model of recreation 'therapy'. My own community-based understandings of leisure, centered in the philosophies of community development and holistic wellness were dismissed as "outside and unnecessary." Throughout my employment, I worked to generate membership by ensuring a 'voice' for each person, and I helped develop a collective process for all members to reach for wellness, joy, and healthy living to meet their physical, intellectual, spiritual, social, and emotional needs. My approach centered on the recognition, acceptance, and embracement of diversity, and the promotion of community spirit and wellness.

In direct contrast to my own holistic and community approach to service, the service I was to provide was therapeutic in nature: "recreational therapy refers to the prescribed use of recreational and other activities as treatment interventions to improve the functional living competence of persons with physical, mental, emotional and/or social disadvantages" (Western Carolina University, 2007). Recreational therapy, as I understand it, does not prescribe to a model of community development or holistic philosophy. I felt significant discomfort with this institutional model and

quickly recognized once a person leaves the hospital, the perpetuation of disability as 'tragedy' remains, regardless of re-integration and rehabilitative strategies (Kunc, 2000). The cultural perception of "disability" embodiment as deficit is driven by the able-bodied persons' fear of disability and it works to disengage the newly disabled person from authentic community participation (Thomson, 1997; Wendell, 1996). Essentially, cultural "fear" impairs the individual's transition from the institution to an authentic state of belonging within community and it reinforces personal states of disempowerment and need (Charlton, 1998). This complex action and re-action enforces and reinforces the need for disability care providers, long term care facilities, and other "disability" institutions and charities that are separate and apart from the public community services that members of the dominant society utilize (Russell, 1998). The continued perpetuation of "disability" remains with the individual even though he or she may be "in community". Models of charity exist in part to generate funds and to generate employment. Funds generated through campaigns of pity attached to the "disabled embodiment" are mainstay initiatives that virtually all charities and many social institutions employ throughout the world (Asch, 2004; Rieser, 2000; Linton, 1998). Further discussion of these models will be offered in Chapter 1 of this thesis.

This example of transitional and residential placements for adults with disabilities encompasses the same scenarios of "therapy" and processes of medicalization that exist in schools have implications for the lives of disabled children. These services are framed within the context of special education and they generate feelings, attitudes, and actions among the "viewers" that are reflective of the exclusion and dismissal that so many disabled students endure. Academics and advocates reference the education of children with disabilities as an "under-

education". The phrase *there is nothing special about special education* signifies that this ghetto of education needs new life (Slee, 2004; Ware, 2001; Linton, 1998; Russell, 1998). Lupart and Andrews (2000) and Slee (2001, 1997) view today's system of special education as one that continues to perpetuate exclusion, discrimination and the "under" education of disabled children. They call for significant educational reform in light of this research as does the Canadian Association for Community Living. Data collected by the Roeher Institute and CACL (2004), Brock University (2009), and the provinces of New Brunswick (2006) and Ontario (2005) show empirical evidence of the benefits of authentic inclusive education and the need for an initiative that sanctifies its position as a fundamental human right (Mackay, 2006). These studies indicate the social, academic and lifelong benefits of Kindergarten to Grade Twelve inclusive education through aspects of supports and outcomes related to the involvement and successes of disabled persons in functional literacy, social and leisure experiences, employment and community living.

The introductory chapter of this thesis provides an analysis of the construction of ableism and normalcy. The construction of normalcy is offered through an understanding of historical discourse (Davis, 1995) and current ideology which is central to the discussion of fear and fear of disability. The presentation of fear and how the phenomenon of fear grows and perpetuates ableism, particularly among non-disabled persons, in school cultures and within the larger society, is shown through the work of Jean Vanier (1998).

Additionally, the chapter frames disability as a biophysical construct and leads the reader to an understanding of how persons who project a "disabled embodiment" are devalued and dismissed by non-disabled viewers. The most significant responses

by non-disabled persons to persons with disabilities are those that focus on addressing the deficit of the "disabled embodiment" through a process of medicalization. Human rights infractions and discriminations founded on disability are the realities disabled persons experience on a daily basis. Poverty, unemployment, reductions in health, and poor opportunities for education and leisure are all by-products of ableism. Such adverse realities continue to swell among various groups of disabled citizens, most of who live in marginalized conditions (CACL, 2005a).

Chapter 2 defines and examines the "medical model of disability" as a "common sense" discourse related to the education of children and youth with disabilities. The sociology of special education employs a historical analysis to show how the medicalization of students in special education produces and reproduces more "disabled" students. In turn, these students replicate and grow the "caring" profession of "special education" within a regular education system (Linton, 1998; Tomlinson, 1982). This analysis argues that ableism thrives in schools and has filtered into virtually all structures and curricula of applied study at every level of schooling. The significant production of "deficit learners" and the discourse of "normalization" advances the perceived knowledge of "disability expert" professionals. In this situation, the authentic voices of disabled persons are dismissed and the dominant view of disability as deficit and disabled persons as defective situates the disabled person as the "other". Inclusive education is shown to replicate what presently exists as a medicalized and "special" pedagogy. Furthermore, the arguments that defend inclusive "special" education are shown as paltry and suspect. Finally, an understanding of critical disability theory, and the dominant society's resistance to this "embodied" theory, shows how disabled persons and their advocates

are engaged in a fight for social justice and equality rights, based on real and authentic needs.

Chapter 3 defines the equality premise of the "right to belong" as found within moral and legal theory, human rights discourse, and jurisprudence. The use of moral and legal analyses around the construct of "belonging" formulates an argument to advance the premise of the "right to belong" as a notion to defend inclusive education as a fundamental human right (Kunc, 2000; Greschner, 1998). This genealogy presents the disability rights movement as a part of the civil rights era and it illustrates the development of the "social model of disability" as it has gained momentum in influencing government sanctions, conventions, and ratifications of international law to enhance and protect equality rights of persons with disabilities. This conceptualization of the "right to belong" will be advanced to justify the transformation to inclusive pedagogy, and it will be theorized as a right that is fundamental to the well-being of all persons, children, youth, and adults. Legal theory, critical pedagogy, and social justice understandings will be merged to present a model of equality that situates the "right to belong" as a central piece in inclusive education philosophy.

The recognition of educators as allies for disabled students and the significance and projection of the previously subjugated voices of disabled peoples are two leading factors in the process of liberation pedagogy found in Chapter 4. Liberation pedagogy (Shor, 1987), supported by the foundations of human rights law and critical disability theory, helps educators recognize the significance of their roles and the influence of their actions, as they respond to the needs and desires of disabled students. The significance of their positions in the role of allies projects teachers as potential powerful human rights change agents. The pursuit of inclusion as an

"ethical consideration" will be presented to teachers as a self-directed transformative process found in peace education and anti-oppressive pedagogy (Egbo, 2009). Finally, the "right to belong" defines the delivery of authentic inclusive education through the advancement of transformative centres of knowledge. These centres of knowledge project the lived experiences of disabled students, children, youth, and young adults, and present liberation pedagogy as action research (Dei, 1996).

Chapter 5 concludes the thesis by calling for a model of education that is transparent and adaptable to change. This quest recommends the advancement of the "right to belong" to secure the inclusive educational rights of persons with disabilities. The call for leadership and philosophical change within school cultures comes through a critique of teacher education. Administrators and those engaged in educational leadership and teacher training will be urged to evaluate current practices, discourses, and curriculum to ensure emancipatory pedagogies are advanced and discriminatory practices are eliminated. An important step in this change is the conscientization of teachers and all students who are defined as "able-bodied". The significance of "team" allies for students with disabilities is an important feature of reciprocity and freedom. Children and adults who respect and honour the dignity and value of each human person, regardless of capacity, are those who have the potential to lead as peace educators. Supporting, protecting and following the lead of peers with disabilities are an essential part of this process of change. Assurance of authentic disability "voices" will help build a foundation of emancipatory research possibilities within educational cultures that strive to be progressive, inclusive, and humanistic.

CHAPTER 1
UNDERSTANDINGS OF DISABILITY AND ABLEISM

Ableism permeates the policies and practices of many social institutions. Furthermore, ableism has far reaching effects on how disabled persons access equality rights and whether they acquire states of personal and collective self-determination. Chapter 1 presents the development of ableism and discusses how it thrives within societies of today.

The first section of this chapter will discuss the phenomenon of normalcy to show how people with differences and disabilities have been relegated to a state of "abnormal". Secondly, an historical overview will provide the indicators of industrialization and eugenics to illustrate how disabled persons were regulated to the "margins" by the actions of able-bodied persons. The bourgeois, in particular, created hegemonic policies and practices that continue to influence practices of today. Thirdly, this chapter will define ableism and argue that negative stereotypes continue to be placed upon persons with differences. Fourthly, fear of disability and responses to the "disabled" condition will be presented as significant factors associated with ableism. A significant by-product of fear, the quest for power, will be examined as a systemic process that regenerates practices associated with ableism. Fifthly, consequences of ableism are presented to show the disenfranchised and oppressive states with which many disabled persons live. A multitude of negative treatments that disabled persons experience are presented as discriminatory and human rights cases.

1.1 The Construction of Normalcy

Noted scholar and disability activist, Leonard Davis has spent a lifetime living with persons of difference. He believes that people with disabilities have been

> isolated, incarcerated, observed, written about, operated on, instructed, implanted, regulated, treated, institutionalized, and controlled to a

> degree probably unequal to that experienced by any other minority group (Davis (1997) cited in Barnes and Mercer, 2003 p. 41)

Davis (1995) provides a historical analysis of 18th and 19th century western development by showing the reader how industrialization, the rise of the bourgeois class, the advent of capitalist economy, and the science of eugenics all played equally important parts in the construction of today's disability culture. These forces combined to create the phenomena of "normal" and "abnormal". The reader is provided a historical reconstruction of how extensive cultural descriptions of world societies have attached everyday lexicon to concepts of normal and abnormal. Davis and many other critical disability theorists use the term "normalcy" interchangeably with "normal" and "normality" in their exploration of ableism (1995).

Davis (2002) sees the concept of normality as much more than the binary opposite of abnormality. He believes it to have a foundation in the "alleged physical state of being normal" (p. 107). He understands normalcy as the "political-juridical-institutional state that relies on the control and normalization of bodies, or what Foucault calls 'biopower'," (p. 107) in his analysis of ableism.

Davis views ableism as a discriminatory systemic process which pits the able-bodied against those persons who exhibit variance from the bio-cultural view of the normal person. This phenomenon of ableism moves beyond the discriminatory individualistic prejudice to produce an ever-growing global culture of abhorrence of disability and of those who are disabled. Within this culture, those who take up the position of "normal" control and regulate this abhorrence known as the "abnormal". His analysis shows that the "general public, including those members of it in the judiciary and on juries, is by and large ableist" (Davis, 2002, p.137). Davis (2002) further argues this attitude of ableism is upheld and protected by public memberships within all major social institutions. He believes that the nature of ableism, and the

forces involved in its creation, has helped to desensitize it from public scrutiny. He likens this desensitization to ways in which racism and sexism were desensitized by dominant publics in the 1960's. Ableism is disputed and dismissed as a non-entity by intellectuals and practitioners alike. Davis (2002) calls for recognition of the connections between racism, ableism, sexism, homophobia, and others. He wants the world to know that "ableism is alive, well, and playing in your local theatre" (p. 138).

In *Enforcing Normalcy, Disability, Deafness and the Body,* Davis (1995) dedicates an entire chapter to the development and defence of normalcy. Rather than focusing on the construction of disability, as do other critical disability theorists, Davis turns to the unpacking of the social construct "normalcy". He does this to support the view that "the problem is not the person with disabilities; the problem is the way that normalcy is constructed to create the problem of the disabled person," (1995, p. 24). He draws our attention to the fact that people with disabilities were viewed in completely different ways in pre-industrial Europe and within the cultures of tribal peoples: "[The] social process of disabling arrived with industrialization and with the set of practices and discourses that are linked to the late eighteenth- and nineteenth-century notions of nationality, race, gender, criminality, sexual orientation, and so on," (1995, p. 24).

As Davis explains, the concept of normalcy and the lexicon supporting it

> entered the European languages rather late in human history. The word normal as 'constituting, conforming to, not deviating or differing from, the common type or standard, regular, usual' only enters the English language around 1840. Likewise, the word norm, in the modern sense has only been in use since around 1855, and 'normality' and 'normalcy' appeared in 1849 and 1857 respectively, (1995, p. 24).

It seems clear; the conception of 'norm' and its relationship with the human body has a direct correlation with the discovery of a "political arithmetic" or the birth of statistics. In the mid 1700's, statistics were used to compile information about the

state. In 1829 statistics changed to 'the application of numbers to illustrate the natural history of health and disease' (Porter, G., 1986, cited in Davis, 1995, p. 26). This European movement of statistic collecting in Germany, France, and England has close ties to industrialization and medicalization (Davis, 1995).

Many statisticians were also industrialists and their economic activities were connected to their science. These persons used the science of statistics to advance ideas of productivity within their factories and businesses. French statistician Adolphe Quetelet developed the concept of "middle" or average in the early 1800's. This concept is currently employed as one of the measurements to determine "average" intelligence in humans. In the 1830's, Quetelet used the 'law of error' to apply these ideas to "the distribution of human features such as height and weight," (Davis, 1995, p. 26). Davis explains:

> For the average man, Quetelet wrote in 1835, 'all things will occur in conformity with the mean results obtained for a society. If one seeks to establish, in some way, the basis of a social physics, it is he whom one should consider…' (Cited in ibid, 53). Quetelet's average man was a combination of l'homme moyen physique and l'homme moyen morale, both a physically average and morally average construct (p. 26).

This idea of *l'homme moyen*, led Quetelet to justify the *les classes moyens*. This idea of the "average man, average class" led to the ideology of the "bourgeoisie as rationally placed in the mean position in the great order of things," (1995, p.27) and as Davis (1995) states, "the average then becomes paradoxically a kind of ideal, a position devoutly to be wished," (p. 27). It was Quetelet, who first proposed that this "hegemony of the middle," the move to moderation and middleness that the bourgeois projected, "applied not only to moral qualities but the body as well" (p. 27 & 28).

Davis (1995) draws our attention to the realization that statisticians alone were not responsible for this phenomenon of normality, but rather the concept of average

was used “even by the likes of Marx.” (p. 28). In Marxist analysis, the notions of labour value and average wages were tied to the concept of the worker being an “average” worker. The influences of Marxist theory are found in current pedagogies and they have ties to such ideas of “normalizing” bodies based on the research of “average” justified by Quetelet. “In addition, Marxist thought encourages us toward an enforcing of normalcy in the sense that the deviations in society, in terms of the distribution of wealth for example, must be minimized” (Davis, 1995, p. 29).

One of the most interesting of Davis’s finds is that many of the early statisticians were eugenicists in their advancement of the norm:

> Statistics is bound up with eugenics because the central insight of statistics is the idea that a population can be normed. An important consequence of the idea is that it divides the total population into standard and non-standard. The next step in conceiving as the population as norm and non-norm is for the state to attempt to norm the non-standard—the aim of eugenics. (1995, p. 30)

Many of the eugenicists built upon each other's work and Sir Francis Galton and Charles Darwin are inexplicably tied together as cousins and fellow scientists. Eugenics was essentially an applied biology that pursued the “perfect” body in the quest of a “perfect” society. Eugenics was based on Darwin’s theory of evolution and conceptions of survival of the fittest. Davis (1995) comments on this science of deviance as explored by Farrell (1985):

> Darwin’s ideas serve to place disabled people along the wayside as evolutionary defects to be surpassed by natural selection. So, eugenics became obsessed with the elimination of the ‘defectives,’ a category which included the ‘feebleminded,’ the deaf, the blind, the physically defective and so on. (p.31)

During this era, the conception of “norm” became a significant construct within astronomy. The astronomer’s error law was used to locate stars sightings by plotting them within a standard bell shaped curve. With the majority in the middle, errors would fall to either side of the curve. Galton manipulated the astrology error

curve and changed the name and context to create what is known today as the normal distribution curve. This normal distribution curve became a tool to provide statistical analysis of human traits, most significantly physical and intellectual traits. Traits were plotted by Galton and based on Darwinism. What Galton saw as positive traits fell to the middle or the positive extreme. Galton changed the concept from "error" to the idea of "normal distribution," and the outcome projected positive and negative extremes of human traits that were charted within the bell curve. Galton's work is still found in the ogive (a cumulative frequency curve which shows the quarterly system of the present bell curve upon which an intelligence range is plotted). This phenomenon of "normal distribution" has direct ties with the current testing phenomena found in schools used to determine IQ (intelligence quotient) and to justify classification and separation of student bodies (Gould, 1981).

At the time of Galton's work, Alfred Binet, a French psychologist, decided to study intelligence and began to use Paul Broca's work on the measurement of heads or craniology. After some time, Binet "recognized 'the idea of measuring intelligence by measuring heads seemed ridiculous…I was on the point of abandoning this work and I didn't want to publish a single line of it'" (Binet, 1900, cited in Gould, 1981, p.148). Although Binet professed these recognitions in 1900, he returned to the task of measuring intelligence in 1904 when the French government requested a study to identify children who lacked success in standard classrooms. The outcome of this request was a test based on a set of tasks that could allegedly assess reasoning in a direct way. Binet developed this measurement through his analysis of what normal children should be able to complete and his concern for children who were to be helped:

> He believed first of all that special education must be tailored to the individual needs of disadvantaged children: it must be based on 'their

> character and the aptitudes, and on the necessity for adapting ourselves to the needs and their capacities,' (1909, p 15.) Binet recommended small classrooms of fifteen to twenty students, compared with sixty to eighty then common in public schools catering to poor children. (Gould, 1981, p. 154)

Although Binet warned the state of his concerns about misusing this type of test, his work was exploited by several American eugenicists including Herbert H. Goddard, Lewis M. Terman and Robert H. Yerkes. All three contributed to the hereditarian theory of IQ and to Western beliefs there exist correlations between deviance and intelligence. These American eugenicists completely dismissed the principles that Binet insisted upon in the use of his IQ test. The principles that Binet provided were disregarded by the eugenicist movement. Specifically, Binet advised that scores do not define innate ability or permanence, and that low scores do not in themselves mark children incapable. Binet proposed that each child given support had the potential for improved learning and success in life. Binet believed that each child regardless of learning difference had value and a place in our society. His ideas were progressive in that he believed that the systems and structures around the "different" learner should be adapted to accommodate that learner (Gould, 1981).

Terman made modifications to Binet's 2nd edition of the 1908 test and today educational psychologists continue to utilize this antiquated scale to determine intelligence and potentiality of students. Stanford-Binet IQ tests continue to contribute to negative labelling, and further disabling and devaluing of students with differences, in much the same way that it was used to exclude immigrants, people in poverty, and persons with social, intellectual and physical differences in the early 1900's (Gould, 1981).

The historical significance of the bell curve, the IQ test, and the adherence of today's educators and other professionals to the discourse of "normalization" are

important features of this section. One cannot dismiss the relevance of "normalization" on today's educational pedagogy, nor the influence of this concept upon judiciary and other experts who make decisions on behalf of disabled persons and their families. Although Davis has drawn our attention to the misconception of validity that IQ testing actually holds, many practicing psychologists justify the Stanford-Binet test as a valuable scientific assessment tool. IQ tests are viewed as a part of science that cannot be departed from when professionals deal with abject[2] bodies and minds (Gould, 1996; Davis, 1995, Slee, 1997).

The legitimacy of medical and statistical authorities has played a significant role in the analysis of the "disabled" body. These influences contribute to concepts of a*verage, normal* and *ideal* in schools. Adherence of educators to a model of historical science that grounds pedagogy within a medicalized discourse can be shown to promote commodification and the separation of persons with disabled bodies (Russell, 1998). Social perceptions of normality need extensive critique within the academy as this essentialist thinking promotes the understanding of disability and persons with differences as defective. In all forms of disability services, including that of education, the "defective individual is then subjugated to diagnostic classification, regulation and treatment. The project for special educators and their policy…is the management of difference," rather than the critique of injustice (Slee, 1997, p. 4). This subjugation smacks of paternalism and civil neglect. Although education has the potential to reverse these attitudes and to positively impact the quality of life for persons with differences, modern education remains under the social control of medical elites (Barton & Tomlinson, 1984). The paternalism of the past continues to be omnipresent in today's society.

[2] Viewed as the lowest or most pitiful physical or mental state of all within humanity.

1.2 Images of Disablement, Exclusion and Fear

This section presents the argument that fear of disability and the corresponding fear of disabled persons held by those persons who are able-bodied advance the phenomenon of ableism. This phenomenon is perpetuated by popular culture and stereotypical images, and is upheld by professionals in a variety of fields. Images of the abhorrent disabled body can be found within discourses and practices in the professions of law, education, and medicine, as well as in the sciences and the humanities. These images are introduced and reintroduced in a cyclical manner through media and discourse (Rieser, 1995).

The ways in which world societies view disabled persons profoundly affect those persons' self-determination and participation in that society. Ableistic biases perpetuate themselves in societies and advance dominant able-bodied perspectives. These ableistic biases accord "the lives of people with disabilities so little value," (Silvers, Wasserman, & Mahowald, 1998, p. 41). Morris (1992a), a disabled feminist, cites three legal examples in "Tyrannies of Perfection" to illustrate how little value the lives of disabled persons hold. In the first example, she describes the case of Kenneth Bergstedt[3] as an "American Court ruling that [states] it is entirely rational for a person with a serious physical impairment to choose to die," (as cited in Silvers et al, p. 41). This particular ruling not only devalued the life of Ken Bergstedt, but also has far reaching effects on all other persons with disabilities and those who have power to make decisions regarding the value of the "disabled" life. In the next two

[3] A person with quadriplegia who petitioned the court for permission to remove his life-sustaining respirator. These decisions have far reaching effects as the majority of new disabled persons who experience quadriplegia come from a culture of ableism. Their own positions as disabled persons are compromised by the sheer nature of their personal histories prior to their accidents. Their inability to see life as valuable is difficult when they previously engaged in discourses of pity. They are now those who are "pitied" and they feel shame (Charlton, 1998). It has been found that it takes more than seven years for a person to come to terms with a newly acquired disability. As a woman who has experienced and lives with the fallout of a breast cancer and a mastectomy, I acknowledge my own feelings of inadequacy, frustration, shame and anger towards other women with a "normal" body.

examples, Morris (1992a) references the decision making power of medical authorities in respect to their analysis of the value of a human life and who is accorded the right to live based on that value:

> (2) British legislation exempting pregnancies diagnosed as likely to result in children with disabilities from a prohibition against termination past twenty-four weeks, and (3) the 1939 German decree authorizing physicians to accord a mercy death to impaired persons who could not be cured. About this last example, Morris reminds us, from 1939 to 1941 two hundred thousand physically and mentally impaired children and adults were judged to have "lives unworthy of life" and were killed "out of pity for the victim and out of a desire to free the family and loved ones from a lifetime of needless sacrifice", to quote one of the physicians who signed their death warrants. (Morris in Silvers et al, 1998 p. 41)

These horrifying realities give Morris (1992a) the courage to state, "The explicit motivation for these three occurrences is the notion that physical and intellectual impairment inevitably means a life which is not worth living" (cited in Silvers et al., 1998, p. 41). The Council of Canadians with Disabilities (CCD) shows that our society places disabled children and adults at the bottom of a hierarchy of value. Analysis of court documents by the CCD suggest the judiciary have ableistic views and the interpretations by these professionals often give the perception that persons with disabilities have little value. The Council of Canadians with Disabilities (CCD) draws from Dianne Pothier's (1992) and J. A. Jackson's (1994) analysis of disabled peoples to advance their argument in the *Latimer Case Factum* (2000):

> In Battlefords and District Co-op v. Gibbs (1994), 116 D.L.R. (4th) 109 (Sask. C.A.), Jackson, J. A. recognized that the negative attitudes and limitations experienced by disabled persons are not the direct result of their disabilities, but rather are a function of how they are perceived. She wrote at p.133: Historically, the disabled have been stigmatized and shunned by our society. Ancient attitudes based upon ignorance and fears pervade many ideas about disabled members of our society. For many disabled persons, the greatest handicap many disabled individuals experience is not the limitations imposed by their disability, but the attitude of others toward their disability (D. Pothier, 1992 as cited by the Council of Canadians with Disabilities, 2000).

Through exploration of the judicial understanding of disability, and in particular the description of the personhood of Tracy Latimer in *R. v. Latimer* (1997), the Council of Canadians with Disabilities (CCD) believes that the Trial Judge significantly diminished the value of her life by his constant references to the biomedical understanding of Tracy's person:

> The Trial Judge, presumably unconsciously, also diminished Tracy Latimer's life by consistently defining her in terms of her disability. For example, he described her condition as "*an incurable affliction*" (Appellant's Record, Vol. IV, page 748, lines 5-16). He also indicated that in describing Tracy's physical and mental disabilities to the jury, he had attempted to ". . . *outline, in a general way, the tragic medical condition of Tracy*." (Appellant's Record, Vol. III, page 750, lines 15-17). In his charge, Noble J. dealt with the evidence of Laura Latimer and, in so doing, described Tracy's life since birth, emphasizing her brain damage, her seizures, her inability to crawl or stand-up, her challenges in eating, and her previous surgeries. (Appellant's Record, Vol. III, pages 756-764). He went on to refer to the Appellant's act of killing his daughter by using the benign term of "*putting Tracy to sleep*". (Appellant's Record, Vol. III, page 761, line 14; page 770, line 15). In his judgment on sentence Noble J. continued to comment on Tracy's disability, using terminology such as *". . . Tracy's tragic physical debilitation by virtue of her cerebral palsy*". (See: *R. v. Latimer* (1997), 12 C.R. (5th) 71 at p. 122). (Council of Canadians with Disabilities, 2000)

Cultural perceptions of disability are enhanced by negative and stereotypical presentations of disabled individuals in both the public and private spheres of life. Feelings of pity, disgust, and fear that are associated with the disabled or being disabled are brought forth by the discourse, the language, and the visuals of disability. Images of the disabled body, or what exists as the "disabled person", are presented in a myriad of modern cultural symbols and mediums. The images and the language of historical discourse, including the lexicon found in literature, mythology, science, and the humanities all contribute to the current perceptions of what it means to be disabled. Advertisements, especially those associated with charities, contribute to the production of fear and pity (Charlton, 1998). These images and the cultural

reinforcements of negative feelings are upheld by persons who retain power and voice within our social, cultural, legal, and educational institutions and forums. This systemic power continues to advance the non-disabled voice as expert, or the all knowing, and it perpetuates the stereotype of what it means to be disabled and "less than human" (Charlton, 1998; Rieser, 2000; Schwier, 1990).

Rieser (2000) advances stereotypes of disabled peoples as presented to the media at the Invisible Children Conference in London:

> Persons with disabilities are often viewed as:
>
> - Pitiable and pathetic: eg. charity advertisements and telethons ...
> - An object of violence...
> - Sinister or evil...
> - Curios or exotica: 'freak shows', images in comics, horror movies and science fiction, films such as the Hunchback of Notre Dame...
> - Super crip or triumph over tragedy...
> - Laughable...
> - Having a chip on their shoulder...
> - A burden ... outcast...
> - Non-sexual or incapable of having a worthwhile relationship...
> - Incapable of fully participating in everyday life: absence from everyday situations, not being shown as integral and productive members of society.
>
> (Rieser, p. 136)

1.3 Understanding. Ableism and the Fear of Difference:

Simi Linton (1998), disabled activist and academic, believes that these stereotypes are verging on disruption. Disabled people are fighting back. In large numbers they are making their presence known through their own voices and they are deciding for themselves what it means to be disabled. No longer are they satisfied with the shielding and separation of past decades in which they were hidden away and separated from their fellow citizens because they were "abnormal". They and their allies are actively resisting institutional confinement, special schools and classrooms, segregated transportation, and most importantly the shame that their families experienced from cultural mores associated with the western "pathology" of

disability. Linton (1998) asserts that disabled persons do not want to be viewed as pathology; they do not want to be viewed as abnormal. Disabled peoples worldwide demand their place in society, their acquisition to both rights and responsibilities, and the corresponding opportunities, pleasures and sorrows that come from participation in community living. Together they are critiquing the inability of the "able-bodied" to effectively see cultural perceptions that exist in the phenomenon of ableism. Linton's views are supported by civil rights journalist, Joseph Shapiro:

> The non-disabled … do not understand [the] disabled ones. That was clear at the memorial service for Timothy Cook, when long-time friends got up to pay him heartfelt tribute. "He never seemed disabled to me," said one. "He was the least disabled person I ever met," pronounced another. It was the highest praise these non-disabled friends could think to give a disabled attorney who, at thirty-eight years old, had won landmark disability rights cases, including one to force public transit systems to equip their buses with wheelchair lifts. But more than a few heads in the crowded chapel bowed with an uneasy embarrassment at the supposed compliment. It was as if someone had tried to compliment a black man by saying, "You're the least black person I ever met," as false as telling a Jew, "I never think of you as Jewish," as clumsy as seeking to flatter a woman with, "you don't act like a woman." Here in this memorial chapel was a small clash between the reality of disabled people and the understanding of their lives by others. (1994, p. 49)

Linton believes that all disabled people are "bound together, not by this list of our collective symptoms but by the social and political circumstances that have forged us as a group. We have found one another and found a voice to express not despair at our fate but outrage at our social positioning" (1998, p. 4).

She contends that in addressing disability oppression one must name it. In *Claiming Disability: Knowledge and Identity* (1998), Linton points to Tulloch's definition of ableism in, "*Reader's Digest Oxford Wordfinder* as 'discrimination in favour of the able-bodied'" (p. 9). She further advances the idea that persons with disabilities are discriminated against by those from the dominant society and she

likens ableism to sexism, racism and homophobia as found in the work of Rauscher & McClintock (1997):

> Ableism is a pervasive system of discrimination and exclusion that oppresses people who have mental, emotional, and physical disabilities. Like racism, sexism and other forms of oppression, ableism operates on individual, institutional, and societal/cultural levels. Deeply rooted beliefs about health, productivity, beauty, and the value of human life, perpetuated by the public and private media, combine to create an environment that is often hostile to those whose physical, emotional, cognitive, or sensory abilities fall outside the scope of what is currently defined as socially acceptable. (p. 198)

Simi Linton (1998) and Jenny Morris (1991) believe ableism thrives on a belief by able-bodied persons that their body "politic" is superior to that of disabled persons. This belief in superiority of not only the physical body, but more importantly, the political and social embodiment of humanity, is transferred into a broader belief system that dismisses and devalues the life experiences of disabled persons. Morris (1992a) draws from the work of Pam Evens, another disabled writer, when explaining the assumptions that the able-bodied have about persons with disabilities:

> that we feel ugly, inadequate, and ashamed…that we are naïve and live sheltered lives…that any emotional stress that we show can only be due to out disability and not to the same things that hurt and upset them…that it is quite amazing if we laugh, are cheerful and pleasant and take pleasure in other people's happiness…that our only true scale of merit and success is to judge ourselves of the standards of their world…that we are sweet, deprived little souls who need to be compensated with treats, presents and praise. (Evans as cited by Ruebain, para.3)

Many assumptions and non-truths about persons with disabilities exist in our society. These assumptions are fear based and they perpetuate a cycle of dependency that exacerbates exclusive and discriminatory practices. One by-product of fear is the misuse of power (Vanier, 1998). Vanier believes that "fear is at the heart of [all] prejudice and exclusion" and that various forms of fear push the dominant group

away from changes that give voice to the "other" (p. 73). Jean Vanier has dedicated his life to the emancipation of persons with disabilities and he recognizes fear as the primary motivator within "oppressors". His analysis of fear includes a discussion of "objectification" and through various characterizations of fear he shows how some people take on the role of "oppressor" as they seek out marginalized persons to displace their own fears. These fear-based individuals contribute to states of marginalization for persons with disabilities while growing the culture of ableism. Vanier identifies categorizations of fear as: (1), fear of difference, (2) fear of loss and change (3) fear of dissidents; (4) fear of failure (1998).

Vanier presents the fear of difference and the fear of loss as a fear of mortality, a fear of becoming one that is weak, and of becoming one that is disabled. The disabled body and disabled persons frighten those who do not want to face their own mortality. The reality is that all persons will come to a point of weakness and will die, and that all persons regardless of strength and vitality, will at some point require support from the "other" because they inevitably enter a physical or psychological state of weakness. Although this inevitable weakness is the reality of humanity, the illusionary avoidance of this experience, and persons with disabilities, and the minimization or fixing of the disabled body to remain in a youthful and vibrant state of strength, remains the active pursuit of our society. Today's fastest growing industries, bio-technology, medical technology, and genetic engineering, have a significant impact on the "disabled" and "non-disabled" alike, and these industries and those that grow them perpetuate the fear of "becoming disabled" (Baird, 1992). The fear of difference that surrounds disability is a significant cultural fear and those who display disabled characteristics are viewed as "pariahs" (Linton, 1998, p.38).

Vanier's analysis of fear is supported by the work of Marion Iris Young (1990) who argues able-bodied persons present their fears through abjection[4] and most often through a process of avoidance (Silvers et al., p. 44). Two other critical disability theorists, Susan Wendell (1996) and Rosemary Garland Thomson (1997), have contributed to the research around fear and control of the disabled body. Most able-bodied persons do not identify themselves as having characteristics that may be similar to persons with disabilities. Although they may and do have significant similarities, they avoid this comparison, as they greatly fear becoming disabled and taking on the identity of one that is disabled: "Disability reminds us of the fragility of life and confronts us with questions about our own mortality," (Rauscher & McClintock, 1997, p. 199).

The cultural mores of society place great value on knowledge, power, and social esteem. People with disabilities are often seen as less than human because they project characteristics that are not found within the "norm". The place "of existence" for many people with disabilities may be far from the dominant "norm". This distance and the human variation found within a group of disabled persons produces great discomfort and fear of the non-disabled person (Vanier, 1998). The "industry of disability" and the control of the disabled body have preoccupied the minds of those caught up in the economics of the "disability business" (Russell, 1998; Baird, 1992). Often these persons engage in the protection of institutional systems and structures, as they are concerned with political and social aspects of power and their own positions within the institution. An example of this type of protection is shown by the measures of control those in the educational profession have over funding mechanisms and services provided to disabled students. Vanier's analysis of individuals holding

[4] Abjection refers to the view of distaste that one has for another's physical form that projects damage, messiness, or disease.

dominant positions within institutions shows how their relationships with others are guarded and most significantly, how they fear other individuals within their organizations who take on role of dissident. According to Vanier (1998), dissidents may threaten defined and protected order. The motivating factors of acquiring and retaining power, and the need to control and feel superior to others, are at the root of this particular fear. Cultural fears about disability are reflected in the creation and re-creation of power structures within our society:

> The bourgeoisie has never had any use for the insane; but the procedure it has employed to exclude them have revealed and realised – from the nineteenth century onwards, and again on the basis of certain transformation, - a political advantage. The bourgeoisie is interested in power, not madness….The bourgeoisie could not care less about delinquents, about their punishment and rehabilitation, which economically have little importance, but it is concerned about the complex of mechanisms with which delinquency is controlled, pursued, punished and reformed. (Foucault as cited by Baron, 2002, p. 1019)

Professionals who lead disability initiatives are often engaged, either intentionally or subconsciously, in recreating or reproducing hegemonic paradigms to protect their authority. Slee (2000) indicates that these processes situate themselves within models of care and they provide educators, for example, with a route to professional "authentication" and status, while simultaneously reinforcing a cycle of cultural exclusion found within ableistic practices. Tomlinson (1982) maintains that special education is a mechanism that allows one social group opportunity to exercise power over another. She further suggests the "industry of disability" recreates itself through professional self-interests found within western capitalist societies. Educators who propose ideological change are then seen as dissidents in opposition to those who protect the hegemonic model. Members of the dominant group who are caught up in the protection of this hegemonic paradigm "seek to quell or exclude anyone who opposes them," (Vanier, 1998, p. 75) in the process of protecting a

structure or system that maintains status quo initiatives. These paradigms and the practices they protect have the potential to mask power within the illusion of a caring ethic.

Despite the pursuit of those within the disabilities industry to "normalize" the disabled body (Wendell, 1996), and despite the dissociation that is displayed by able-bodied persons (Young, I. M., 1990), there is no doubt that disability is a large part of our human variance. The reality is that disability in Canada and globally, impacts about 15 percent of the population. Variances of poverty, war, and age, greatly increase the probability of this reality (Kimber, 1993; Social Development Canada, 2006; Charlton, 1998). Kimber (1993) indicates "disability increases dramatically with age, 45 percent of people aged 65 or older experience some sort of physical or mental disability," (p. 166) and it is known that throughout a lifetime one in five persons will experience disability personally or through a member of their family (Charlton, 1998).

One might argue given the statistics, that the phenomenon of disability and the variance of what is seen as "disability" should give rise to the understanding of disability as a commonality within society. Although the numbers of disabled persons constitute a large minority of world citizens, the dominant societies, the elites and the bourgeoisie have succeeded in creating a global culture that excludes those with physical and intellectual differences. Those persons who present differently are viewed as "abnormal" and are seen as having a "stigmatized identity" by the able-bodied majority (Goffman, 1963). This stigmatized identity thrives in today's society and is reinforced by dominant institutions that present the disabled body as an abjected body within a culture of perfection. The quest for idealized, perfect, normalized states of human embodiment continues to lead psychologists, surgeons,

lawyers, educators and parents into a culture of fear. This fear displays itself within the systems and structures of "care" that are found in schools, homes and other institutions, including the courts. It works to protect the non-disabled expert on his route to accruing power, status, and monetary reward, as it simultaneously removes and rejects persons with physical, emotional or intellectual differences by keeping them from an identity of "normal". The stereotypical views of disabled people are kept alive through modern culture, media, film, literature, and academic discourse in all fields of study.

1.4 Disability and the Dilemma of Difference

Stereotypical views of persons with disabilities influence policy formation and the development of legislation. Minnow's (1990) analysis of difference in school-aged children shows the struggles of educational policy makers and judiciaries when determining whether treating people the same or treating people differently will stigmatize or hinder them in some way. She indicates:

> the stigma of difference may be recreated by both ignoring and focusing on it. Decisions about education, employment, benefits, and other opportunities in society should not turn on an individual's ethnicity, disability, race, gender, religion, or membership in another group about which some have depreciating or hostile attitudes. Yet refusing to acknowledge these differences may make them continue to matter in a world constructed with some groups, but not others, in mind. The problems of inequality can be exacerbated both by treating members of minority groups the same as members of the majority and by treating the two groups differently. (p. 20)

Minnow (1990) believes that special needs of school-aged children arise from differences beyond language proficiency and physical or mental disabilities. She indicates that confusion and problems arise in the course of labeling and inconsistent treatment of children from decisions within the legal system. She further suggests that the "dilemma of difference" is not an "accidental problem" but

> grows from the ways in which this society assigns individuals to categories and, on that basis, determines whom to include in and whom to exclude from

> political, social, and economic activities. Because the activities are designed, in turn, with only the included participants in mind, the excluded seem not to fit because of something in their own nature (p.21).

As a child, disability activist, Norm Kunc experienced acts of exclusion when he was relegated to a regime of exercises in a rehabilitative process to "normalize" his embodiment. His school days were spent in segregated classrooms and schools. His knowledge of disability and his perspective of difference are based on personal experiences. He draws from the work of Martha Minnow to define cultural constructs of disability as found within the 'dilemma of difference' (Kunc, 2000; Minnow, 1990). Kunc's analysis of this cultural phenomenon of disability is developed with his construction of value formation as applied to disability. He notes that there is a hierarchy of value applied to bodies and to embodiment, and he believes that persons with disabilities are scrutinized, controlled and excluded because of their "differences". He believes the views of disability and the corresponding responses by persons who are able-bodied reflect values drawn by political, social, and economic forces. Kunc's research warns those engaged in "equality" initiatives and interpretations to look beyond the surface of liberalism and recognize the historical and social contexts that persons with disabilities share. He draws attention to abuses and misdemeanors that disabled people have experienced in the name of "best practice" and to the "assumption that people with disabilities are intrinsically inferior and unable to take responsibility for their own lives" (Charlton, p. 53) and thus, are in need of regulation and control.

Kunc identifies four responses that are applied to this value-laden paradigm known as the "dilemma of difference". He argues that persons who are portrayed as "able-bodied" project these responses to disabled persons. He defines the first response as "marginalization, expressed by avoiding, segregating and in some cases

putting an end to people who are different" (Kunc, 2000, p. 160). In this response, a disabled person is viewed as a burden. Those attached to this view support the initiatives of segregated education, institutionalization of adults, and euthanasia for the elderly, ill, or disabled infants and adults. A relatively recent piece of legislation[5] in the Netherlands gives physicians the right to euthanize children under the age of 11 and children from 12 to 16 may be euthanized with the consent of their parents[6]. Similar pieces of legislation exist in Belgium and in Washington and Oregon, U.S.A.

The second analysis of value and the response elicited is "reform". In this analysis persons with disabilities can join the mainstream if they can adapt or change to take on the persona and behaviours of those that are deemed "normal". Children and adults are either rehabilitated or assimilated to meet these "normal" standards. They must accept that value lies in being typical and uniform.

Third, is the response of "tolerance". This mainstream phenomenon has roots in the American civil rights movement. Although this response projects the perception of acceptance, it is based within ideologies of benevolence and resignation, and will never completely deliver the reality of acceptance and belonging. Access to citizenship is based on equality, justice and respect. Although the response of tolerance is the first step along the route to a state of inclusion, individuals use this response primarily because of legal sanctions. Educators who adhere to this response accept such aspects of inclusive policy as a legal sanction. They may or may not understand, or strive to reflect on the moral obligation that comes with acceptance and

[5] The Netherlands has a national task force that critiques legislation and policy regarding the campaigns to help "children die": http://www.internationaltaskforce.org/fctholl.htm; http://www.thecbc.org/redesigned/research_display.php?id=159

[6] Netherlands Euthanasia Legislation was passed on April 10, 2001 and actions incurred continue to be investigated from human rights advocates with the United Nations. Ragged Edge reports the concerns of those from the disability community in response to this legislation.

belonging. Civil rights doctrine hinges on legal analysis and does not require one to engage in the perspective of moral analysis (Kunc, 2000).

Lastly, Kunc sees "valuing" as the only acceptable response or action towards persons with disabilities. In Kunc's analysis, diversity is embraced and disability is seen as typical. This view does not mean that the implications of disabilities to an individual and towards that individual's family should be minimized. It means that a person with a disability may be seen as different and having different needs, and however challenging those needs might be, that the life circumstances of that individual should not be viewed as tragedy. Kunc makes this point to show that the voice of the disabled person is a voice of significance. The reality of the life from the perspective of the person who experiences this "dilemma of difference" is critical in helping others understand disability. Authentication of the disabled voice projects the disabled body as typical and acceptable. This view confirms and welcomes variance within humanity and includes persons with disabilities as part of the norm within society. Unfortunately, this view rarely receives a platform and the "power-brokers" of modern discourse dispute this response by personal and systemic actions that exclude and hurt disabled people (Wolbring, 2005).

Norman Kunc asks that educators, legislators, and policy makers of all professions begin to view disability as a "normative" cultural construct. He further asks that professionals view persons with disabilities as valuable. By understanding the different ways in which persons with disabilities are responded to or treated one begins to develop a clearer understanding of how difference is constructed and what that difference signifies. Martha Minnow helps clarify the reasons disabled persons advocate for an understanding of value regarding the "dilemma of difference":

> Difference, after all, is a comparative term. It implies a reference: different from whom? I am no more different from you than you are from me. A short

> person is different only in relation to a tall one; a Spanish-speaking student is different in relation to an English-speaking one. But the point of comparison is often unstated. Women are compared with the unstated norm of men, "minority" races with whites, handicapped persons with the able-bodied, and "minority" religions and ethnicities with majorities. If we identify the unstated points of comparison necessary to the idea of difference, we will then examine the relationships between people who have and people who lack the power to assign the label of difference. If we explore the environmental context that makes some trait stand out and some people seem not to fit in, we will have the opportunity to reconsider how and for what ends we construct and manage the environment. Then difference will no longer seem empirically discoverable, consisting of traits inherent in the "different person." Instead, perceptions of difference can become clues to broader problems of social policy and human responsibility. (Minnow, 1990, p. 22, 23)

The significance of a membership which advances just social policy and human responsibility to protect and advocate with and for disabled peoples is a critical step in the quest of inclusion. The next section of this thesis outlines several human rights infractions and situations of systemic discrimination that need to be recognized and addressed.

1.5 Consequences of Ableism: Prejudice, Discrimination and Human Rights Infractions

Disabled persons in Canada make up a large minority of our citizens; some researchers and analysts believe up to 15 percent of our population carry the label of "disabled" (Devlin & Pothier, 2006). When members of our society respond to the needs of disabled persons, they often contribute to the perpetuation of ableism and the reinforcement of life "in the margins". Most disabled persons, children and adults alike, are marginalized socially and economically by the very charities and welfare systems able-bodied Canadians have created for those who are "disabled". The high standard of living that many North Americans enjoy is not transferred to those whom are disabled (Russell, 1998). Statistical findings indicate that many disabled persons live in poverty, remain unemployed, and do not enjoy the quality of life that other Canadians experience. The instances of violence, sexual abuse, and discriminatory

infractions among the disabled are much higher than those of many other Canadians. Unfortunately, the freedom and protections that other citizens enjoy often must be justified previous to the disabled person's access to the service (CACL, 2005a; Sosbey, 1994)

Globally, disabled children and women experience significant human rights abuses and exclusions. Approximately 150 million children worldwide have disabilities, most of whom (80 percent)[7] live in developing countries. Millions of children with disabilities do not attend school and it is known that a lack of schooling or exclusion from school is a primary factor in facilitating dependency and social ableism (CACL, 2005a). One in five of the world's poorest people are estimated to have a disability and the far-reaching implications of familial poverty are even greater (CACL, 2005a). Disability has a significant link to poverty as ableism contributes directly to the "exclusion from education and employment opportunities; exclusion from meaningful engagement with political processes; [and] limited access to life necessities" (CACL, 2005a, p.2). The significance of this link to poverty is an important consideration for Canadians. The deplorable treatment, both historically and currently, of First Nations and Métis peoples contributes to the numbers of Aboriginal peoples who are classified as disabled. Canadian statistics indicate that Aboriginal Canadians have twice the incidence of disability related classifications as do non-Aboriginal Canadians (Stienstra, 2002). Poverty is no stranger to disabled peoples, and globally the effects of poverty continue to marginalize and oppresses Indigenous peoples (Inclusion International, 2006). The relationship of poverty, racism and ableism is advanced in the work of Davis (2002) and other critical disability theorists and critical race theorists (Sampson, 2006; Razack, 2003).

[7] World Disability Report, 1999 (CACL, 2005a)

Disability discrimination or ableism is evident within the actions and reactions of persons within our society. Ableism is rooted in stereotypical images and utilizes the dominance of "normality" to protect itself. Examples of human rights infractions and ableistic messages are prevalent globally. Three examples are included in this section:

1. In a 2004 report, UNESCO indicates that between 35 and 80 million of the 200 million school-aged children in India do not attend school. Fewer than 5 percent of children with disabilities attend school and many others are excluded based on gender and caste. These estimations apply to all developing countries[8].
2. UNESCO reports, "For every child killed in armed conflict, three are injured and permanently disabled. 40 percent out of 26,000 persons killed and injured by landmines every year are children. Over 10 million children are psychologically traumatized by armed conflicts. [Additionally] child labour and maltreatment such as corporal punishment, amputation, blinding of detainees, are responsible for children becoming disabled, and can lead to mental illness, physical and psychological disabilities, difficulties in schools or at work, etc."(UNICEF, 2002)[9].
3. In 2000, the Supreme Court of British Columbia awarded the parents of a child with Down syndrome, $200,000.00 for wrongful birth and for the stress of the situation[10] (Blackwell, 2000).

[8] UNESCO Report on Inclusive education in India provides data from a research study conducted by the UK's University of Cambridge to determine indicators of inclusion and exclusion. Teacher's understandings of inclusion are limited to the concept of access to school.
[9] http://www.unesco.org/education/efa/know_sharing/flagship_initiatives/disability_last_version.shtml
[10] A physician in Richmond, B.C. was order to compensate the parents of a child with Down syndrome, after the mother, at the age of 35 was not offered an amniocentesis, as she was 'to far along' in the pregnancy for abortion to be recommended. Advocates for the disabled refer to this case, the second of its type in Canada, as a great human rights infraction for persons with Down syndrome, as many of them live long and participatory lives.

These examples signify blatant human rights infractions and more insidious forms of discrimination against persons with disabilities. Not only do they project prejudice, stereotyping, stigmatization, and paternalism, they show the significant violence, abuse, and genocide that disabled persons encounter on a daily basis in North America and throughout the world. Further analysis of human rights abuses and other forms of discrimination may be explored through the J. P. DAS Developmental Disabilities Centre at the University of Alberta.[11]

Societies around the world contribute to the dehumanization, exclusion, and marginalization of disabled peoples. The challenge for human rights advocates is to show how value formations about persons with disabilities shape ethical parameters that define freedoms and opportunities. Societal values reflected within institutional networks can either protect, or diminish and dissolve the rights of disabled persons. If Canadians are to lead in the establishment of a society in which all members receive the same protections and freedoms that the majority of citizens enjoy, leaders must take up the challenge of critiquing ableism. Without this critique, future generations of children may not experience a full life through the guarantee of substantive citizenship and the protection of human rights (Pothier & Devlin; 2006; CACL, 2005b; Sosbey, 1994).

This chapter helps the reader examine constructs of normalcy and ableism. Western understandings of disability, largely generated by the ideology of those who are able-bodied, contribute to a milieu of fear and misconception surrounding what is

[11] http://www.ualberta.ca/~jpdasddc/Index.html

known as the disabled body. This in turn results in exclusion, systemic marginalization, and significant human rights infractions for persons with disabilities. Value-laden responses to the fear of difference or the fear of disability signify the need for awareness and critique of ableism.

Chapter 2 examines medicalization of the disabled identity and the protection of medicalization as an avenue to service for persons with disabilities. Historical influences such as the eugenics movement and humanitarian benevolence associated with special education are shown as major factors in the continued oppression of persons with disabilities. Critical disability theory is presented as a process of resistance disabled persons may utilize to ensure voice and freedom. Authentic understandings of inclusion aid the reader in viewing a culture of belonging as a significant factor in the protection of equality rights for all persons.

CHAPTER 2
THE DOMINANT DISCOURSE OF SPECIAL EDUCATION: INFLUENCES AND CRITIQUE

Chapter 2 opens with an analysis of the medicalization of disability in order to illustrate the predominant view of disability. The historical and continued medicalization of the "disabled learner" has significant implications for students with varied capabilities and for those who teach them. The influence of "medicalization" exists in all professions. Moreover, the use of the "medical model" in jurisprudence places significant restraints on those who attempt to critique medicalization in education. The medicalization of students with physical, mental, and intellectual disabilities, and others who have recently joined the ranks of the learning disabled are viewed as a collective underclass who require fixing through surgery, therapy and intervention (Davis, 2002; 1997). In this context, medicalization refers to the diagnosis of pathology and the prescribed treatment that can be applied to a broad range of human conditions found within school populations and the larger society. Diagnosing of conditions and treatment by prescriptions is primarily determined by Western psychiatrists, physicians, and psychologists (Russell, 1998). The same model is employed in the delivery of educational services for students deemed to have differences.

Critical disability theorists take up the call to oppose those who sanction and protect the medical model. They look to ontology to advance the voice of disabled persons (Linton, 1998). Critical analysis of both historical and current understandings of disability gives opportunities for disabled persons to advance their experiences and their voices. The work of critical disability theorists, philosophers and pedagogues helps to unpack oppressive discourses and to open segues for new ways of knowing

(Allan, 2005; Kunc, 2000; Slee, 2000). Benevolent humanitarianism and eugenics will be shown as two rationalizing discourses found within the hegemony of special education and educational psychology. Evidence will illustrate the growth in "special education", specifically how growth benefits the profession and members of the profession over students with disabilities. The growth in "special education" and the mechanisms of "help" applied to the therapy of education for the disabled are fiercely protected by professionals within the field of educational psychology. Collectively, the philosophy, discourse, and curriculum of medicalization are accepted as "expert" knowledge by many professionals within school based systems. Medicalization of children and youth overrides all other pedagogical considerations and "normalizes" the "deviance" of disability and the quest for rehabilitation, therapy, and other "special" initiatives (Slee, 2000; Skrtic, 1991; Tomlinson, 1982). Inclusive education is seldom authentic in the sense that its development and maintenance is controlled by a very select and powerful group of researchers who are primarily able-bodied and privileged socially, intellectually and economically. Critical researchers believe the dominant model of inclusive education to be an illusory prospect that simply professes the language of inclusion, while engaged in the educational hegemony of humanitarian benevolence (Slee, 1997; Tomlinson, 1982). Lastly, the idea of moving towards an authentic vision of inclusion will be presented to educators and students with disabilities as a defence of freedom and self-determination.

2.1 The Medical Model's Influence in Education

The authority of the medical elite has played a significant role in protecting ableism in contemporary society. The filter of influence permeates all modern day institutions that engage in the support, or rather the illusory support, of disabled persons (Barnes & Mercer, 2003; Charlton, 1998; Linton, 1998; Barton, 1997; Davis, 1995; Tomlinson, 1982). Susan Wendell (1996), a feminist and critical disability theorist, draws from Zola (1972) to warn us that

> Medicine is becoming a major institution of social control, nudging aside, if not incorporating, the more traditional institutions of religion and law. It is becoming the new repository of truth, the place where absolute and often final judgements are made by supposedly moral neutral and objective experts. (Zola, 1972, p. 487)

As early as the 19th century religious powers, judiciaries, and charity organizations joined those in medicine in an effort to manage the "deviants" and the "feebleminded". Wendell (1996) advances Zola's (1972) work of social control to illustrate how medical experts have social and cognitive influences over professionals in law, economics, social services, and education. Most academic discourses and government definitions applied to the education of disabled persons fall within the medical model. Canadian judiciary and legal analysts currently utilize the medical model to interpret equality rights of persons with disabilities. These interpretations are explained in Rieser's (1996) discussion:

> The 'medical model' sees the disabled person as the problem. We are to be adapted to fit into the world as it is. If this is not possible, then we are shut away in some specialized institution…the emphasis is on dependence, backed up by the stereotypes of disability that call forth pity, fear and patronizing attitudes. Rather than on the needs of the person, the focus is usually on the impairment. With the medical and associated professions' discourse of cures, normalization and science, the power to change us lies within them. . . .the assessments of us are used to determine where we go to school; what support we get; what type of education; where we live; whether or not we can work and what type of work we can do; and indeed whether we are even born at all, or are allowed to procreate. Powerful and pervasive views of us

> are reinforced in language and in the media, books, films, comics and art. The 'medical model' view of us creates a cycle of dependency and exclusion which is difficult to break. 'Medical model' thinking about us predominates in schools where special educational needs are thought of as emanating from the individual who is seen as different, faulty and needing to be assessed and made as normal as possible. (Rieser, 1996, p. 119)

There is overwhelming evidence that by pathologizing personal aspects of daily life, including personal behaviours and physical differences, "disability" professionals are in part responsible for the disenfranchisement and marginalization of persons with disabilities (Barnes & Mercer, 2003; Bach, 2002; Wendell, 1996; Oliver, 1996; Rieser & Mason, 1992). The profound, cyclic, and interfacing effects that medicalization has over judicial and economic decisions that influence social policy, and thus, the life circumstances of disabled persons, and the cultural perceptions of whole societies, are pervasive and significant. For example, an ordinary behavioural condition such as perseveration has become attached to the diagnostic criteria that are overwhelmingly associated with autism spectrum disorder. This attachment stigmatizes a person through the process of social labelling and it often ensures the same value-laden response a person with a significant cognitive disability endures (Wendell, 1996).

The Government of Canada[12] adheres to the medical model of disability as defined by the World Health Organization (WHO) with regard to the classification of disabled citizens. The *International Classification of Impairments, Disabilities and Handicaps* (1980) and the *International Classification of Functioning, Disability and Health*[13] (2001) were adopted to define disability in Canada. The latter classification has prompted an understanding of the interactions between impairment and external limitations, or restrictions placed on disabled persons. However, the two models

[12] http://www.disabilitypolicy.ca/policy/docs/gdocs.php
[13] http://www.who.int/classifications/icf/en/

clearly view disability as an individual problem that predominantly requires medical assessment and intervention. Specifically, the Government of Canada defines disability from three distinct perspectives: impairment, functional limitations, and ecological understandings. However, all provincial and territorial jurisdictions present most legislative definitions in accordance with the dominant medical model definition found within the *International Classification of Impairments, Disabilities and Handicaps* (1980). These "medicalized" classification systems are not always helpful as they often significantly add to the stigmatization disabled persons experience.

In exploring disability constructs in relationship to understanding equality provisions for disabled persons, one can review the *Eaton* (1997) case and the interpretive means by which Justice Sopinka's authorship protects the medical model of disability to advance jurisprudence found in formal equality. Formal equality decisions focus on similar treatment of individuals who are alike. This means an individual's personal characteristics are taken into account and the analysis of his or her "true" characteristics are reflected in the decision of an equality rights claim. The claim is generally limited to the treatment of other similarly situated persons and it does not extend to demands for substantive treatment. This means the contextual or historical analysis of "like groups" of individuals is not factored into a decision (Bartlett & Harris, 1998).

The *Eaton* case is a formal equality precedent setting case that upholds the Brant School Division's authority to maintain a segregated educational placement for a 12 year old girl with Cerebral Palsy. This decision upheld the Ontario Special Education Tribunal's position that the extent of Emily's Eaton's' special needs was the impetus for consideration of a segregated educational placement, and not the fact

that her needs were different from students in the mainstream. This reference to the "extent of difference" signifies the *Eaton* analysis fell within a biological or medical model analysis of disability (Young, M., 1998). It is clear testimony presented by the Ontario Tribunal was given consideration over the Appeal decision of the Ontario Provincial Court (1995) in which Justice Arbour clearly indicates a presumption in favour of integrated education. The rejection of the previous decision of the Ontario Provincial Court of Appeal by the Supreme Court of Canada was shocking and disturbing for many within the disability rights community (Young, M., 1998). Margot Young (1998) argues that this Supreme Court of Canada decision holds up the "justification of exclusion as an uncomplicated equality act" (p.164) that has far reaching effects for many young persons with disabilities as it impedes long term systemic change. This decision has particular importance for all children with intellectual and multiple disabilities as the *Eaton* case continues to uphold the precedent for enforced segregated services for students with significant disabilities within school divisions across the country.

In *Eaton v. Brant County Board of Education* [1997] S.C.R. 241, Sopinka stated:

> It follows that disability, as a prohibited ground, differs from other enumerated grounds such as race or sex because there is no individual variation with respect to these grounds. However, with respect to disability, this ground means vastly different things depending upon the individual and the context. This produces, among other things, the "difference dilemma" referred to by the interveners whereby segregation can be both protective of equality and violative of equality depending upon the person and the state of disability (69).

This decision found that Emily Eaton's equality rights were not violated and it further found that a segregated placement did not "constitute the imposition of a burden or disadvantage nor did it constitute the withholding of a benefit or advantage from the child" (1997, S.C.R. 241, 80). Eaton's significant communication, physical,

and cognitive needs, indeed her very differentness, her biological deficits were medicalized factors which contributed heavily to the decision. In this case, Justice Sopinka (1997) used testimony from the Tribunal to establish his written statement at 6:

> The respondents, Carol and Clayton Eaton, are the parents of Emily Eaton, a 12-year-old girl with cerebral palsy. Emily is unable to speak, or to use sign language meaningfully. She has no established alternative communication system. She has some visual impairment. Although she can bear her own weight and can walk a short distance with the aid of a walker, she mostly uses a wheelchair.

This reference to Emily Eaton shows how her physical and intellectual differences create and pathologize her personhood within this courtroom. Emily Eaton's other personal characteristics, social behaviours, and interests were not clearly presented in the written decision. These pathologizing descriptions were significant within the justification of a placement outside the norm:

> In some cases, special education is a necessary adaptation of the mainstream world which enables some disabled pupils access to the learning environment they need in order to have an equal opportunity in education. While integration should be recognized as the norm of general application because of the benefits it generally provides, a presumption in favour of integrated schooling would work to the disadvantage of pupils who require special education in order to achieve equality. Schools focussed on the needs of the blind or deaf and special education for students with learning disabilities indicate the positive aspects of segregated education placement. Integration can be either a benefit or a burden depending on whether the individual can profit from the advantages that integration provides (1997, SCC 241, 68-69).

Dianne Pothier, disabled activist and legal scholar, (2006, 1998) is critical of Justice Sopinka's decision as she believes he clearly expects that educational professionals need to make only modest adaptations for disabled students within traditional classrooms to allow for some integration, and certainly not the authentic inclusion of these students. She further criticizes his decision because of his endorsement of segregated school placements for students who are blind, deaf or learning disabled. Her critique of this legal analysis shows formal equality focuses on

the individual and does not necessarily acknowledge historical or cultural situations experienced by oppressed minority groups. In this case, the oppressed minority group includes persons with intellectual disabilities and their "right to belong". The judicial analysis of difference in *Eaton* shows how adherence to the "rights analysis approach" found in formal equality utilizes understandings of the medical model to further the view of "abnormal persons". Moreover, this adherence shows how stereotypes are reinforced within the social structures of education, medicine, and law through "a general presumption that differences reside in the different person rather than in relation to norms embedded in prevailing institutions" (Minnow, 1990, p.108). Minnow offers this:

> Even though it sees some differences as "real" and "natural", rights analysis inspires scepticism about the accuracy of particular assumptions and classifications of difference, especially where there has been a history of prejudice and cruel treatment (p.107). The difficulty arises because the "rights approach" holds on to an assumption from the abnormal-persons view. The rights approach maintains the unstated norm, based on one group of people, and therefore attributes differences to those who diverge from that norm (p. 108). The rights approach also presumes that the status quo is natural and good, except where it has mistakenly treated people who are really the same as though they were different (p 109)

In reviewing *Eaton*, critical attention must be paid to how the rights approach analysis is used when looking at "degrees" of embodied difference within humanity and how this analysis affords some persons access to civic rights while excluding others. The value-laden responses to those degrees of difference will be further analyzed through the social relations approach discussed in Chapter 3. Discussion of how the "dilemma of difference" applied to disabled persons provokes interpretations and responses from various memberships within society was presented in Chapter 1 of this thesis (Kunc, 2000; Minnow, 1990).

Critical disability theorists and disabled people alike argue that this Supreme Court decision reinforces the view of "disability as tragedy" by adhering to the

construction of "normalcy" and the view that disability is "abnormal"[14] (Dawson, 2006; *Auton 2004*; *Eaton* 1997; Davis, 1995; *Cleburne* 1985*).* At best the *Eaton* case opens the door for further critique. Diane Pothier (2006, 1998) and Margot Young (1998) show the decision of *Eaton* to be very problematic. Pothier states that although:

> Justice Sopinka identified the context for disability discrimination as the "construction of a society based on mainstream attributes," he did not suggest the need for a fundamental re-thinking of that norm. Instead, "fine-tuning and accommodation" after the fact were identified as the appropriate response. In the words of Martha Minnow, Justice Sopinka treats the mainstream attributes as "unproblematic background" rather than conceiving of "current institutional arrangements as a conceivable source of the problem." (Pothier, 1998, p. 271).

Pothier (1998) further alludes it is Sopinka's inability to see the problem from the view of the "other" when he provides the characteristic of blindness as a "source of inability" or the root of the problem around Emily Eaton and her school education:

> the real barrier in Justice Sopinka's example is not blindness but the design of the test according to able-bodied norms. Justice Sopinka's framework makes accommodation of persons with disabilities an end in itself rather than as a possible means to the end of equality. The difference is significant. Justice Sopinka's analysis is premised on able-bodied design with after the fact tinkering through accommodation, rather than inclusive design from the start that may either obviate the need for accommodation at all or make it easier to accomplish because it was anticipated in advance. The basic point is this: while equality in the context of disability does require taking account of difference, it does not require a construction of a hierarchy between 'normal' and 'abnormal'. (p. 272)

Justice Sopinka's decision was also harmful in that it set precedent for educational authorities to decide what is in the best interests of students with disabilities. It sanctified the power of educational authorities over others acting in the "best interest" of children with disabilities, although the respondents in this case,

[14] Michele Dawson, an "autistic" person has written extensively on the dismissal of persons with autism and the view of "disability as tragedy": http://www.sentex.net/~nexus23/naa_03.html

Emily's parents, contended that "best interests" should not be established by educational authorities alone. In this instance, the voices of the disabled person and her advocates were completely dismissed. Pothier (2006) explains how Sopinka upheld the Ontario Special Education Tribunal by concluding that a segregated education placement would meet Emily Eaton's ''best interests'' without seriously questioning the meaning of this term:

> More specifically, it did not question the perspective from which ''best interests'' was being assessed, uncritically evaluating ''best interests'' of disabled students from a non-disabled (able-bodied) frame of reference. The tribunal's findings that a segregated placement met Emily's best interests were made in a disaggregated way, and the assessment of Emily was based on able-bodied norms. It is the failure to assess Emily as a whole person that enabled the tribunal and the Supreme Court of Canada to downplay the significance of integration and to ignore the historic context that segregated education for disabled students connotes inferior status (Pothier, 2006, para 50).

The distinction of the *Eaton* case clearly places equality interpretations of disability and people with disabilities in a biophysical analysis. As in the cases of *Auton*[15] and *Latimer*[16], the decision of *Eaton* dismissed the cultural, social and political dimensions that must be addressed to understand individuals with disabilities, and the issues that diminish their citizenship. *Eaton* is a significant Supreme Court case that illustrates the inability of Canadian society to view the person with an embodied difference as part of the norm within society. The important critique of this case utilizes the framework found in critical disability theory. The *Eaton* decision and interpretation sets disabled people apart from people with whom they could form alliances. In a sense, the Court has isolated disabled persons from other marginalized peoples who struggle for their rightful place on the equality rights

[15] Supreme Court of Canada decision determining persons with autism have not been discriminated against with the provision of services for the ABI treatment. Descriptive language used by the plaintiffs and the defendants define persons with autism in negative connotations.
[16] Supreme Court of Canada case in which Robert Latimer was found guilty of 2nd degree murder in the death of his child Tracy. Descriptions of Tracy diminish the value of her life and her personhood.

platform. This analysis shows how disabled persons have been separated from other marginalized peoples through the biases found within a judiciary who utilizes the medical model, and how disabled peoples collectively fight for equality in education and other social institutions through the written critique (Pothier, 2006; Cole, 2000). The next section of this chapter will provide an overview of critical disability theory and how it is used as methodology within this thesis.

2.2 Critical Disability Theory: Resistance and Critique

Persons addressing human rights infractions, discriminatory policy, exclusionary practices, or labelling discourses centered on the "disabled body", need to ask an important question, *"How do we as a society understand and define disability?"* This question begs for an understanding of the power of definition and a recognition that a contextual analysis could ensure the voice of persons with disabilities. Critical disability theory gives scholars and students, advocates and self-advocates, policy makers and judges another view of what it means to be disabled and how that view has implications for the equality rights of persons with differences (Pothier & Devlin, 2006; Linton, 1998; Wendell, 1996).

This thesis uses the scholarship of critical disability theorists to advance the "right to belong" as a substantive equality premise that situates inclusive education as a human rights discourse. It is known that the voices of persons with disabilities continue to be diminished and it seems "well-meaning people who simply do not have progressive information and education, [exist] in part because we do not teach disability in public schools and colleges as we now teach race and gender," (Davis, 2002, p. 137). Critical disability theory leads the charge to public education and public media while postulating a new conceptualization of disability. It presents a means by which disabled persons and their allies can project a positive and natural

view of personhood. Critical disability theory challenges Western liberalism and its focus on "disability as tragedy". Western liberalism privileges normalcy over the different or abnormal which in effect excludes those with differences (Pothier & Devlin, 2006). This theory ensures the voice of the disabled person in the critique of societal practices and it encourages a "look" at disability with "new eyes". By showing the dominant able-bodied population non-dominant ways of recognizing the "other" and his or her gifts, these theorists work as allies, advocates, and activists with persons from the disability community. Ultimately, critical disability theorists "challenge these assumptions and presumptions [about disabled peoples] so that persons with disabilities can more fully participate in contemporary society" (Pothier & Devlin, 2006, p. 2).

Critical disability theory is the central methodology found within this thesis. I draw on critical disability theory to advance a philosophical ideology to forward the notion of belonging as a fundamental equality right for all school children. Although not all the scholars reviewed here are critical disability theorists, they take on the role of critically examining disability and the associated equality rights of those deemed disabled. They may also be defined as critical theorists, critical pedagogues or critical philosophers. Within this context, the "right to belong" is viewed as an equality premise that advances inclusive education as a human right for all persons and specifically for those persons defined as disabled. The main scholars that are used to advance this thesis are Leonard Davis, Simi Linton, Richard Rieser, Len Barton, Richard Devlin, Dianne Pothier, Jenny Morris, Susan Wendell, Donna Greschner, Martha Minnow, Denise Reaume, Rebecca Zietlow, Jean Vanier, Norman Kunc, Roger Slee, Sally Tomlinson, Megan Boler and Julie Allan.

Critical disability theory is a "self-conscious politicized theory. Its goal is not theory for the joy of theorization, or even improved understanding and explanation; it is theorization in the pursuit of empowerment and substantive, not just formal equality" (Devlin & Pothier, 2006, p. 8). The recognition of unequal "playing fields" and limited "good-life" outcomes that are attached to disabled peoples is a part of understanding substantive equality. The contextual analysis of the "disabled" embodiment, such as discussed in the *Eaton* case, is critical to acknowledging that this group of marginalized peoples do not have the same entitlements, opportunities or access that a majority of Canadian citizens enjoy.

Pothier and Devlin (2006) identify the use of critical disability theory by reviewing ways in which the critique is ensured. The use of language, definitions, voice, and the corresponding analyses are significant in persuading academics and others who often adopt a binary view of disability. The two categories are limited to: . . . "the disabled and the able-bodied" when in fact the complexities surrounding the social and cultural contexts of disability are many more. The language of disability, and the definitions and symbols that attach to societal lexicon, can be significant disablers for many children and adults. Simi Linton (1998) calls for the need to "take back" the language and claim disability as a positive cultural experience. The significance of negative ideology found in the lexicon is heard in the halls and locker rooms in all schools today. A phrase like "that's so retarded," has far reaching implications for students with disabilities. Similarly, for students with varied sexual orientation, the phrase "that's so gay" is accepted as the lexicon of common culture. Both are examples of hurtful and exclusionary language predicated on human differences. These offensive and commonly accepted phrases within the lexicon are part of the culture which should be critiqued by educators.

The complexities around disability and how it is projected are extremely confusing. The able-bodied and persons with "disabled" embodiment alike receive befuddled and misconstrued information. The symbols of disability do not always help learners develop an understanding of who is disabled and who is not. Davis's work on identity and disability helps clarify the complexities of disability: "Indeed, the universal symbol for disability—the wheelchair—is the most profound example of the difficulty of categorizing disability, since only a small minority of people with disabilities use that aid" (2002, p.178). Davis (1995) refers to the "absolute category of disability" that has been created by an ableistic society and defines four categorizations that "normal" people see: 1) the deaf, 2) the blind, 3) the orthopedically impaired and 4) the mentally retarded (p.7). He refers to the *Rehabilitation Act of 1973* to define those who have been classified with a disability as "those who are regarded as having a limitation or interference with daily life activities such as hearing, speaking, see, walking, moving thinking, breathing, and learning" (p.8). He urges the public to recognize that "although disability is *of* the body, it is much more *of* the environment which can create barriers to access and communication" (2002, p.86). This recognition helps clarify critical disability theory and its use to reflect both embodiment and environment as critical factors within the narratives and experiences of disabled peoples and those who are their allies. Additionally, Pothier and Devlin (2006) identify two key political insights to provide a foundation for critical disability theory 1) powerlessness and 2) context:

> …issues of disability are not just questions of impairment, functional limitations, or enfeeblement; they are issues of social values, institutional priorities, and political will. They are questions of power: of who and what gets valued, and who and what get marginalized. Critical disability theory interrogates a system of justice that is based on a politics of "just us." This is why context is so important to critical disability theory, because it is theory that emerges from the bottom up, from the lived experiences of persons with disabilities, rather than

> from the top down, from the disembodying ivory tower. As such, it is a form of embodied theory. But this does not mean critical disability theory does not engage with some of the big questions of philosophy and political theory; it simply means that is comes at them with a sharp awareness of the contexts of inequality based on disability (p. 9).

Resistance to critical disability theory can be found in universities throughout the Western world. Most curriculum transformation is often a negotiated process, and there are long waits to introduce knowledge from outside the dominant ideology (Linton, 1998). Most readily accepted discourses that address disability or race issues are outside critical disability theory and critical race theory, and are often centred around cultural sensitivities or within the context of cultural revitalization. As Simi Linton (1998) indicates the problem with this is that, "teaching about diversity substitutes for teaching about equality, politics and the structures of oppression" (Watkins as cited in Linton, 1994, p. 110). These limitations become increasingly problematic when diversity analysis is dismissed and academics advance dominant disability discourses over all others.

The academy leads resistance by protecting the status quo delivery of dominant discourses particularly in psychology and education. Disability studies are absent in most post-secondary Canadian curriculums and campuses and cannot be found within high school education. Recently, McGill University has criticized critical theorists for minimizing critical disability theory as an important critique with the others from the "left" in *Critical Theory Today: A User Friendly Guide* (Crighton, 2007). Researchers and academics from medicine and science are the most resistant as they are largely unchallenged, because for the most part, challenges by disabled peoples to "being cured or in eliminating disability" are sporadic and individual (Linton, 1998, p. 96). Linton (1998) believes that the academy of the social sciences is partially to blame. Member academics open the possibilities for

exploring disability as a social construct. They stop short of the recognition that disability is NOT tragedy, and it is a natural part of the human variation.

Psychologists focus on "adjustment literature" and give little recognition to the disabled person who is perfectly happy with his existence (Linton, p. 98). Similarly, in social psychology, the literature often explores the attitudes of the non-disabled with respect to the disabled (Linton, 1998). Only in recent years have researchers asked disabled people how they feel about themselves and about the non-disabled (Cushings, 2008). Popular culture films such as *The Eighth Day*, *The Memory Keepers Daughter*, *One Flew Over the Cuckoo's Nest*, and *Mozart and the Whale*, positively reflect the weaknesses and strengths of both disabled and able-bodied persons. Other positive accounts of disabled people's voices are found within the humanities and the arts. In literature and theatre, however, these views often become distorted. Disabled people are most often portrayed as a group of people who are outside the norm with respect to claiming needs that are related to the kinds of pleasures that able-bodied humans enjoy (Morris, 1996). This affront continues to portray the disabled person as less than human by promoting the belief that, "pleasure is less consequential to disabled people than to non-disabled people" (Dawson, 2006; Linton, 1998, p. 111). Theatre frequently projects the condition of disability with prominence while placing the disabled person within the context of "victim" (Linton, p. 112).

Linton calls for anthropologists to examine the consequences of studying disability through the lens of the dominant view. Many other fields, literature, philosophy, and the arts, for example, merely *dance* around disability, without unmasking the serious implications that deter disabled persons from full citizenship.

Specialized and applied fields of study, particularly those in educational psychology, special education, and rehabilitative studies

> medicalize(s) and individualize(s) disability. In restricting representation of disability issues to pathologized quadrants of the curriculum, it reinforces the idea that disability is deviant and undesirable, for an individual or a society. Disability is a thing to be avoided and contained rather than an inevitable part of life that can be responded to more effectively and positively (Linton, p. 115).

Historically, industrialization, eugenics, and medicalization, initiated a move to classify and separate the bodies of humans who displayed physical and intellectual variances. Today's hegemonic and historical ties to capitalism and power continue to keep disabled people disempowered and separated from their fellow citizens (Russell, 1998). Critical disability theorists "wake up" members of society through scholarship and action. The deconstruction of ableism begins with the teaching of history and it illustrates how disabled peoples situate themselves within the current equality rights challenges. Showing students the many human rights infractions disabled peoples incur is a start. The challenge for critical disability theorists and activists continues to be that of leading potential allies in the development of strategies that can be used to deconstruct patriarchal discourses, and in changing structures that advance ableism. The use of critical disability theory in the pedagogy of "disability" education is not only required to hear authentic voices of disabled children and youth, it is a critical process for the emancipation of disabled peoples and their families.

2.3 Special Education: Growing the Disability Problem

Special education is a significant field of study within all Western universities. It has been demonstrated that the professional attention given to "disabled bodies" within schools supports growth in this "disability business" (Russell, 1998). Since the early 1900's, the education of disabled children has fallen under various names. The list includes the education for the mild mentally retarded, education of the

"feebleminded", education of those with special needs, integrative education and inclusive education (Linton, 1998; Slee, 1997; Tomlinson, 1982). The label of "special needs" education found in fields of study under the categorizations of "special education" and "educational psychology" exists in most Western universities and school systems. It is common to see both the special educator and the educational psychologist operating as two significant members of a school team within the dual system of education that now exists (Lupart, 2000). This team generates "expert" knowledge to categorize and sort all human variance within schools and it has legitimized authority over the education of those students defined as learning disabled, gifted, intellectually disabled, behaviourally challenged, critically fragile, among others. Special education has significantly evolved since the 1950's. Lupart's research indicates the five-box model of special education not only provides labelling categorizations, but it exists primarily as an avenue to place children with differences. These placements have been defined by the lexicon as segregated, congregated, functionally integrated, mainstreamed, and inclusive.

2.3.1 History of Special Education in Canada

The earliest initiatives in Canada to address disability policy and public care for persons with disabilities occurred in the late 1800's and early 1900's. Boyce cites Simmons (1982) when describing the first initiatives that Canadian provincial governments undertook as:

> the development of asylums to house persons with mental illness or mental handicap and other persons, probably including individuals with physical disability who could not find a proper place in society. The earliest of these spaces were "designed on the principles of 'moral treatment'," and although the intent was to assist persons in the return to community, this somehow was lost and by the end of the 19th century most of these "asylums had devolved into warehouses designed to provide custodial care for inmates through their lives". (Boyce et al, 2001, p. 11)

This warehousing model is evident today in the province of Saskatchewan at the infamous Valley View Centre, a residential institution for adults with intellectual disabilities[17]. Most recently, opposition to this type of warehousing has been led by disabled persons themselves. This opposition presents itself within two significant initiatives: Institution Watch (2009)[18] and The Freedom Tour[19] (2008).

Other early initiatives included the education of children with disabilities. Some of the first established schools for students with disabilities were the residential schools of Ontario, primarily for children who were deaf and blind. Global influences including industrialization and the growing economic and social power of the bourgeoisie gave rise to policy formation and corresponding legislation that ensured compulsory formal education for all students. Each Western country was in pursuit of the "productive worker". Industrial capitalist societies, including Canadian society, were dependent and continue to be dependent on populations that are socialized and regulated to follow dominant social rules and norms adherent to building a workforce (Barnes & Mercer, 2003). Along with this increase in formal education for all students "new policies were developed to exclude students with disabilities from public education or place these students in special classes" (Boyce et al., 2001, p. 12). Such policies were influenced by the authority of medical elites, the rise of eugenics, and the growth industry of psychology (Barnes & Mercer, 2003; Davis, 2002; Tomlinson, 1982). In Canada, as in Britain, a variety of professional and economic interests were served by these developments:

> The transfer of handicapped and defective children out of ordinary education meant that the preparation of a normal productive workforce was not interfered with … The interests of political ruling groups were

[17] The Saskatchewan Association for Community Living advocates for the closure of this facility.
[18] http://www.institutionwatch.ca/ Institution Watch advocates for the closure of large institutions which house intellectually disabled persons.
[19] A self-advocate initiative to support Institution Watch by exposing the human rights infractions of these housing institutions and authorities.

> being served by the placement in separate schools and institutions, of children who might eventually prove troublesome to society, given the assumed links between defect, crime and unemployment. Medical interests were supreme in that doctors had control of selection and assessment procedures for special education, but the interests of educationalist in normal schools[20] were served by the removal of troublesome children. The social origins of state special education can certainly be traced to the desire of educators in normal schools to separate out the defective and the troublesome, and thus special education can be regarded as a safety-valve, allowing the smoother development of the normal education system. (Tomlinson, 1982, p. 45)

Canadian eugenicist Helen MacMurchy supported the work of one of Britain's most famous eugenicists, Sir Francis Galton. She argued that the "inclusion of children with disabilities would interfere with the education of regular students" (Boyce et al., 2001, p. 12). MacMurchy's influence is reflected in today's educational policy which ensures all Canadian provinces, with the exception of New Brunswick, offer a continuum of services ranging from segregated to inclusive models of educational delivery. In 1986, the legislative assembly of New Brunswick adopted Bill 85 mandating the legal basis for inclusive education policy and services in the province. Since that time, New Brunswick leads the country in curriculum development, teacher education, and other evaluative processes to improve inclusive school services for all children[21].

Special education initiatives that first began in the 1930's took hold in the province of Saskatchewan by the 1940's. The Saskatchewan Association for the Mentally Retarded, now known as the Saskatchewan Association for Community Living, and an active parent group spurred this initiative. They were supported by Samuel Laycock, a well-known educator and eugenicist. Although Laycock believed that children with intellectual disabilities could learn with other children, and he advocated for positive relationships between school administrators and parents, he

[20] Normal schools in Britain existed to train "normal" students and did not attempt to accommodate those with behavioural or intellectual challenges.
[21] Mackay Report 2006: Province of New Brunswick

played a significant role in developing a "mental hygiene" policy within the province. His legacy is found within the mandated IQ testing and congregated facility policy for children with intellectual disabilities within Saskatoon Public School Division (Laird, 2003).

Along with Samuel Laycock, the Saskatchewan Association for Community Living influenced public policy of the era. Parent advocates, most whom had children with intellectual disabilities, worked collectively to advance the ideology that all children require a fair and equitable public education. In the early 1970's, the government of Saskatchewan passed legislation that mandated an appropriate free public education for children with disabilities. This educational mandate, influenced by similar legislative acts in the United States, ensured access to due process, individualized education plans, and a placement of the *least restrictive environment* for children with disabilities (Sanche & Dahl, 1997).

Philosophical changes, brought about in part by the disability rights movement in the United Kingdom and the United States, also facilitated the move of some students with disabilities from segregation, or segregated classrooms, to what was then termed "mainstreaming". This placement did not guarantee the "integration" of all students. It did however ensure physical access for some students to enter the mainstream classroom environment. Since this time, the language of inclusion and the understanding that students should have access to the "least restrictive environment" has been supported by a number of school divisions in Saskatchewan and Canada (Sanche & Dahl, 1997).

The "integration" mandate has also been a work in progress for the citizens of New Brunswick. For more than 25 years this province's education membership has provided global direction in human rights discourse and inclusive leadership for

educators and researchers (Porter, G., 2008). Although the province of New Brunswick leads in inclusive pedagogical research[22], and students have been supported with inclusive teaching strategies, human rights advocates have recently identified pockets of resistance from teachers within the province who have difficulty embracing diversity and inclusive education philosophy. Most other provinces have resisted legal and moral sanctions to adapt inclusive educational legislation. These provinces, including the province of Saskatchewan, struggle with both ideologies and pedagogies of "inclusive education". Many school divisions continue to deliver what is known as the "continuum model" of integrative education where students can be forcibly segregated if they do not meet school division policy regarding behaviour and intellectual acquisition of standardized criteria. Although most provinces in Canada support the idea of inclusive education, and policy makers and legislators have adapted the lexicon of inclusion within provincial acts and other documents, the delivery of services in school divisions is tied to the medical model with its understanding of disability as deficit.

2.3.2 Benevolent Humanitarianism or Educational Hegemony

Historically, special education has grown in "leaps and bounds" and has accelerated itself into what Judy Lupart (2000) calls the "dual system" of education. Carrier (1984) believes that special education is a form of educational differentiation and allocation: "Like streaming, tracking, racial segregation, and a host of other intentional and unintentional educational practices, special education, together with educational psychology, is a device which differentiates children into different sorts, and allocates them to different forms of educational treatment" (p. 37).

[22] A View from the Summit: Inclusive Education in Canada-Key Issues and Directions for the Future

The phenomenon of special education as industry has been explored in depth by Sally Tomlinson. Analysis of the benefits for the "normal mass education system of a 'special sub-system' of education, and the benefits that medical, educational and other personnel derived from encouraging new areas of professional expertise" helps unpack this idea (1982, p. 43). Tomlinson's sociological analysis of education for children and youth with disabilities illustrates the manner in which the history of special education in Britain has legitimized the fields of educational psychology and special education as they exist in the Western world. She explains this historical merging of medicine and education by referencing the records of conflict between educators and medical personnel. In the late 1800's the two groups agreed that "special schools were necessary to allow normal schools to proceed smoothly; [however] they were in conflict over who should be in charge" (Tomlinson, p. 43). Medicine's authority continues to control and regulate the lives of persons with disabilities. Social regulation is built on a past that allowed these two groups of professionals—educators and medical elites—to project the illusion of humanitarian care of disabled persons in the 19th century while maintaining and enhancing their own economic and social interests (Wendell, 1998).

Barnes & Mercer (2003) refer to the "main beneficiaries" of special education as "self-serving professionals" linked in commonality by a capitalistic philosophy (p. 41). Special education's connection to capitalism has been broached by few critical theorists and most clearly explained by Sally Tomlinson in *Sociology of Special Education* (1982). Educational philosopher, researcher, scholar, and advocate, Roger Slee (1997), and critical disability theorist and disability rights advocate, Mike Oliver (1996), provide depth to this argument. Tomlinson explores the ideology of "benevolent humanitarianism" and contends that it continues to be the main force that

"motivates government, professionals and practitioners to identify more and more children as in need of special education" (p. 26). One may support this premise by exploring the increase in the labelling of "exceptional" students and the increase in categories defining disability in the province of Alberta and throughout the western world (Lupart, 2000). The growth of the *Diagnostic and Statistical Manual of Mental Disorders,* in which disability categories are defined and classified, matches the labelling of disabled students in schools. The recent development of DSM-IV-TR[23] and the need for yet another edition, the DSM-V, should be an indication of the growth of "disability" and the growth of capitalism:

> The American Psychiatric Association is the most powerful mental health enterprise in the world, and the DSM constitutes a lucrative business for their organization, garnering millions of dollars in revenue (including sales of tapes, videos, study guides, etc.). Their marketing agents enjoy a captive consumer base. The DSM is translated into multiple languages and is the key volume on mental illness that all trainees must learn from, including psychiatrists, other physicians, social workers, psychologists, psychiatric nurses, marriage and family therapists, addiction specialists and psychologists.
> (Zur & Nordmarken, 2007).

Special education is a process by which students are categorized and placed. It is essential, therefore, that it proceed smoothly in order for it to be legitimized and justified as common "best practice". Tomlinson describes the *Warnock Report* (1978) a review of the educational needs of disabled children and youth in Britain, with a critical eye. She cites a commentary from the *Times Educational Supplement, August* 8, 1980: "the three words that appear most often in the White Paper…are not…special educational needs, they are Present Economic Circumstances" (p.57). Tomlinson suggests that in reality, special education is closely linked to the economic interests of professionals, and initiatives to expand and complicate assessments have

[23] Diagnostic and Statistical Manual of Metal Disorders 4th Edition with updates is a medical reference book published by the American Psychiatric Association.

been supported by governments and by those holding power in the middle class. She further addresses the hegemonic overtures of the "special" in education:

> The unproblematic acceptance of 'special need' in education rests upon the acceptance that there are foolproof assessment processes which will correctly diagnose and define the needs of children. But the rhetoric of special needs may have become more of a rationalization by which people who have power to define and shape the system of special education, and who have vested interests in the assessment of, and provision of, more and more children as special, maintain their influence and interests. The rhetoric of special needs may be humanitarian, the practice is control and vested interests. (Tomlinson, 1982, p. 75)

The sparse collection of literature that looks at special education's self-serving practice does so by examining historical reports, white papers, and legislation such as the American Disabilities Act (ADA), Individual Disability Education Act (IDEA) in the United States, and the *Warnock Report* in Britain. These examples of documents legitimize the professional's role in defining who is disabled and who receives services. The significance of these thirty year-old statutes is that the legislation, the language, and policy formation have worked to create a culture that continues to stigmatize the "disabled" identity while having very little impact on equality rights for disabled persons. These initiatives and many other pieces of disability legislation continue to marginalize and set apart persons with differences, while maintaining the presence of professional expertise, control and benevolence, and the illusion of public support (Allan, 2007; Davis, 2003; Russell, 1998; Slee, 1997; Oliver, 1990; Tomlinson, 1982).

Legislative initiatives often serve the people who create them rather than those who need protections or services. Derrick Bell (2004), a black scholar and legal analyst, coined the term "interest convergence" to describe the benefits afforded to dominant groups through legal sanctions. Although civil rights legislation assured the rights of access for black Americans to publicly funded services and spaces such as

education and public schools, it predominantly assured the protections of white interests attached to employment, social status, and political power. The same phenomenon exists within the disability community. Although persons with disabilities are finally speaking out for the right to self-determination, their voices are often silenced (Allan, 2005). Educational policies regarding disability services continue to promote dominant interests and they provide professionals access to the types of networks and structures that guarantee economic power, and social and professional status (Slee, 1997). Legislation and policy discourse supporting students are rarely critiqued and most often are accepted as common sense humanitarianism in modern day society (Bell, 2004; Barton & Tomlinson, 1984, Tomlinson, 1982). Most pieces of Western legislation that sanctify the "least restrictive environment" have clauses that ensure decision making power of educational professionals over that of the disabled student or their parents.

Davis (1997) and Slee (1997) insist the professional roles of controlling and regulating persons with disabilities are a legitimized part of the special education movement. To unearth this statement one must ponder these questions: *Why are professionals dependent on keeping persons disabled? Who are the people that instruct, observe, medicate, segregate, write about and treat those classified as disabled? How do these practices create dependency for disabled persons? Why are these actions sanctioned and not critiqued?*

The industry of disability has many players, some with a great deal of power, others with less (Russell, 1998). Tomlinson writes about this power, or prior lack of power, when describing the authority of educators. She suggests that teachers are not highly regarded as professionals and do not have the kind of authority or social presence as do those from medicine. It is, however, with the connection of medicine

to education that special education teachers have gained a new kind of expertise and a new kind of status. Tomlinson argues that this perceived expertise is used by teachers to "enlarge the special clientele" (1982, p. 92). This in part has ramifications for the reinforcement of disability labels and the growing need for disability identifiers. Although there is little scientific rationality behind this kind of expertise, today's educational team participates in decision-making and the reinforcement of assessment in the identification of children who are different physically or intellectually, who experience learning differently, or do not conform to the teacher as the authority.

2.3.3 The Influence of the DSM (Diagnostic and Statistical Manual of Mental Disorders)

Relinquishing of pedagogy to medical authority can be found in the professional attachment of educational psychologists to the DSM-IV. The *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV) primary use is for the diagnoses of mental disorders, however, the categorizations of "disability" found in this universal manual have far reaching impacts. Educational psychologists in Canadian schools utilize the numerous categorizations of disability to label, treat, and place children within schools. The growth in the number of disorders is overwhelming with more than 300 disorders being described in the manual. These include anxiety disorders, mood disorders, psychotic disorders, personality disorders and mental retardation. It also includes disorders that may be related physiologically to mental disorders, and psychosocial and environmental problems, many of which draw upon relationships within the family.

The DSM-IV may in fact be the most significant professional discourse that perpetuates ableism in schools. This diagnostic tool has been critiqued by leading educators Fred A. Baughman, M.D. (2006), Paula J. Caplan, Ph.D (1995), and Dr. Peter R. Breggin, M.D. (1991) for ties to capitalism and eugenics. In the United

States of America, it is known that over 50 percent of children are labelled learning disabled, ADD (attention deficit disorder), or ADHD (Attention Deficit Hyperactivity Disorder) (0'Shea, 2000). These two attention deficit diagnoses are supported by criteria that show deficits in normative behaviour and learning. In the analysis of this, Tomlinson's research is important. Her data indicates that teachers find children with learning and behavioural difficulties the most problematic in terms of "normal education". Furthermore, teachers have a vested interest in defining these children as "having special needs and making sure they are removed from the normal classroom" (Tomlinson, 1982, p. 92). This situation, written of twenty-five years ago, signifies the experience of teachers with "disability" was most often limited to those children with mild learning issues or behavioural issues. It is known that most children with cognitive impairments including those who may have diagnoses of Down syndrome, autism, or spina bifida, were primarily segregated in special schools. From the inception of education for the disabled, the "industry" has collected numerous specialists and experts: psychologists, educational psychologists, psychiatrists, special educational consultants, therapeutic behavioural specialists, administrators, counsellors, adaptive learning consultants, play therapists, music therapists, inclusion specialists and others. Those who work most directly with children with disabilities, the educational assistants, are largely untrained. Even those who receive training are viewed as quasi-professionals with a limited understanding of disability, embodiment, pedagogy or human rights. Those with the least amount of professional authority spend the greatest amount of time with disabled persons, and are often dismissed as a voice of knowledge with respect to the education of disabled children. The most powerful of those who retain "expert" knowledge drive the economic realities of special education. The list of the powerful includes the educational psychologists, the

psychiatrists, and the pharmaceutical companies. Within the pharmaceutical industry, owners, shareholders, and professionals who are pharmacists and researchers work collectively to "medically" address the needs of the "deviant" child. Each of the aforementioned is a part of this "normalizing" industry.

Adding to the complexity of this "power network", administrators, along with classroom teachers and school psychologists, are involved in the "identification" of "disabled" students (Lupart, 2000). Funding mechanisms sanctioned through legislative acts such as IDEA in the United States, and provincial Education Acts within Canada are part of a systemic problem that grows special education. These funding systems fuel the "dual system" of education to create employment that drives separate and special services (Lupart, 2000). Professionals appear far more comfortable in roles that allow them to individualize and pathologize learners with difference, than in roles where they unpack and critique sociological implications of "normalization". Educators are not prepared to undertake the types of analyses required to disassemble whole systems of education protected by ableist legislation. Typically funding is tied to diagnosis in publicly funded schools and Ministries of Education in the Western world (Lupart, 2000). Through the identification of "disability", additional funds are allocated to schools. There is, therefore, an impetus for administrators to engage in this identification process as it is closely linked to "topped up" funding (Lupart, 2000; Slee, 1997). Villa and Thousand (2000) cite a study from the United States Economic Policy Institute which shows more than half of all funding for students with disabilities is allocated to processes of "identification, testing, administration and other non-instructional services"(p.25). Few funds are

utilized to reduce teacher-pupil ratios[24], to create adaptive and interactive resources, and to offer professional development to teachers and associates.

The incongruence surrounding funding and services for a hierarchy of disabilities does not deter growth within this industry (Charlton, 1998). The increases in categorizations, diagnoses, labelling and referrals, and the creation of more physical placements or spaces for children with differences, paces the growth in the numbers of professionals trained and employed in this "humanitarian" effort (Lupart, 2000; O'Shea, 2000).

In the Canada and the United States, the gaps between students defined in the many categories of disability and students who remain unlabeled are significant. Disabled students, collectively, have few opportunities for higher-level education and employment. This claim is reflective of the high number of unemployed adults who are disabled (Council of Canadians with Disabilities, 2006). Most problematic, is the static and limited successes disabled students have achieved despite the growing number of teachers being trained as specialists in the area of learning disabilities. In the United States, in 1996, more than "30 percent of teachers" were certified in the area of learning disabilities (Ysseldyke, Algozzine & Thurlow, 2000, p. 376). The fact that students with diagnoses of ADD and ADHD, which are both disputed as a categorizations of disability (Baughman, 2006; Caplan, 1995; Breggin, 1991), make up a large percentage of the more than the 50 percent of American children identified as *learning disabled* students, and the fact that the majority of resources are allocated to the assessment processes of this disorder should be alarming to educational professionals (O'Shea, 2000).

[24] http://www.ccl-cca.ca/CCL/Reports/LessonsInLearning/LiL-14sep2005.htm

The "learning disabled" categorization in Canada comprises the largest group of children who are labelled as exceptional. Statistics Canada (2002) reports that learning disabilities in boys ages five to fourteen constitute the most common disability group, and with all children from the ages of five to fourteen the categorization of learning disability matches that of chronic health conditions as the most prevalent of all disability classifications. The fact that more than half of all Canadian children are classified as "learning disabled" should be alarming. A critical disability theorist might ask how the roles of psychiatrists and psychologists influence this statistic (Statistics Canada, 2002).

At the University of Saskatchewan, mandates for training of professionals who can provide student assessments and diagnoses are strengthened by the numbers of Aboriginal children who are failing to complete high school (FSIN, 2008). In Saskatchewan, many students identified as "at risk", enter a categorization which signifies they are more prone to participate in unhealthy activities, to drop out of school, and to be underemployed or in care as adults (Hull, J. in Wotherspoon & Schissel, 2001)). Studies often predict school failures of these students and recommend the need for interventions (Johnson, G. M. (1997); Waxman, H. C. (1992) in Wotherspoon & Schissel, 2001). There is very little critique around the *success* (or lack thereof) of such interventions and the criteria based on funding, assessments, and treatments that are used to help "at risk" students attain academic and social success. Failures continue to grow despite the increased resources associated with professional assessments of "problem" students and the administration of special programs (Wotherspoon & Schissel, 2001). The numbers of disabled children living in poverty, in foster care, and in other forms of institutions are growing. Young adults with disabilities are not acquiring employment or opportunities for higher education at the

same rate as other students, yet the continued growth in special education and educational psychology goes without critique (Dunn, P.A., 2003).

The growth of the "learning disabled" categorization and the increases in the diagnoses of students with ADHD must undergo further critique. Many disability rights specialists and academics recognize the significant social and economic benefits of keeping the disabled separate and regulated (Russell, 1998; Slee, 1997). They believe the protection of a complex network of social power, maintained by the elite and middle classes, perpetuates the hegemony of normalcy and the reinforcement of ableism in our social institutions, particularly that of education (Barton, 2001). Russell's (1998) critique of the disability industry references the American and Western influences of "capitalist-dominated social policy" (p.70) as a detriment to the self-determination of disabled peoples globally. Barnes & Mercer (2003) draw attention to Foucault's work to argue this phenomenon is intricately connected to the operations of knowledge and power through the attachment of rational discourse found in medicine, and in particular within the medicalized discourses of the DSM-IV. A sustained critique might make administrators, educational psychologists, and others involved in the disability "industry" aware of the ableist hegemony which perpetuates the social and economic exclusion disabled persons face each day (Disabled Women's Network Ontario, 2009)

2.4 Special Education Curriculum and the Discourse of Eugenics

Simi Linton (1998) indicates "scholarship and curriculum practices housed in academic institutions play a significant role in the perpetuation of a divided and unequal society" (p. 7). She further links this analysis to a historical context that protects those with knowledge and power. According to Linton (1998) the dominant view of these academics is "paltry and lopsided, [and it] compromises the knowledge

base," (p. 7). This view dis-enfranchises persons who have been labelled as 'different' because it dismisses the voices of marginalized people through the "othering" of their position:

> When we make people 'Other,' we group them together as the objects of our experience instead of regarding them as subjects of experience with whom we might identify, and we see them primarily as symbolic of something else—usually, but not always, something we reject and fear and project onto them. To the non-disabled, people with disabilities and people with dangerous or incurable illnesses symbolize, among other things, imperfection, failure to control the body, and everyone's vulnerability to weakness, pain and death. (Wendell, 1996, p. 60)

Linton (1998) details how special education curriculum plays a significant role in the protection of damaging discourse, language, and systems when she writes: "the curriculum fosters the idea that disability is the individual's or at most the family's problem. Further, the curriculum treats disability as an isolable phenomenon, and ideas about it relate only to it and to people who have particular conditions" (p. 134). Special education has historical ties to medical influences and the improving of human stock by "doing away" with defective individuals and families with "bad" genes (Eugenics Archive, 2009). The medicalization of children and youth in special education pathologizes difference and continues to stigmatize students with disabilities. This ableist curriculum places a great deal of emphasis on individual interventions while dismissing contextual issues that could address attitudinal and environmental barriers of inclusion in schools.

Barnes & Mercer (2003) provide an explanation of this focus on individualism and the pathology of the 'abnormal body' by drawing attention to the Western need for productivity as driven by industrialization and the thrust of the "fitter family" model introduced at the height of the eugenics movement. Eugenicists employed the "fitter family" to facilitate the production of a culture that believed in creation of

babies that were biologically superior. Advertisements warning individuals to marry "good stock" existed as early as the 1900's. The "fitter family" contests promoted at state fairs mirrored the eugenics movement. Predictably, many of the individual and family winners were Caucasian with northern European heritage (Eugenics Archive, 2009).

The eugenics movement, a significant historical movement connected to the social, mental and moral hygiene initiatives, drew upon genetic "coding" of family lineages to link hereditary deficits with deviance and social problems. The science of eugenics provided a social and political analysis fixed on breeding of a "better society". Eugenic classifications were applied to families experiencing poverty, and many of these families were negatively categorized by virtue of being lower class, non-Caucasian, and disabled. Persons viewed and classified as "feebleminded" often included individuals from different racial and ethnic groups, as well as those with physical, intellectual and mental disabilities. Other aspects of eugenic "research" linked statistics of crime, vagrancy, and unemployment to intellectual and physical deficiencies and "good" family, "bad" family genes. The goal of eugenics was to produce a "fitter family" and a better society through the elimination of defectives and the sterilization of those who were feebleminded (Eugenics Archive, 2009).

By the early 1930's the "science" of eugenics was legitimized by intellectuals throughout North America and Europe. The "fitter family" mandate made significant inroads in numerous counties, especially the United States of America, the United Kingdom, and Germany. Other European countries, Mexico, and Canada also took up the cause. Eugenics played a significant role in the sterilization and segregation of both disabled and Indigenous peoples prior to, during and following World War II. The provinces of Saskatchewan, Alberta, and Ontario engaged heavily in the "fitter family"

strategies and the sterilization of its "defectives" and its "feebleminded" citizens. The *Sexual Sterilization Act of Alberta* was enacted in 1928 and utilized the Stanford Binet IQ test to cull families of "defectives" or those who were suspected to be "feebleminded" (McLaren, 1990). Many immigrants were entering Canada at this time, and thousands of new Canadians were sterilized under this act (McClung, 2006). In Saskatchewan, the eugenics movement culled many persons that experienced poverty during the Great Depression of the 1930's. The children of these persons were most often identified as slow learners and moved into segregated classrooms for the "mentally retarded" (Laird, 2003). Eugenics in Canada worked to assimilate Indigenous children, and to sterilize, control, and eliminate those with disabilities or those with "dark skinned" ethnic origins (McLaren, 1990). The ethnic cleansing characteristic of the Nazis regime was also cultured within the provinces of Saskatchewan and Alberta and it was not until the 1970's that the Canadian government took action to repeal Alberta's horrific legislation.

The Saskatchewan legacy of eugenics can be found within the academic discourse of Tommy Douglas, our most famous premier. He completed his MA in Sociology from McMaster University in 1933 with the thesis *The Problems of the Subnormal Family.* Douglas utilized terms such as "subnormal", "defective", "moron" to describe a wide range of humans who did not belong to the "fitter family". Even more disturbing was his belief that "defectives" should be segregated to state institutions and those persons who had mental or physical defects should be sterilized. He advocated for compulsory certificates of mental and physical fitness before marriage and, by extension, the bearing of children. His roots as a Baptist preacher were present when he suggested the "defectives" could somehow be brought back into the fold by the church to ensure conventional middle-class life. Other recommendations included the

formation of special and separate classes for children who were defined as "subnormal". All of these recommendations were advanced by Douglas as he believed that eugenics was a useful and ethical route to ensure Canada's economic health. More than ten years later, in 1944, Tommy Douglas became premier of Saskatchewan. His thesis and other connections to eugenics did not surface during this time or in later years, but most recently have been brought to the front by the War Museum of Canada (Robson, 1986).

In 1927 the University of Saskatchewan appointed Samuel Laycock to the Faculty of Arts and Science, College of Education. His interest in eugenics precipitated a number of studies of Saskatchewan school children under the auspices of mental hygiene. He opened the first segregated classroom for intellectually disabled school children in 1929 with the primary goal of developing these students into productive workers. By the time he retired in 1953, six segregated classrooms existed for the training of the educable mentally retarded within the Saskatoon Public School Division (Laird, 2003; Cherneskey, 1978).

Laycock's foundation of research and teaching of the "mentally retarded" hold a number of negative implications for the children of today. His advancement of IQ testing and moral analysis of "inoculating for character" informs the work of today's educational psychologists and psychiatrists in Saskatchewan (Laird, 2003, p.65). Although he believed that children could learn from one another and that the whole child philosophy was critical to the development of all children, he advocated for testing of IQ. His segregated classrooms and curriculum focussed on life skill training for those with intellectual deficits (Laird, 2003). For many years he was head consultant with the Saskatoon Public School Division. His legacy persists in the current protection of the assessment and "medicalization" of different students, in the current support of standardized testing, and in student testing of IQ for educational placement. Another

example of this legacy is found in the protection of segregated classrooms within the Saskatoon Public School Division where students with intellectual disabilities have become known as the "functionally integrated" (Laird, 2003). Other examples of this legacy include the significantly high percentage of diagnosed students with ADHD (attention deficit hyperactivity disorder) in the province of Saskatchewan (Flynn, M., personal conversation, January, 2006), and the over representation of Indigenous students in all types of special education programs (Stienstra, 2002).

Eugenic thinking has re-invented itself and now fits within a sophisticated analysis of the 'new genetic' models of science, psychology and psychiatry (Wolbring, 2007). This reinvention has a significant impact on the role of educational psychology and special education pedagogy in schools and universities within Saskatchewan and Canada. Increases in categorizations are attributed to greater numbers of students carrying labels. This reality not only stigmatises student identities, it generates biases that limit the expectations of their teachers (Slee, 2000).

With the thrust of "medicalization" within schools "the curriculum is also missing … an epistemology of inclusion. There does not exist a broad-based body of knowledge, an intellectual rationale for the incorporation of disabled people as full and equal members of society"(Linton, 1998, p. 135). A clear meaning of authentic inclusion based on theoretical understandings needs to be developed to help educators justify and advance inclusion. Retrofitting antiquated models of education for disabled children does not address the marginalization and oppressive states of existence these children experience. In moving an inclusive epistemology forward, a human rights framework encompassing critical disability theory and ensuring authentic voice is necessary.

At present, most Canadian provincial governments have co-opted the language of inclusion and have placed this language within the discourse of special education found in the legislation and policy of educational ministries. A specific example of this co-opt is found in the Saskatchewan Education policy manual known as *Directions for Diversity* (2000). Throughout the manual, phrases such as "different degrees of integration" and "most appropriate environment" allude to the continuum model of education placement within the "medical model" of disability. This continuum model includes educational services within segregated and mandated classrooms to those within models of integrated classrooms. The province of New Brunswick has progressive legislation that mandates inclusive educational policy for all of its school divisions. Regardless of small numbers of detractors, the leadership of New Brunswick teachers continues to mentor others in the creation and delivery of inclusive pedagogy (Porter, G., 2008, 2000). This significant role in human rights education has been recognized by the Canadian Association for Community Living (2005b). The countries of Italy[25] and, perhaps surprisingly, South Africa[26] join this effort. Although governments have made some attempt to legislate inclusive education, university faculties, and in particular, faculties of education, support the medicalization of disability education through what is delivered universally as "special education" and "educational psychology". University students in colleges of education are generally not exposed to disability studies within cultural or historical contexts (Davis, 1997). "The enormous energy that society expends in keeping people with disabilities sequestered in subordinate positions is matched by the academy's effort to justify that isolation and oppression" (Linton, 1998, p.3).

[25] Schools in Italy: A National Policy made Actual. Carol Berrigan, Center on Human Policy. http://thechp.syr.edu/italy.htm

[26] Education White Paper 6 on Special Needs Education: Building an Inclusive Education and Training System: http://curriculum.pgwc.gov.za/site/40/page/view/

Linton's personal academic training as a psychologist provides her the courage to criticize the academy's position on disability research. She is critical of the current focus on "person fixing" and supports an exploration of qualitative, interpretive or historical analysis that could embrace the experiences of disabled peoples.

Pre-service teacher education programs which adapt and promote the ideology of "inclusive special education" require these critiques of ableism and eugenics. Without this effort, education about inclusion is empty. To unearth some of these issues one must explore the evolution of inclusive education from both practical and theoretical understandings.

2.5 The Illusion of Inclusive Education: Confusion, Conditionality, and Backlash

The discourse of inclusive education encourages Canadian pre-service and classroom teachers to develop an understanding of children and youth with disabilities as being diverse learners that require varied supports within the classroom. Although many of these teachers have come to accept inclusion as a necessary part of the school ethos, it seems they, along with academics, specialists and policy makers, struggle not only with the mechanics of inclusive education, but most importantly with the philosophy of belonging and equality. The failure among disabled students in garnering lifestyle benefits that other students receive has direct correlations to academic and social engagement. In light of this, reflective educators might look at their own failures in respect to understanding and advancing authentic inclusive education as a necessary fundamental human right (CACL, 2005b).

Today's neo-liberal trends, permeated with competitiveness and capitalism, filter throughout educational pedagogy. The thrust to achieve an economic base through schooling is evident with the push towards standardization in all Western countries. This thrust may especially be true in the United States as a result of the *No*

Child Left Behind policy. Teachers struggle with conflicting messages governments present on social and economic policies. The increases in student-teacher ratios, the complexities of social poverty, and the ever-increasing quest for new and innovative curriculum and delivery all contribute to teachers' resistance towards inclusive education and reduced efficacy in their classrooms (Bunch & Valeo, 1998). The realities of a school culture created by a "generation dominated by individuality, self-gratification and narcissism" contribute to the state of chaos and disengagement among students, and teaching peers alike (Purpel, 1989, p. 31). Additionally, teachers continue to be influenced by the history of their own schooling and their national histories of exclusion and hostility toward children of different cultures and abilities (Woodhouse, H., personal conversation, February 10, 2004; St. Denis, 2005). The reluctance of teachers to accept authentic inclusive education[27] as a human rights platform adds to the confusion and distress regarding the right of the "other" to belong. Personal belief systems are fed by myths such as disabled students have either achieved equality and are coping as best they can, or, conversely, they have failed because of inherent personal qualities that a system of education will never change. Allan's critique of the 2005 Warnock report[28] alludes to a frightening regression in the equality of education for children and youth with disabilities in the United Kingdom (Allan, 2007; Warnock, 2005). Allan (2007) disputes the report by uprooting Warnock's inability to provide evidence of her most recent contention regarding exclusion as inevitable for children and youth with disabilities. Warnock's

[27] David Mitchell (2007) presents several global studies showing evidence based teaching strategies that ensure academic and social successes of disabled students in authentic inclusive classrooms.
[28] Mary Warnock led the charge to inclusive education in 1978 with resulting legislative change to the 1981 Education Act in the UK. This act ensured inclusive access and supports for all students with disabilities. Recently the 2005 Warnock Report on SEN (Special Educational Needs) has called for a retraction on previous directives.

statement describing children with Down syndrome and Asperger's Syndrome is particularly disturbing and negative:

> Young children can be very accommodating to the idiosyncrasies of others, and teachers tend on the whole to stay with their class, and thus get to know their pupils and be known by them. The environment is simply less daunting than that of the secondary school. In secondary schools, however, the problem becomes acute. Adolescents form and need strong friendships, from which a Down's syndrome girl, for example, who may have been an amiable enough companion when she was younger, will now be excluded; her contemporaries have grown out of her reach. The obsessive eccentricities of the Asperger's boy will no longer be tolerated and he will be bullied and teased, or at best simply neglected (2005, p. 35).

These ideas have significant impacts among teachers and those they teach. How children are taught to support other children in their classes was examined by Canadian researchers, Bunch & Finnegan (2000). The authors understand regular classroom teachers to be exclusive and non-accepting of students with diversities so there is little wonder that students have difficulty with supporting other children with differences. The following statements were presented at the International Special Education Congress, University of Manchester in 2000:

> Concerns exist that programs will be diluted if children with exceptionalities are placed in regular classrooms; classrooms would be disrupted; teacher time … and effectiveness would be affected negatively; many regular class teachers consider special classes to be optimal placement for students with special needs; [and most importantly] regardless of any philosophical appeal of including all students in regular classrooms; the average teacher holds considerable reserve related to actual practice. (Bunch & Finnegan, p.1)

Most recently, Canadian research points to social resistance of inclusion and inclusive education: "teachers are increasingly talking about inclusion as impossibility in the current climate" (Allan, 2007, p. 2). Although the province of New Brunswick and a handful of other governments have passed inclusive education legislation and

have shown significant long term successes[29] with the delivery of education for disabled students, right next door in the province of Nova Scotia, the "teacher's union voted unanimously to withdraw its support for inclusion, pronouncing the teaching of disabled children in regular classroom a nightmare" (Allan, 2007, p.1). Not surprisingly the many children who have been granted access to the regular classroom are "victims of half-hearted integration, not inclusion" (Centre for Studies on Inclusive Education (CSIE), 2009, para.4).

> Today's services of "inclusion" are tied to the definitions and understandings of special education that have arrived in the context of integration. The idea of mainstreaming or the "bumping into" regular classrooms by disabled students is a central component of what most teachers continue to believe inclusion is. This phenomenon of mainstreaming, still with us today, is the mother of "integration". Although this evolution created movement for a "new' pedagogical discourse, the primary outcome was the lexicon reformation of "special education"; it is evident the services offered today signify "mainstreaming and other moderate solutions are token programs that cull from the special education rosters the children who are most like the "main stream." The system places them in classrooms where their presence is contingent on the behaving as much like the non-disabled children as possible" (Linton, 1998, p.59).

Although this new language of "inclusion" attaches itself to politics of equality, it is, essentially, a retrofit of special education discourse. This factor has deterred educators from understanding authentic inclusion as a state of freedom and an ethical possibility that sanctifies respect and opportunity for all students including those with disabilities. Inclusive education is structurally tied to educational psychology and medicine, and is advanced within the framework of special education. Understandings of special education are often used simultaneously with inclusive education. Examples can be found in discourses of teacher education programs under titles as "inclusive special education" (University of Manitoba, 2007; Athabasca

[29] Department of Education, Province of New Brunswick - Mackay Report 2006
[29] Ministry of Education, Province of Ontario – Education for All: The Report of the Expert Panel on Literacy and Numeracy Instruction for Students with Special Needs, Kindergarten to Grade Six 2005

University, 2007). Although these universities have contributed to both the confusion and the progress that surrounds inclusive education, those authentically supporting disabled persons must take a clear position that inclusive education, and the policies and practices surrounding it are not about "better" special education. The protection of special education is a "barrier to the development of inclusive practice" and it encourages "educators to attribute difficulties in education exclusively to deficits in learners" (UNESCO, 2001, p.11). The future of inclusive education rests with the idea that "difference" can no longer be associated with or "synonymous with deficit" (Walter-Thomas, Korinek, McLaughlin, Williams, 2000, p. 279).

Roger Slee (2000) indicates educators have a responsibility to critique the education of disabled students and to undo their own "common-sense" understandings of lexicon, the discourse, and the delivery of education that continues to fail disabled students and their families. He advocates for a critique of exclusion. He further asks educators why they fail to interrogate this field from a perspective of sociology. He wants all educators to recognize the seriousness of this task, and he calls for "recognition that the many practices, and their epistemological underpinnings, that gather under the banner of inclusive schooling add to institutional exclusion" (2000, para 3). Teachers must be supported to critically examine decision-making processes that infringe on equality rights afforded to students with differences. Through exploring hegemony, teachers are shown how dominant discourses and the decisions flowing from them allow children with disabilities to fail even when given "permission to join" (Bell, 2004; Slee, 2004). Catherine Frazee refers to the idea of exclusionary inclusion that exists for children who are allowed access to the mainstream classroom:

> [The] placing [of] disabled children unsupported and without creative intervention in classrooms that are already too large and under-

> resourced—leaves them vulnerable to an equality analysis that sees their differences as "residing in themselves."[30] Such an analysis perpetuates their disadvantage by imposing conditions upon inclusion, once again holding out the offer of equal participation as contingent upon their capacity to emulate valued social norms. (2003, p. 13)

The recent Warnock report (2005) published in the United Kingdom has worked to undermine the culture of inclusion, nationally and internationally. Many critical disability theorists see the contents as a serious blow in the journey towards a progressive and inclusive society. This backlash highlights inclusive education as a process that is "characterized by confusion, frustration, guilt and exhaustion" (Allan, 2007, p. 3), rather than a process which implies that students and teachers are supported and successful. Further, it encourages dismissal rather than engagement and diligence in striving for a model of education for all. The call for "right" thinking about inclusion and inclusive education is imperative to counter this attack (Freire, 1998).

2.6 Moving to Authentic Understandings of Inclusion

Dulcie McCallum (2003), who sat as the Ombudsman for the province of British Columbia from 1992 to 1997, believes the legacy of segregated and unequal education has scarred Canada as whole. In *A Quarter Century of Inclusive Education for Children with Intellectual Disabilities in Ontario: Public Perceptions* Philip Burge presents data from a research study that polled 680 Ontarians to explore opinions on inclusive education (Burge, Ouellette-Kuntz, Hutchinson, 2008). When asked about children with intellectual disabilities, more than half of those polled agreed that "some degree" of inclusive education in schools would be the best scenario. 42 percent believed that education in a segregated setting was more suitable. This data implies that even when the public believes "some degree" of inclusive education is necessary, there remains a

[30] Difference dilemma defined by Martha Minnow.

strong belief in keeping those with intellectual disabilities separate from others. "What appears clear is that these perceptions are likely held by a significant proportion of the adult public and these views likely impact their support level for efforts to expand inclusion in schools,"(Burge, 2008).

Two major Canadian cities, Toronto and Ottawa, have a history of supporting and developing segregated schools, classrooms, and services (Burge et al., 2008). In response to this public survey, the Canadian Association for Community Living (2009) launched an aggressive inclusive education media campaign in the month of February, 2009. Survey results indicate the public does not recognize the inherent worth of all persons as equal and important members of a society, with the same rights and opportunities as all other members of a society. Many Ontario citizens apparently do not "see" an "intellectually disabled" child with the same eyes that they view another child who is considered "normal". The provision of leadership, through transformative teaching and researching, is a critical step that human rights advocates and critical disability theorists must take if they want to change negative attitudes, particularly among those who hold significant institutional power. As teachers can become significant policy changers, the education of human rights and equality rights, must become a central part of disability education within teacher education.

UNESCO's *Guidelines for Inclusion: Ensuring Access for All*, (2005) states in order for teachers and students to lead in societal change, teachers can be shown how to respond to student diversity by "seeing individual differences not as problems to be fixed but as opportunities for enriched learning" (p.10). Pre-service teachers must be given opportunities to explore discourses that show "educational policy is underpinned by an individual tragedy model of disability" and how the subsets of this model, the educational-psychological model and the medical model of disability, are

situated within most educational policy in the western world (Holt, 2003, p. 122). Secondly, it is necessary to open the dialogue about inclusive education as a fundamental human right. When pre-service teachers are shown how inclusive education is framed by the theory of belonging, they may uphold the justification of inclusive educational pedagogy. A critical point of pre-service and professional development must be centred in the understanding of student needs and challenges. When teachers embrace the ideology of belonging as a foundational precursor for all students learning, and accept that student mastery and achievement are not the most important goals with respect to the growth and self-actualization of each child, a path to emancipation is cleared (Kunc, 2000).

The Ontario Human Rights Commission has adapted the guidelines first presented at the *Salamanca Accord* (UNESCO) in 1999. The philosophical understanding of inclusive education within this movement is best described in this way:

> Inclusion is about the improving of schooling. Rather than being a marginalized theme concerned with how a relatively small group of pupils might be attached to the mainstream schools, it lays the foundations for an approach that could lead to the transformation of the system itself. (UNESCO, 1999, p. 9).

The key to transformation is in the education of our children and youth. Colleges and university students are key players in this quest for transformation. In advocating for a change of thinking or "right thinking" (Freire, 1998) and for the restructuring of our educational institutions, visionaries must look to university classrooms in which students and faculty are dialoguing about inclusive philosophy and critiquing the influence of historical and current discourses of disabled peoples. If the role of universities is to provide an education for Canadian youth to become compassionate, creative, and critical citizens, these discussions will permeate all pre-

service teacher education classes in the areas of curriculum, multiculturalism and diversity, and educational leadership.

Inclusion as a philosophical foundation is the framework that supports equality for disabled persons and ultimately presents an avenue for full membership with all the benefits and protections that other persons within our society take for granted (Rioux, 2001). In support of this argument, the role of educators is paramount in the creation of an inclusive community and a civil society (Lupart, Whitley & Odishaw, 2005). Once teachers recognize that they are extremely influential in the creation of a civil society, their vision and actions will be significant in creating a culture of belonging that values each and every child in our society (Purpel, 1989).

Educators, and those who teach the educators, can become the primary leaders in professing equality rights for disabled students and all students who have been relegated to the margins (Dallaire, 2008; CACL, 2004; Porter, 2000). Equality rights or platform rights supported by secondary educational rights,[31] and the acceptance and celebration of diversity to collectively counter the hegemony of normalcy prevalent in education systems will be professed from the leadership within, if change is to occur (MacKay, 2005). Government initiatives to embrace inclusive philosophy and policy change are required for the re-conceptualization necessary to change the milieu of schools and the attitudes of teachers and administrators who persist in age-old thinking that justifies exclusion and separation of learners (Booth, 2005; CACL, 2004; Hehir, 2002).

Len Barton (1997) recognizes the seriousness of this collective advocacy role and defines inclusive education in this way:

[31] MacKay developed the understanding of platform rights as charter rights ensuring student access to accessible and inclusive classrooms. Secondary rights refer to a quality educational service or program of study that each student is afforded relative to individual learning styles.

> Inclusive education is part of a human rights approach to social relations and conditions. The intentions and values involved are an integral part of a vision of a whole society of which education is a part. Therefore the role of inclusive education plays in the development of an inclusive society is a very serious issue…. [It] involved a serious commitment to the task of identifying, challenging and contributing to the removal of injustices. Part of this task involves a self-critical analysis of the role schools play in the production and reproduction of injustices such as disabling barriers of various forms. Schools therefore need to be welcoming places. It is more than mere questions of access that are at stake here. It is a quest for the removal of policies and practices of exclusion and the realization of effective participatory democracy. It also involves a wider concern, that of clarifying the role of schools in combating institutional discrimination in relation to, for example, the position of disabled people in society. (p. 234)

Barton's analysis of education as a human right helps teachers question their own positions of power and the context of their belief systems as these are applied to students with disabilities. Additionally, this framework provides the impetus to help educators view the "right to belong" as a foundational pillar of inclusive education in the recognition of education as a significant platform of equality. Further explanation of inclusive education and the equality premise of the right to belong will be explored in Chapter 3.

CHAPTER 3
THE RIGHT TO BELONG AS JUSTICE: THE ROAD TO EQUALITY

The "right to belong" is a recurring principle found in understandings of equality and utilized by legal theorists, human rights activists, social justice philosophers and spiritual leaders. This chapter explores the "right to belong" as a fundamental equality premise that can be used to advance inclusive education as a human right. Federal constitutions found in the United States of America, Canada, the United Kingdom, and other Western countries utilize the "right to belong" as a foundational piece of equality law, a premise also found in human rights and jurisprudence discourses. Historically, this premise has been framed within the context of civil rights and its application to the disability community is found within the disability rights movement. This chapter explores present day and historical evidence of the disability rights movement and it provides a framework to advance inclusive education as an equality right associated with human dignity, respect and opportunity for life choices.

3.1 Defining the Right to Belong

The "right to belong" is a notion used in human rights and other related discourses to designate the inclusion of "all" persons in its provisions, as well as prohibiting the exclusion of any category of persons, and all particular persons from inclusion under any and all circumstances. This inclusion is understood as "belonging". This notion of belonging is not a phenomenon or event that can be dispensed by human beings to one another, rather it designates a notion that is absolutely fundamental to human beings regardless of the cultural, political, and legal circumstances in which they live. Human recognition of belonging as this fundamental reality is recognition of a "right." Within a human rights framework, the

notion of the "right to belong" serves as a fundamental equality premise (Greschner, 2002).

This notion of the "right to belong" as a fundamental equality premise is particularly important in current advocacy discourses for improving the life conditions of persons with disabilities. This premise is anchored by the principle of "substantive equality",[32] a principle that ensures a protected "space" in which all individuals with differences are guaranteed access and opportunity to participate in the civic life activities that all other persons take for granted (Greschner, 2002; Reaume, 2003). Furthermore, substantive equality is understood as an essential "platform" right that protects the citizenship freedoms[33] of all peoples, and it is required to ensure that each person has access to and the protections of such laws and obligations (Greschner, 2002, MacKay, 2000). Platform[34] rights exist to ensure that all persons are guaranteed basic fundamental protections such as the right to life, the right to an education, the right of association, and others (MacKay, 2000). The significance of equality is described in this way:

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> Equality is the paradigm norm that informs other human rights. Democracy, the protection of minorities, and the rule of law (which encompasses the notion of equal access to justice), stem from, and embody, equality norms. It is essential to recognize that substantive equality is the lifeblood of the Canadian Constitution. (Buckley, 2006, at 51)

[32] Shelagh Day and Gwen Brodsky have developed a helpful definition of substantive equality in which "protected" space includes both access and opportunity (Women and the Equality Deficit: The Impact of Restructuring Canada's Social Programs (Ottawa: Status of Women Canada, 1998)): http://www.facebook.com/group.php?gid=26905885010.

[33] These citizenship freedoms are defined in international and national conventions and charters throughout the world; these include: The Universal Declaration of Human Rights, The Convention on the Rights of Persons with Disabilities, and the Canadian Convention of Rights and Freedoms, found within our nation's constitution.

[34] Wayne MacKay, legal analyst and policy leader, uses platform rights and secondary rights to advance inclusive education as an equality right. Platform rights included protections against discrimination and access to public schools, while secondary rights include rights of service and distributive justice.

Reaume (2003) describes Canadian equality jurisprudence based on the Canadian *Charter* analysis as supporting substantive equality and rejecting formal equality. Formal equality ensures sameness of application for all individuals making an equality claim and rarely takes into account contextual understandings of minority groups. The assurance of substantive equality for all minority persons is paramount to human dignity, respect, and opportunity, and is a required element of a free and democratic society (Reaume, 2003). With a lens on substantive equality leaders learn to address systemic barriers such as social and economic disadvantage, and to create initiatives to "level playing fields" for all members to enjoy full participation. Substantive equality gives voice to previously subjugated individuals and groups and ensures that decisions are not hiding behind constructs of neutrality and objectivity as found within formal equality analysis (Zietlow, 2006; Equal Opportunity Commission, 2006; Pothier and Devlin, 2006). Buckley (2006) comments: "Canadian equality rights law is predicated on an understanding that there are significant inequalities within Canadian society, and that the purpose of equality rights is to uncover and remedy existing inequalities and prevent their re-occurrence. This is the concept of substantive equality" (Buckley, 2006, para.46). The "right to belong", distinct from liberal theories of rights and the neutrality they promote, focuses on a "substantive vision of equality, throughout which the community undertakes the proactive duty of enforcing the equal rights of its members" (Zietlow, p. 165). This human rights platform, based on the substantive equality rights claim, protects self-determination and entitlement. Self-determination links freedom with individual decision making and choice. Substantive equality ensures this by protecting persons from various types of interference that might infringe on citizenship freedoms and entitlements (Rioux, 2003). This platform aids legislators, policy makers, and others

in recognizing the provisions of substantive equality, including the provision of universal egalitarianism, are guaranteed to protect "spaces" afforded to certain groups of people based on similar historical and cultural backgrounds (Stanford Encyclopaedia of Philosophy, 2009). From its location within a framework of egalitarianism, the "right to belong" ensures that universal freedoms and entitlements, such as freedom of association and freedom of speech, and such entitlements as education and health care, can be accessed by all individuals within a society. The "right to belong" is associated with democracy and social citizenship and within a framework of substantive equality acts as a guarantee to basic "platform" rights (MacKay, 2004). Special attention is drawn to the needs of persons marginalized through oppressive political, cultural, social, and economic conditions through substantive equality and "platform" rights.

3.2 Ethical and Moral Arguments for the Right to Belong

Democracy, freedom, and peace are advanced within human rights ideology professed within the "right to belong". Orend (2000) defines a human right as a "justified claim on someone or on some institutions, for something which one is owed" (p. 17). In this chapter, I present the genealogy of the "right to belong" and provide an explanation of the times when substantive equality and social justice initiatives work collectively to advance democracy, equity and inclusivity. Within this framework, human values, politics, and law are intertwined to generate a critique to help the reader to see how a "human rights framework allows us to move beyond single issues and identities, and understand the interconnectedness of humanity" (Dutt, M. cited by Simpson,G., 2006, para.4).

In this chapter, the "right to belong" is juxtaposed with historical, political, legal and social representations providing a cultural analysis of disability and disabled

peoples. As schools are important microcosms which both shape and reflect society's cultural and moral notions of democracy and civility, the genealogy of the "right to belong" will draw attention to egalitarian implications for future generations of children and the individuals who most significantly impact their lives—teachers and parents.

A new lens in which to view the functioning of our societal institutions is presented in a discussion of human rights discourse, jurisprudence and the disabled peoples' movement. This chapter explores case law, international human rights law, legal theory, and philosophy reflected in understandings of democracy to present why the "right to belong" is attached to the cultural development of social justice in schools and the larger society, and how ultimately, this impacts the life choices and self-determination of disabled persons here in Canada and globally.

3.2.1 Genealogy of the Right to Belong

Advocacy for the "right to belong" has risen and ebbed with the political tide of the day. During progressive political eras, this right has been embraced, and during periods of conservatism and neo-liberalism, public resistance to equality provisions is shown. For example, in the United States of America, at the height of the civil rights movement, Governor George Wallace (1964) blocked the doorway of an Alabama State University classroom to black American students. This example shows how a powerful political figure reflected public resistance to civil rights and Black American rights during this historical period.

Zietlow (2006) recognizes a number of key periods throughout the history of Congress in the United States of America to show the implications of such political will. The "right to belong" came to the surface during key historical periods including the Reconstruction Period after World War 1, and the New Deal Era of the

1930's and 1940's, and the period of time which encompassed the Civil Rights movement in the United States. Zietlow (2006) references the work of Kenneth Karst who has "written extensively about equal citizenship," (p. 6) and she asserts that the "rights of belonging are best understood as the set of entitlements that are necessary to ensure inclusion, participation and equal membership in our diverse national community" (p. 6). Zietlow's analysis gives clear indication that while the public believes the courts are routes to equality, in fact, the political will of the people and the role of legislators are the more significant, influential factors in the assurance of equality protections for marginalized peoples. Her analysis of the "right to belong" explores aspects of the labour movement, the civil rights movement, and the feminist movement. A significant portion of her writing explores the political will surrounding the *Civil Rights Act of 1964.*

Through this exploration Zietlow (2006) provides an understanding of how the political culture of the day influenced the de-segregation movement of the late 1950's and 1960's in the United States of America. The remnants of this movement can be found in today's understandings of inclusive education. More than 50 years ago, the decision of *Brown* v. *Board of Education of Topeka* gave Black American students access to the same schools as their white peers (Telgen, 2005). This significant ruling has implications for the "right to belong" as an equality provision for disabled children. Judge Warren believed that separate facilities were inherently unequal and today most members of the public recognize ideology which advocates for "separate but equal" is significantly flawed.

In Canada, Greschner's (2002) analysis of the "right to belong" is framed within a legal analysis of the Canadian constitution, Section 15 of the *Charter of Rights and Freedoms,* and other significant acts including the *Canadian Human*

Rights Act and the *Saskatchewan Human Rights Act*. She provides an historical example of the labour movement within the province of Saskatchewan to highlight the "right to belong" as a founding piece of the legislation within our province. The *Saskatchewan Bill of Rights* (1947) was the first enactment of a general anti-discrimination law in Canada and "first, it affirmed the fundamental freedoms of speech, assembly, association, and religion," [and] . . . "second, it forbade racial and religious discrimination in employment, housing, property ownership, membership in professional and trade associations, education and access to public services" (2002, p.307). J. W. Corman, Attorney General of Saskatchewan, set out to show the world that this province could lead others by setting a legislative example that all persons had the "right to belong" and all could live together in peace and goodwill: "Beginning in 1947, persons could not be denied jobs, services or housing because of their race, nationality or religion" (Greschner, 2002, p. 308).

The legal analysis of Martha Minnow, Martha Nussbaum, and others have shown how disabled peoples, people of colour, and Indigenous peoples share a history of colonialism[35], oppression, segregation, and slavery reinforced by the state. Activists and legislators in many Western countries protect the rights of those in labour, the rights of women, and the rights of indigenous peoples by using the "right to belong". Its continued momentum has most recently been demonstrated by those in the disability rights movement and by the signature of governments in the ratification of the *United Nations Convention on the Rights of Persons with Disabilities*. Now, more than ever, the "right to belong" can be used as a compelling legal argument to ensure equality rights for marginalized peoples.

[35] In this case, colonialism refers to the loss of identity and soul.

3.2.2 The Disabled People's Movement

In its short existence, the disabled people's movement has matured by taking lessons from those engaged in the civil rights movement of the 1950's and 60's. The issues that Black Americans faced in those early years, and in many ways continue to face today are also issues of disabled peoples. Alongside disabled peoples and African Americans, Indigenous peoples continue to face a multitude of disempowerments. In Canada, the systemic barriers faced by disabled First Nations and Métis people are overwhelming, and although many First Nations people are re-writing their own histories, the everyday realities for those altered by racist and ableist institutions continue to dis-empower the children and their families (St. Denis, 2005; Stienstra, 2002). First Nations initiatives to address systemic racism are ongoing. The ever vigilante critique of colonization is an essential step in addressing the injustices incurred and it is necessary to push towards self-determination of Aboriginal peoples (Fontaine, 2008). A similar analysis plays a significant role for disabled peoples. An exposé and critique of ableism is reflected in the writings of critical disability theorists and philosophers, and in the actions of liberation leaders and self-advocates as they move forward to acquire new rights and freedoms through legal and policy initiatives.

The Disabled Peoples Movement simultaneously began in the United States and in the United Kingdom in the 1960's and took hold by the mid 70's (Oliver, 1996). Other countries such as Canada and many of the European countries closely followed the lead of the United States and the United Kingdom. Charlton (1998) references several conditions that precipitated this movement in his significant writing of *Nothing About Us Without Us: Disability Oppression and Empowerment*.

The catch phrase *nothing about us without us* has been used by many groups of disabled peoples and has significant appeal to the masses as a cultural statement of resistance.

Issues of disability discrimination or ableism are tied up within the "cultural dimensions of everyday life" (Charlton, 1998, p. ix) and the implications of poverty, isolation, and disempowerment squarely face disabled peoples. The disability rights movement is a political struggle, a personal struggle, and a collective struggle. Disability has moved from a social welfare issue to a human rights issue and "recognizes non-discrimination and equality rather than goodwill as the goals of liberation and inclusion" (Rioux, 2001, p. 36). Activists, self-advocates, and educators involved in the disability rights movement are those persons who raise societal consciousness by defying dominant images and meanings of disability, and who at the same time, work to empower disabled people through initiatives that reach for societal inclusion and for collective and individualized self-determination.

3.2.2.1 The Social Model of Disability

Compared to other social movements, the disability rights movement has a relatively short history. This fifty-year movement is self-advocacy initiative that gained momentum in the 1970's. The Union of the Physically Impaired against Segregation, a group of disabled activists located in the UK, banded together to address the dominant ideology of disability, the stigmatisation of medicalization of disabled identities, and the systemic ways in which disability discrimination influences the public's view of disabled people (Oliver, 1996). The social and political power of this union was the impetus behind the social model of disability. One of the key instigators was Vic Ficklestein. As a boy, Ficklestein grew up in South Africa and recognized the human rights atrocities and systemic injustices of

apartheid. His personal experience as a disabled Caucasian person living in South Africa and as an anti-apartheid activist heightened his analysis of oppression and his understanding of the disempowerment of marginalized people. His life work has influenced many people to understand the strength of collectivism and solidarity that marginalized peoples have (Finkelstein, 2001). In 1975, United Kingdom activists gained a strong following and their counter-attack of the medical model of disability resulted in the establishment of a manifesto entitled *Fundamental Principles of Disability:*

> Fundamental principles to which we are both in agreement: disability is a situation, caused by social conditions, which requires for its elimination, (a) that no one aspect such as incomes, mobility or institutions is treated in isolation, (b) that disabled people should, with the advice and help of others, assume control over their own lives, and (c) that professionals, experts and others who seek to help must be committed to promoting such control by disabled people. (Hunt, P. (1976) in Barnes & Mercer, 2001, p. 11).

In contrast to the medical model, the social model of disability exists, in one sense, as an ombudsman. Theorists and activists use the social model as a resistive strategy to demonstrate how the dominant culture sanctions and maintains exclusionary spaces. This critique shows how protecting the medical model preserves middle and upper class economic and social power and how it keeps the disability community dis-empowered. Furthermore, the social model argues for a new vision of disability that can empower those with differences. It advances equality and dignity for all persons regardless of the social constructs of impairment:

> The social model is not about showing that every dysfunction in our bodies can be compensated for by a gadget, or good design, so that everyone can work an 8-hour day and play badminton in the evenings. It's a way of demonstrating that everyone—even someone who has no movement, no sensory function and who is going to die tomorrow—has the right … to be treated with respect. (Vasey, 1992, p. 44)

By giving space to the social model, the judiciary, educators, and legislators place equality interpretations for people with disabilities within human rights construct principled by universal egalitarianism. The World Bank[36] explores the social model as a human rights model:

> The social model, or human rights model focuses on the role of society in gaining equality for all its citizens including people with disabilities without them being seen as people with 'special needs'. Within this model, society has a responsibility to address barriers that prevent the participation of persons with disabilities. The focus shifts from fixing individuals to eliminating socially constructed barriers (meaning everything from prejudice to physical access barriers). The social model moves disability into the field of community development. Disabled people are perceived as active and equal participants of society, contributing to the development process[37] (2006).

The social model of disability prompts a new vision within the limiting constructs of our society, but it is not without its critics. Among those critics are women who are both critical disability theorists and feminists (Thomas & Corker, 2002; Thomas, 2001; Wendell, 1996; Morris, 1996; Morris, 1992b). Morris (1996, 1992b) and other disabled feminists contend that feminist theory gives voice to the reality of a disabled woman's "body politic"[38] through a gendered disability analysis and that it is a vital part of support for a new understanding of disability (Sampson, 2006; Asch, 2004; Garland, 2002). This analysis is about women and their bodies, their identities, their representation and their activism (Garland, 2002). Sampson (2006) calls for the use of both critical disability theory and feminist legal theory to collectively address the equality rights of disabled women in this critique. Regardless of this concern, these disabled activists argue that the value of the social model cannot be dismissed. Thomas, (2001) cites Mike Oliver's (1996) understanding of the social model as, "a pragmatic attempt to identify and address issues that can be changed

[36] The World Bank advances social capital policy to address economic disparities and injustices.
[37] http://web.worldbank.org
[38] Body politic refers to the way in which a person presents his or her physicality, his or her "living experience" to advance a political statement.

through collective action… [and it has had] unparalleled success in changing the discourses around disability, in promoting disability as a civil rights issue and in developing schemes to give disabled people autonomy and control in their own lives" (p. 52). Scholars writing within feminist and critical disability frameworks are wary of the medical model and they collectively recognize that impairment is a critical part of a person's lived experience. They acknowledge the value of the social model in the journey to emancipation. Morris (1996) argues for a:

> renewed social model of disability. This model would operate on two levels: a more complete understanding of disability and impairment as social concepts; and recognition of an individual's experiences of the body over time and in variable circumstances (p. 218).

An important feature of this model is the juxtaposing of impairment with the social construct of disability:

> Impairment must be present in the first instance for disability to be triggered: disability is the form of discrimination that acts specifically against people with impairments. This does not mean that impairment causes disability, but that it is a precondition for that particular oppression (Morris, 1996, p. 220).

Together these views can add to the voice of others engaged in the disability rights movement. This renewed social model of disability gives strength to self-advocates as it ensures social constructs and barriers that disabled persons encounter through their lived experiences are part of the critical analysis in the move towards equality rights and self-determination for disabled peoples.

3.2.2.2 Berkeley and Civil Rights

The civil rights movement of the late fifties led by Dr. Martin Luther King, Malcolm X and others who worked to eradicate racial oppression by addressing the civil liberties of African Americans, influenced actions within the feminist movement, the American Indian Movement and the Independent Living Movement. The Independent Living Movement was spurred by a small number of disabled students

attending Berkley University in California and it remains as both a historical and living example of civil resistance. De Jong (1979) suggests that the movement "arose in response to the growing militancy of persons with disabilities who rejected the control of professionals over their lives" (in Boyce et al., p. 17).

Today in the United States, there are more than three hundred Centres for Independent Living (CIL). Charlton (1998) believes that these grassroots centres were among the most important of the organizational structures driving the disability rights movement as they were self-advocate led. The most significant legal work that came out of this movement was the passing of the *Rehabilitation Act of 1973*, the first of significant pieces of legislation in the protection of rights for disabled peoples. By the mid 1980's CIL's began to take hold in developing countries and with the support of the United Nations and its designated *International Year of Disabled Peoples* (1981) a global growing initiative is now directed from the head office in Winnipeg, Canada. Examples of international initiatives can be found in South America, South Africa, India, Thailand, and of course, Canada. Many of these early initiatives supported self-sufficiency and were centred on goals of communication, accessibility, and economic security (Charlton, 1998). Today's Centres for Independent Living overwhelmingly merge their work with other grassroots organizations such as Community Living and People First in the fight for self-determination and human rights for disabled peoples (Charlton, 1998).

3.2.2.3 Canadian Jurisprudence, International Law and Disability Rights

Jurisprudence, the science of law, takes into consideration customs and traditions within the legislative proceedings of civil and international law, and it also encompasses court proceedings, outcomes, and precedent decisions that may influence all other court decisions in the western world. Of particular influence are

the court proceedings found within case law of the Commonwealth nations. Legal decisions from countries belonging to the British Commonwealth are very likely to influence legislation and other court decisions of member states. Historically, it has been shown that Canadian judicial decisions are more likely to be influenced by the decisions of the courts in the United Kingdom than by those made in the United States of America. However, that being said, it is certain that jurisprudence from all governments throughout the world have influence and it is known that recent decisions regarding the acquisition of equality rights for disabled peoples in Canada take into account decisions of the courts in places such as the United States of America and countries within Europe (Minnow, 1990).

Under Section 15 of the *Canadian Charter of Rights and Freedoms*, Canadian jurisprudence has provided guidance to other governments from cases heard by the Supreme Court of Canada. *Eldridge* is a significant equality decision protecting the health rights of deaf Canadians by ensuring entitlement of government benefits to all persons regardless of ability or capacity differences. Previous to the *Charter*, a significant case, *Clark v. Clark* (1982), set the stage for freedom and self-determination of disabled people within Canada. This case involved 20-year-old Justin Clark who, after 18 years of institutionalization, decided he desired a life in the community. His father initiated legal proceedings to prevent Justin from moving away from the institution in which he was placed by his family. This significant case used a number of traditional processes including *habeas corpus*[39] to ensure that Justin was allowed to leave the institution to testify. Subsequently, he became the first person in Canada to testify by way of the Blissymbol Board. Interestingly, the presiding judge gave greater weight to Justin Clark's testimony over that of

[39] A writ that brings a person before the courts, in this instance Justin Clark, a young man with an intellectual disability, used this writ to ensure he was able to leave the institution to testify at his own trial.

psychologists and other medical experts in this ruling (Rioux, 2001). The significance of this form of testimony, and acknowledgement of such testimony by the judiciary as objective, identifies *Clark* as one of the significant Canadian pieces of jurisprudence that informs case law in other jurisdictions (Rioux, 2001).

Section 15 of the *Charter* provides that:

> Every individual is equal before and under the law and has the right to the equal protection of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Denise G. Reaume (2003) describes Canadian equality jurisprudence framed by *Charter* analysis as substantive equality. Reaume rejects formal equality as it is premised on applications of sameness and same treatment for all persons regardless of difference. Formal equality analysis does not include contextual considerations or the social analysis of the history and life conditions of marginalized persons in the judicial decisions of equality provisions. In the decision of *Eldridge*, substantive equality principles[40] were clearly used (Mosoff & Grant, 2003), however, it is known the watershed *Eaton* case did not clearly define or utilize substantive principles to arrive at the outcome(Greschner, 2002). In *Bending Toward Justice*, Marcia Rioux (2001) defines substantive equality in this way:

> Equality for disabled people is about achieving a barrier-free society in which disabled people can fully participate. In that context, it is about the re-structuring of society and its institutions so that the participation of disabled people is not an exception, but inherent to the political, social and economic life. It is not an issue of assimilation but of recognizing the inherent differences as a basis for ensuring and redressing discrimination. It involves freedom and emancipation. (p. 43)

[40] The test of equality is not whether an individual is like the members of a group that is treated more favorably by a law, policy, or practice; rather, the test is whether the members of a group that has historically been disadvantaged enjoy equality in real conditions, including economic conditions (Buckley, 2006, p.46)

In support of substantive equality, Pothier and Devlin (2006), Reaume (2003), and Young, M. (1998) advance the analysis of contextual understandings as they relate to disadvantaged groups. They advocate for the setting aside of formal equality, particularly the setting aside of the *sameness—difference* analysis of disability as part of the rights analysis that offers the same benefit for all persons regardless of different personal or cultural factors. To counter this reliance on formal equality, they advocate for a contextual consideration of the disabled embodiment to be a part of the analysis within equality cases.

Understandings of substantive equality have evolved through the analysis of several Canadian Supreme Court cases including *Andrews*, *Law*, *Eldridge*, *Vriend* and others. The jurisprudence of *Andrew v. Law Society of British Columbia* (1989) shows the "accommodation of difference … [as]…the true essence of equality" (*Andrews*, p. 169). In his written analysis of *Law v. Canada*, Judge Iacobucci clearly outlines that equality guarantees exist to prevent "violation of essential human dignity and freedom through the imposition of disadvantage, stereotyping, political and social prejudices, and to promote a society in which all persons enjoy equal recognition at law as human beings or as members of Canadian society, equally capable and equally deserving of concern, respect and consideration" (1999, p.51). Both *Vriend* and *Eldridge* utilized the *Andrews (1989)* decision to help the judiciary establish its role in protecting previously neglected groups. These cases both used arguments of under-inclusion and marginalization to receive core services or establish protective legislation for persons lacking legal access to services. Porter, B. (2009) draws from

Justice La Forest's contextual analysis of the *Eldridge*[41] decision to show the importance of history within a substantive equality analysis:

> In *Eldridge,* La Forest J. writes for a unanimous Court of the history of disabled people in Canada as one which is "largely one of exclusion and marginalization" and of "persistent social and economic disadvantage," in which "their entrance into the social mainstream has been conditional upon their emulation of able-bodied norms:" "For many hearing persons, the dominant perception of deafness is one of silence. This perception has perpetuated ignorance of the needs of deaf persons and has resulted in a society that is for the most part organized as though everyone can hear." (Porter, B., 2009, para.8)

In *Backlash Against the ADA: Reinterpreting Disability Rights,* Silvers and Stein (2003), make reference to Justice Marshall's partial dissent in the *Cleburne* (1985) case as a beacon of justice that defines difference as "value". The *Cleburne* decision helped eliminate housing discrimination against disabled peoples by giving opportunity to persons with intellectual disabilities to live within community neighbourhoods. The analysis of this case shows how the "dilemma of difference" (Minnow, 1990) and the categorization of marginalization (Kunc, 2000) was used by the City of Cleburne against the Cleburne Living Centre and persons who were labelled "mentally retarded". The "dilemma of difference" was highlighted to show how the City of Cleburne's zoning ordinance denying a housing permit to the Cleburne Living Centre for persons who were "mentally retarded" and "feebleminded" showed extreme and unfounded prejudice against persons with intellectual disabilities. In the *Cleburne* (1985) case the "social relations approach" was used to show how difference can be acknowledged, valued and accommodated:

> The meaning of such difference is contextual: their import must be assessed in light of power differentials and other relationships that exist between the relevant groups. Attributions of difference that fuel

[41] This Supreme Court case concluded that the public medical service offered to Robin Eldridge failed to provide interpretive services for herself and others within the Deaf community, and thus denied deaf and hearing impaired persons equal benefit of the law as applied to the hearing. The province of British Columbia received six months to remedy the lack of interpretive services for persons requiring such services.

> exclusionary practices are especially condemnable as self-serving mechanisms for preserving the power of dominant classes. In their place, the social relations approach emphasizes interconnectedness and the multiplicity of avenues open to people wishing to contribute to the collective good. The social relations approach calls for the transformation of marginalizing practices so as to cultivate everyone's freedom to participate in both the rewards and responsibilities of social interaction. (Minnow, 1990, p. 234)

The voices of social justice scholars and legal theorists are essential to ensure substantive equality is framed by the principles of dignity, respect and opportunity. Additionally, the recent actions of Canadian lobbying groups have utilized international covenants to advance equality rights of disabled Canadians. It is known the advancement of conventions, such as the *Convention on the Rights of Persons with Disabilities* (2006), serve to put pressure on the actions of state governments (Peters, Y., 2004). Nussbaum (2001) argues if a society intends to legally and morally change the mindset of its people, then the state must embrace the public sanctioning of both moral philosophy and mandated legislation as found in such international conventions. Given this analysis, the Canadian government's ratification of international human rights conventions as a commitment to social change is essential. Recent progress within the disability rights community will encourage Canadian legislators, judiciaries, and policy makers to adapt international understandings of human rights to interpret equality analysis here at home. The active roles of legal theorists, social justice advocates, families, scholars, and disabled individuals themselves, are critical to the freedoms of disabled peoples (Peters, Y., 2004).

3.2.2.4 The United Nations and the Convention of the Rights of Disabled Persons

Disabled persons have been supported internationally through the *United Nations Declaration of Human Rights* and a number of other covenants and

declarations[42]. Of the core United Nations human rights conventions which are binding and create legal obligations, the *Convention on the Rights of the Child* has significant importance to the self-determination of disabled children. Other international and regional human rights conventions have provisions to protect the rights of persons with disabilities including the Inter-American *Convention on the Elimination of All Forms of Discrimination Against Persons With Disabilities*. Although international instruments such as declarations, resolutions, principles, guidelines and rules, are not technically nor legally binding, they represent a moral and political commitment from each country that "signs on". In the past, state governments have used these documents as guidelines for developing legislation and policy and it is prudent that much more contextual consideration to international law be given by judiciaries and policy makers when interpreting equality rights in home states. Several disability-specific, non-binding, international instruments have been adopted at the international level. Of particular importance are the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* and the *Salamanca Statement and Framework for Action on Special Needs Education* adopted at the UNESCO World Conference on Special Needs Education: Access and Quality in Salamanca, Spain, June, 1994.

The equality measures found in these declarations and conventions of rights are political tools that can be utilized by lobbying groups and disabled persons alike. The disability rights movement has been growing for more than three decades and roots itself by way of the United Nations *World Programme of Action Concerning Disabled Persons* adopted in 1982. Since 1982 the United Nations has made

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[42] United Nations treaties: http://www.un.org/esa/socdev/enable/disovlf.htm

significant efforts to examine the needs of disabled citizens. The culmination of these efforts was presented to delegates of the seventh session of the United Nations *Enable* Ad-Hoc Committee in New York, February 2006. At this meeting delegates heard the voices of six disabled children advocating for the inclusion of disabled persons worldwide. 82 countries including Canada signed the International *Convention on the Rights of Persons with Disabilities* in March 2007. During this year, the Convention was ratified by more than 20 countries and on May 3, 2008 it became international law. This Convention, along with the *United Nations Declaration of Human Rights*, can support Canadian *Charter* analysis and will encourage federal and provincial governments to re-define their understandings of human rights as equality rights. *Article 1* of the Convention is to "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity" (UN *Enable*, 2009). At present (August, 2009) more than 50 countries have ratified the *Convention on the Rights of Persons with Disabilities*, including the countries of Germany, Australia, New Zealand, Sweden, South Africa, and Mexico. The adoption of the Convention by these significant countries will influence others and in turn will create praxis necessary for the Canadian government to ensure "belonging" as a basic human right, an equality right for all persons with disabilities.

3.2.3 Greschner's Model of Equality and the Right to Belong

Donna Greschner's research in constitutional law and legal theory supports those lobbying for disability rights and fundamental freedoms. Her knowledge of substantive equality and her international presence defines her as a Canadian who has global vision. In *The Purpose of Canadian Equality Rights*, Donna Greschner (2002) advocates for judiciaries to adopt a "full membership" model of equality. This model

of equality rights "ensures that membership in identity communities cannot be the basis for exclusionary or discriminatory treatment" (p. 291). In support, Justice Cory's analysis of *Vriend*[43] focuses on Section 15 of the *Charter of Rights and Freedoms* and the influence of substantive equality. Greschner (1998) explains:

> The full membership approach is a model of substantive equality, in opposition to a formal equality model that assumes uniform treatment and seeks rational justifications for distinctions. But substantive equality is defined as much more than its contrast to formal equality. Any version of substantive equality contains two related inquiries: first, an assessment of the effects, or what Dworkin calls outcomes; and second, an engagement with the fundamental values of the community as a whole. These two aspects—outcomes and values—are inextricable and indispensable to a conception of substantive equality. The latter is necessary to determine whether the impugned outcomes are repulsive or permissible. Without a consideration of substantive values, outcomes exist in a moral and legal vacuum" (p. 431).

She argues that the purpose of equality rights under the *Charter of Rights and Freedoms* is to protect the human interest in belonging, simultaneously, to three distinct communities: "first, the universal community of human beings; second, the political communities of Canada; and third, and unique to *section 15*, identity communities" (p. 293). Greschner's development of this foundation is grounded in the work of Iris Marion Young (1990) in her explanation of "identity communities" as "social groups". In the naming of "identity communities", Greschner, (2002) advocates that equality provisions must seek to accommodate differences. Drawing upon Pentney, she states:

> Diverse groups, in order to receive the benefits of full membership in the Canadian Community, need not change and contort themselves to become like existing members. Rather, the community welcomes and makes room for them. "Equality law seeks to protect and promote belonging; to allow others into the fold, and to encourage and cement our bonds of community," (Pentney, 1995). Accommodation, in this sense, is the antithesis of assimilation. (Greschner, p. 293)

[43] Significant equality case ruling in 1998 that provincial governments could *not* exclude LGBT individuals from human rights legislation. It has shaped legal precedent concerning labour and other civil rights and constitutional laws.

Greschner (2002) believes that the analysis of dignity coming from *Law* v. *Canada* cannot fulfill all the needs of equality interpretations of Canadians. Although the decision of this case has been used to advance understanding of equality in Canada, she argues Canadians must look further to understand contextual and historical significance of marginalized peoples. She recognizes the importance of substantive interpretations and argues that this requires thorough examination of legislative and political implications for marginalized peoples if they are to enjoy "full membership" within Canadian society. Her analysis of Section 15 of the *Charter* indicates the primary purpose of this law is to overcome and prevent exclusion:

> not only…by explicit membership criteria—the formal rules of exclusion—but also by more indirect and less formal ways in which people are marked as second class, as less than full members, and not permitted to participate fully in the opportunities and riches of a society. (Greschner, 2002, p. 306)

In advocating for an equality model of "full membership" Greschner refers to the history of our province and the enactment of the *Saskatchewan Bill of Rights* in 1947 as a historical point in understanding the "Canadian" concept of belonging. Her vision of an ethical understanding of belonging is supported by Denise Reaume, other legal scholars and human rights activists, as well as disability rights activist and educator, Norman Kunc and religious philosopher, Jean Vanier. Collectively, these Canadians profess the way to equality, inclusion, and peace is through the acceptance of belonging and the moral and legal application of such.

Throughout Greschner's advocacy for the foundation of belonging as an equality premise, she presents the principles of respect, dignity and opportunity as avenues to citizenship for all peoples—through substantive equality and self-determination. The layering of these principles advances the "right to belong" as a solidarity agenda through the vision of "full membership" equality rights. Respect,

the first principle within this equality model, presents self-determination through the recognition and celebration of the identity that a disabled person has. In accepting this philosophy, one must move from legal understandings of capacity and autonomy to the understanding of interdependence and diversity as an avenue to equality (Rioux, 2003).

To develop an argument for the inclusion of respect as one of the three founding principles within the "full membership" model, analysis is drawn from Article 3 of the International *Convention on the Rights of Persons with Disabilities.* The Convention presents eight guiding principles that reflect citizenship for an inclusive society. These principles are focused on such key concepts as dignity, choice, participation, respect, equality, and opportunity. Of importance to Greschner's model of equality are two statements found within the Convention: *Respect for difference* and *acceptance of disability as part of human diversity and humanity*; *respect for the evolving capacities of children with disabilities* and *respect for the right of children with disabilities to preserve their identities* (2008).

In understanding the importance of the respect for difference, one turns to an ethic of care. Nel Noddings, an educational theorist, presents this ethic as caring-about. She argues that this caring-about is a foundation for justice in educational institutions and the larger society:

> The key, central to care theory, is this: caring-about (or, perhaps a sense of justice) must be seen as instrumental in establishing the conditions under which caring-for can flourish. Although the preferred form of caring is cared-for, caring-about can help in establishing, maintaining, and enhancing it. Those who care about others in the justice sense must keep in mind that the objective is to ensure that caring actually occurs. Caring-about is empty if it does not culminate in caring relations. (Noddings 2002: 23-4)

Ethics of care theorists reflect on the understanding of caring-about and the component of human relationships. Some ethics of care theorists define "respect" as

one of the significant principles within the building of human relations. Critical disability theorists argue that the principle of respect can be applied to the evolving capacities of persons and this understanding supersedes the principle of respect for autonomy as defined in biomedical models (Sampson, 2006). Human existence, therefore, is the first and most critical factor, in determining who receives rights and privileges that are associated with self-determination. Following this premise, personal independence and autonomy become secondary factors to the access of equality rights.

The Belmont Report (1979) published by the National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research shows the tensions between the principle of respect for persons and the principle of respect for autonomy. Much of the biomedical discourse focuses on the respect of autonomy and personal independence, rather than interdependence. Jenny Morris (2001) supports the notion of interdependence and believes by applying a human rights premise to the recognition of difference the route to self-determination becomes achievable for all disabled persons. Ethical standards to protect humans will then demand that practitioners and researchers move away from traditional definitions of individual capacity, to understandings that show all humans as interdependent, and thus, self-determining. This principle utilizes emotional and historical understandings of disability and disabled embodiment to give protections to vulnerable peoples (Morris, 2001; Nussbaum, 2001). The United Nations has identified persons with disabilities as one of the most vulnerable minority groups in the world and members within UNESCO and other UN agencies actively work with disabled peoples, disability rights activists, cross-disability organizations, and human rights agencies to empower

disabled peoples. The philosophy of Jean Vanier (2006; 1998) provides a supporting argument of interdependence as a route to self-determination for vulnerable peoples.

Maratha Nussbaum (2001) and Martha Minnow (1990) contend that history and emotion are interconnected. A critical analysis of the ethics of care would assist judiciaries and legislators in the understanding of disability as a cultural phenomenon. By creating a space for the voice of disabled peoples and those who support them, judiciaries can ensure a perspective of interdependence which gives "outsiders" a new way of viewing disabled peoples, equality rights, and self-determination. The evolving capacities of disabled peoples and the fluidity of their identities demand the principle of respect to ensure that self-determination can be accessed.

The second principle of Greschner's (2002) membership model of equality comes in the form of dignity. Dignity, which is built on the principle of respect, lies in valuing the intrinsic worth of each person by protecting the recognized identity. This means all people and the recognition of their humanity must not be based on a individual's biological features or intellectual capacities, but rather on the understanding of importance of each person's life and the essential value of humanity as a sustainable whole. Supporting Greschner, (2002), Reaume (2003) contends "the central insight in a dignity- based account is that valuing human dignity means acknowledging the inherent worth of human beings; therefore violating dignity involves conveying the message that some are of lesser worth than others" (p. 28). She identifies three forms of indignities, the first two ride on the backs of prejudice and stereotyping within legislation, and

> the third aspect of indignity involves exclusion from benefits or opportunities that are particularly significant because access to them constitutes part of the minimum conditions for a life with dignity. In this case, it is the nature of the benefit itself that makes its denial a violation of dignity. When prejudice or stereotype motivates the

> exclusion from such benefits and opportunities, the indignation is exacerbated. (p. 28)

Reaume (2003) likens the violation of dignity as a violation of identity and speaks of the diminishment of self-respect through a "failure to show respect though the treatment of others as less than creatures of inherent worth" (p. 31). Reaume sees respect for identity and respect for people's plans or decisions as critical in understanding respect for dignity. Again, a significant point of reference is the "social and political history" that identifies individuals as "part of a group that is devalued" (2003, p. 35) and how this history is evident in the behaviour of the dominant society and supported through legislative sanctions:

> Entrenched prejudice can unleash social forces that devalue members of particular groups even when those acting with the practices shaped by those social forces have no subjective desire to show contempt. The sort of distinctions and denials that constitute an infringement on dignity are, then, a matter of social construction" (Reaume, p. 36).

It was found in the *Canadian Foundation for Children, Youth and the Law* v. *Canada*, (2004), that human dignity infractions have "to be assessed from the perspective of a reasonable person (objective), but one who shares the attributes and circumstances of the claimant (subjective)" (Hogg, 2005, p. 1145). Legitimized knowledge must be clearly assessed using political and social histories of marginalized peoples. Future analyses of equality rights supporting subjective understandings should be given the same weight of consideration as objective claims or "expert" knowledge. Technical experts such as psychologists and psychiatrists are often viewed as all knowing within judicial circles. To counter these views, judicial reference to *Clark v. Clark* can assist others in understanding how one is defined as expert, and how the significance of self-determination becomes the overriding factor in equality analysis.

The principle of opportunity gives disabled people access to full participation and the required resources through choice. Opportunity for disabled persons implies access and accommodations through the removal of environmental, social, and attitudinal barriers within society. The 22 *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* represent a moral and political commitment from countries that have signed this document. These rules are set out in three important sections within the Act. The first section defines the preconditions that disabled persons must have for participation. These preconditions include providing access to supports, such as medical and rehabilitative supports that assist an individual in functional living. The second section within the Standard Rules defines the targeted areas for equal participation. These rules include sectors within society that factor into quality of life indicators. This section of the act defines equality of opportunity through such sectors as education, employment, social services, and even family life. The third section of the act defines the implementation measures for state quality control. Bengt Lindquist, Special Rapporteur on Disability (2001) believes that inclusive education is critical for persons with disabilities. Accessibility and adequately designed support services and facilities are needed to meet specific individual and cultural needs. Teacher education and school initiatives should utilize adaptive and community education strategies (UN Enable, 1993).

Although a number of state governments have passed anti-discrimination laws in support of these rules, it is clear that the non-binding nature of this document has created problems for the United Nations and disabled persons. Both Bengt Lindqvist of Sweden (1st Special Rapporteur on Disability for the Commission for Social Development) and Sheikha Hessa Al-Thani of Qatar , Special Rapporteur for the

period 2003-2005, have stated their frustrations over the complexity of policing and enforcing the 22 Standard Rules.

Although Greschner (2002) sees the principle of opportunity as a necessary component within the "membership model", she recognizes that the complexities of access and accommodation, as defined in Canadian law, need critique and refinement. A number of Canadian constitutional challenges surrounding disability issues center on the concept of accommodation. Peter Hogg indicates that each Supreme Court case, arguing the issues of appropriateness within accommodation, has failed through *Charter* challenges (2000). In support of this, Day and Brodsky, (1996) in reference to the *Meiorin* case (*British Columbia v. B.C.G.S.E.U.*), very clearly critique the court's failure in the interpretation of accommodations for persons with differences:

> Accommodation seems to mean that we do not change procedures or services; we simply "accommodate" those who do not quite fit. We make some concessions to those who are "different", rather than abandoning the idea of "normal" and working for genuine inclusiveness. In this way, accommodation seems to allow formal equality to be the dominant paradigm, as long as some adjustments can be made…. Accommodation, conceived of in this way does not challenge deep-seated beliefs about intrinsic superiority of such characteristics as mobility and sightedness. In short, accommodation is assimilationist. Its goal is to try to make "different" people fit into existing systems.
> (Day & Brodsky in MacKay, 2004, p.12)

Similarly, Greschner (1998) finds that if the *Eaton* case had been argued from the central point of belonging or the "right to belong" rather than from a point of accommodation appropriateness or pedagogical appropriateness, the outcome for Emily Eaton and her family may have resulted in a decision to support inclusion and inclusive education. The critique of this case indicates a conceding to the accommodation analysis based on the expert testimony of school authorities. The outcome for Emily Eaton was found to be the status quo pedagogy that supports mandated segregated or congregated educational placements.

As a social justice initiative, the "right to belong" propels the principle of opportunity through the inclusion of contextual analysis. The principle of opportunity must be analyzed from a social, cultural, and environmental stance so the re-structuring of government systems and re-distribution of resources become a priority for Canadian governments. Marion Iris Young contends that social justice "requires not the melting away of differences, but institutions that promote reproduction of and respect for group differences without oppression" (1990, p. 47).

3.2.4 Vanier's Philosophy of Belonging as Future Civilization

Greschner uses the work of David Lepofsky (1997), an international disability rights lawyer, to advance belonging as a distinct right of all humans: "'Integration is the norm: segregation, exclusion, and inferior status are aberrations' [and] the promotion of belonging for everyone means that diversity is recognized and accepted as part of the essence of the human condition, and as necessary for human flourishing" (1998, p.431). Her understanding of this distinctly profound concept of the "right to belong" as presented in the analysis of membership is further advanced in the letters of Jean Vanier, (2006):

> Humanity in its entirety is a body, and in the body each member is important. Groups, nations or races which cut themselves off from others, or seek to dominate by imposing their own culture, ideology and customs, by suppressing the identity of another's culture, wound and hurt not only that particular people but the whole of humanity and themselves. To-day, more than ever before, we are called to become more conscious of the fundamental unity of the human family and to help each group of people to find their identity and place in it, and to grow in openness toward others. (p. 4)

Jean Vanier (1998) leads one to believe that the possibility of an inclusive society, a culture of belonging, a new order, can be created by the leaders of tomorrow, but he is not naïve to the realities of today's society: "The fundamental questions of humanity are always around love and hate, guilt and forgiveness, peace

and war, truth and lies (or illusions), the meaning of life and death, and belief in God". (Vanier, 1979, p.85)

Vanier's (1998) prophetic counter-culture calls for recognition that all person experience significant loneliness and with that experience comes a "longing to belong". In this sense of belonging, people realize that becoming fully human and striving for world peace can only come through the pursuit of relationship in community. Vanier's vision for seeking truth involves the acceptance and recognition of privileged histories and conversely, the histories of oppressed persons, particularly those with disabilities. He advocates that the "greater good" can only be achieved through this idea of belonging and he attaches the concept of the "right to belong" to the rights of disabled persons to live in community and to be of community. It is through this avenue of belonging to community that the possibilities of acceptance and friendship among diverse peoples occur, and the premise of equality and freedom grows. It is here, in community, that Vanier believes compassion, love, and goodwill evolve through the acceptance of the "right to belong", and in this acceptance a culture of peace forms to support the self-determination of disabled peoples:

> A culture of peace implies an acceptance of each person with their gifts and their weakness, helping each one to rediscover his/her dignity and place in the human community. In a culture of peace, people who are stronger are encouraged to recognize and accept their own weaknesses, and to serve and give support to those who are more vulnerable and to help them discover their own capacities. In a culture of peace each person is seen as unique, important and sacred. (Letter, June 2006)

Vanier's profound understanding of belonging as a moral and ethical phenomenon has been expressed in letters and books describing his experiences with disabled persons:

> I marvel at some men and women who have suffered sometimes severe illnesses or handicaps, but who have gradually come to accept and embrace them. Several years ago I was invited to Montreal to meet men and women with physical handicaps. I had been asked to talk to

> them but when I met them I felt unable to speak until I had listened to them. I asked them to tell me their stories and how they had suffered. Each one explained the bitterness they had experienced. One said, "I had polio when I was seventeen. To begin with, my school friends supported me. Gradually, they stopped visiting me. Now I have no friends." One after another they talked about their pain and their anger with society. Then one woman with polio spoke up, "How can we criticize people in society for not accepting us if we fail to accept them in their non-acceptance of us?" Suffering had brought her to a wisdom so beautiful. She radiated love. (1997, p. 164)

Jean Vanier has spent a lifetime developing relationship within communities of people, disabled and non-disabled alike, and his wisdom can be applied to the analysis of "belonging" as a distinct and significant human need. His profound insight on belonging as a place of mediation, a place of listening, and a place of reflection, shows the necessity of this existence as a way in which peace and self-determination can come to all peoples:

> A place of mediation is that place of belonging where we find structures and disciple, where we can search for truth together, where we find healing for our hearts that are incapable of relating to others in a healthy way, where we learn not to be locked up in our own needs and desires but to welcome others as they are, to accept that they have different gifts and capacities, that they are important and have value. The place of mediation helps us to discover that we are part of something much bigger, that together we can do something beautiful. (1998, p. 66)

Belonging for Jean Vanier is the sharing of community and the sharing within humanity through processes of compassion, dialogue, listening, and understanding. He wants the able-bodied to take a lesson from persons with disabilities and he recognizes that all persons have moments of weakness and strength. Those who have social and political power often fail to show authentic emotions that are required to move a group towards a society of peace. As school cultures are key instruments that work to address global chaos and human crisis, it is critical for teachers to understand why the role of inclusion and the place of disabled persons within public schools are necessary components in the journey to building a civil society. Vanier (1998)

presents the concept of belonging as the most crucial factor in moving towards a society of peace, and he calls for community leaders and teachers to open their hearts and minds to this opportunity:

> Openness does not imply weakness, nor a tolerance which ignores truth and justice. Being open does not mean adhering to others ideologies. It means being truly sympathetic and welcoming to people, listening to them, and in particular to people who are weak or poor or oppressed, so as to live in communion with them. (1997, p. 145)

Jean Vanier's spiritual vision of belonging is an important lesson for teachers and students alike, in both secular and religious school environments. Jean Vanier believes in the potential of youth to lead and he makes great personal efforts to work with and acknowledge their personal capacities for inclusion and acceptance. Vanier probes each person to reflect upon and dialogue about what is necessary for human dignity and respect in our world. Educational leaders can provide the impetus to create spaces for reflection and dialogue among students, teachers, and disabled persons and their families. Vanier asks educators to reflect on the following questions:

> One of the big questions for each one of us today is how to turn our backs on the culture of rivalry, individualism, conflict or depression that surrounds us, and move instead into a culture of solidarity and cooperation, peace and hope. How can this transformation come about in us? ..."Is it possible that one day there will be paradise on earth?" It seems to me that paradise on earth is not possible unless each one of us discovers the paradise within us, that little sanctuary hidden in the most intimate part of our being. Perceiving and finding this inner paradise of peace and unity implies a struggle against the culture of rivalry which is within us too. If I can catch a glimpse of this inner paradise, I will begin to see it in others. And then as several people come together who live it, we create community ... but all that implies a real struggle. (Letter, June 2006)

This reflection is one of the steps that can lead to a greater openness and understanding of humanity. Vanier believes openness, to others and to change, is the key element in creating an inclusive and compassionate society. Vanier advocates for

responsible leadership among professionals and lay people alike. Although Vanier believes the able-bodied have a great deal to learn from persons with disabilities, he recognizes the disabled are encompassed in their own "body politic" and as such are one of the most oppressed minorities in the world. His words give hope to the strength of social justice as an important element of community and the larger society:

> People with responsibility must always be concerned for the minorities in a community and those who have no voice, listening to them, interpreting for them. The leaders must defend individuals because the interests of the individual must never be sacrificed to those of the group. A community is built around people; people should not be shaped to suit community. (1989, p. 215)

Teachers may find inspiration to delve deeper into the philosophy of Jean Vanier and their own self-reflection by reading his letters:

> I am still profoundly touched and nourished by Etty Hillesum, the Dutch Jewish woman who was gassed in Auschwitz. She wrote in her diary during the last year of her life: *"Ultimately, we have just one moral duty; to reclaim large areas of peace in ourselves, more and more peace, and to reflect it onwards to others. And the more peace there is in us, the more peace there will also be in our troubled world."* (Letter, 2006)

3.2.5 Kunc's Philosophy of Belonging as an Inherent Right

Norm Kunc advocates that teachers need to learn that "belonging is a right, not a privileged status that is earned" (2000, p. 91). Like Greschner, he speaks of the membership of the classroom as a microcosm for human rights and he presents a vision of children as leaders, with recognition that all children have capacity to understand interdependence, self-determination, compassion and acceptance of those with differences. He believes that the right to an education of choice is critical for the well being of all children and, as Greschner, sees schools as important social and cultural institutions that define society. Both believe that exclusion from a public place, particularly a school, is an infringement upon a child and their family**:**

> Education has such importance to individual dignity and community interests that participation in the educational system indubitably constitutes an aspect of full membership [and] direct exclusion from such an important institution would violate section 15. (Greschner, 1998, p.435)

Kunc believes the fundamental principle of inclusive education is the valuing of diversity within human society. His opposition to segregated educational models

of education is based on personal experiences in segregated classrooms and his impressive research regarding oppressive regimes and human rights abuses of disabled persons. Kunc draws from Chief Justice Earl Warren in his decision of *Brown* v. *Board of Education of Topeka*, to warn others of the lifelong harm of segregated schooling:

> To separate [children] from others of similar age and qualifications … generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone … Segregation … has a detrimental effect upon the children … [as it's] usually interpreted as denoting the inferiority of the group. A sense of inferiority affects the motivation of a child to learn. Segregation … has a tendency to retard the education and mental development of children and to deprive them of … benefits they would receive in an … integrated school system. We conclude that … the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. (Warren, 1954 in Snow, p.1)

Kunc calls for a critique of the school environment, a critique of pedagogy, and a movement to advance a new philosophy of education grounded in this understanding of the "right to belong". He uses Maslow's hierarchy of needs to explore the milieu within schools, and the treatment, particularly, of disabled children to develop his philosophical understanding of belonging as paramount in school ethos and culture. He explains that educators ignore or dismiss the phenomenon of belonging although much social research has advanced this construct as one of the most essential elements in a civil society, and one of the required elements in the self-actualization of all persons regardless of physical or intellectual capacity. His analysis of what schools offer is presented in this way:

> Despite the essential importance of belonging as a precursor to the development of self-esteem and the motivation to pursue education, it is interesting to note that this is the one level of Maslow's hierarchy for which schools provide little nurturance or assistance. We have practices and programs to support physiological needs (e.g., subsidized breakfast and hot lunch programs), safety needs (e.g., traffic, sex, drug and health education), learning structures to build confidence and esteem (e.g., co-operative group learning, mastery learning models

> with individualized objectives and performance criteria, esteem building curricular units), and specialized learning needs in a vast array of curriculum domains. Yet, creating caring communities has not been a mission or practice in the overly tracked, segregated, exclusive schools of the 20th century (2000, p.83).

Like Vanier, Kunc believes that all children and all persons have gifts that can be found. With diversity there is call for celebration. Each child is a valued member of our society and all children can learn valuable lessons from others of difference. He believes that the "right to belong" is an inherent right of all those who share in humanity and through this acceptance each child can experience growth, development, happiness and self-actualization. He, like Vanier, believes that society requires a philosophy of belonging that attaches itself to self-determination, and he argues the necessity for the societal goals of peaceful living and happiness. He believes there is a strong correlation between the societal malaises and the focus on achievement, mastery and competition. "The perception that we must earn our right to belong permeates our society. A central tenet of our culture is uniformity is valued, and conformity is the criterion for belonging. Moreover, people are excluded *because* of their diversity" (2000, p.85). It is the loss of belonging that he believes, not only diminishes the life joys and opportunities of disabled students, but all others, including students who are gifted learners and high achievers, and he relates it to their experiences of social and culture fragmentation and unhappiness:

> I have become increasingly alarmed at the severity of social problems in schools. Academic averages at the end of the 20th century were plummeting, the dropout rate was increasing, and teen pregnancy was becoming a major social concern. Teenage suicide was increasing at an exponential rate and was the second leading cause of adolescent death in the United States and in Canada ((Health & Welfare Canada, 1987, Patterson, Purkey, & Parker, 1986). Extreme violence, drug dependency, gangs, anorexia nervosa, and depression among students have risen to the point that these problems now are perceived almost as an expected part of high school culture
> (Kunc, 2000, p. 90).

He believes that our 21st century society signifies a culture of self-hatred and apathy. He suggests that school leaders should focus on initiatives of cooperation and belonging rather than on achievement if they wish to thwart these social maladies and create a society that is compassionate and inclusive:

> What is needed in our society and especially our education system is not more rigorous demands to achieve and master so that our youth will move closer to the idealized form of perfection. What is needed is a collective effort among all of us to search for ways to foster a sense of belonging in our schools, not only for students, but for the staff as well. For when we are able to rely on our peers' individual strengths rather than expecting to attain complete mastery in all areas, then belonging begins to precede achievement, and we may be welcomed into community not because of our perfection, but because of our inherent natural and individual capacities. (2000, p.91)

Kunc believes that it is the most vulnerable of students that have the greatest lessons to teach all others. "It is ironic that the students who were believed to have the least worth and value may be the only ones who can guide us off the path of social destruction." (p.92). Like Jean Vanier, Kunc believes in the inherent worth of each person regardless of ability. Perhaps a child's sense of humour, a child's' smile, or a child's contribution of a smaller less complicated job in the classroom is as important as the contribution of the few students who hold intellectual or physical achievements according to competitive norms.

Martha Nussbaum argues that the critical factor in creating a civil, compassionate and inclusive society, a society that respects the diversity within humankind, rests with all students' having a broad compassion for their fellow classmates. Mitchell Levitz, a young man with Down syndrome who wrote his own story, put it this way: "It is really about how much love and compassion that you have. That's what really counts about values" (Nussbaum, 2001, p. 422).

In conclusion, the legal and moral analyses of Vanier, Kunc, and Greschner have been merged to advance the "right to belong" as an argument that each person

must be afforded fundamental equalities and freedoms to ensure a path to self-determination. If leaders within a society accept and understand the moral obligations that make "space" for marginalized citizens to belong to a society, it is possible that legal sanctions will be advanced to ensure policy change within public forums such as schools. Martha Nussbaum (2001) believes that the route to a civil society includes: "affirmative measures designed to empower a previously oppressed group [and] a regime that makes people equal before the law and that empowers all citizens in certain basic ways will encourage compassion" (p. 421). One without the other is weak—legal sanctions can only move forward when a society embraces a moral entity. The advancement of this understanding of moral obligation will be explored within the transformative educational pedagogies presented in the next chapter.

CHAPTER 4
LIBERATION PEDAGOGY AND THE RIGHT TO BELONG: INCLUSIVE PEDAGOGY AS TRANSFORMATION

> For people with intellectual disability, even more important than "normalization" is their growth in love, openness, service and holiness, which is the ultimate purpose of each human person. This growth in love does not exclude in any way doing all we can to help each person acquire knowledge and independence or be well integrated into the life of society. (Vanier, 1995, p.11)

In this journey I contemplate the lessons I have learned from many students with varying types of embodiment, abilities and disabilities, and I embrace the joys and challenges they project for themselves and for the "others" around them. I reflect on what I have learned from critical disability theory, theories of inclusive education and democratic education, legal and moral theory, feminist theory, indigenous knowledge, constitutional and human rights law, and social justice philosophy. My review of this literature has helped me demonstrate the hegemony of ableism, and further, to show how ableism is predominant within school cultures and how it protects the needs of the "dominant majority" within our society. By listening to the stories of disabled peoples, I have gained the courage necessary to question this discriminatory phenomenon that diminishes hope for a society principled in justice and equality. I bring attention to the value of a pedagogy that has the potential to act as beacon of hope for the fundamental freedoms of equality and the journey of self-determination that belongs to each student. In this chapter, I propose a philosophy of education which can support a theory of inclusion to form the basis of a liberation pedagogy that advances the notion of the "right to belong". This notion of the "right to belong" will be situated within models of learning that exemplify a liberatory pedagogy which is both inclusive and humanistic.

4.1 Defining Liberation Pedagogy

> Critical and liberating dialogue, which presupposes action, must be carried on with the oppressed at whatever the stage of their struggle for liberation. The content of that dialogue can and should vary in accordance with historical conditions and the level at which the oppressed perceive reality." (Freire, 2005, p. 65)

Liberation pedagogy relies on an understanding of liberation through praxis. Freire's call for dialogue enables the "oppressed" and the "oppressor", in this case those who are disabled and disempowered and those who control persons with disabilities, to enter a state of consciousness. The process of acquiring a consciousness that has the power to transform reality for the collective good of all persons is what Freirian praxis promotes. Like Vanier (1998), Freire (1970) awakens teachers to a conscious understanding of how one fills the roles of the "oppressed" and the "oppressor".

Susan Peters (2005) applies the work of Paulo Freire (1993, 1973) to the culture of education in schools to show how students with disabilities may be marginalized or included. She believes education is an act of love and courage, a pedagogy which has the power to prompt self-discovery and self-determination among all peoples, and she professes authentic dialogue is an important element in the process of becoming critically aware or conscious of the "other". She further advocates for dialogue among disabled peoples, educators, advocates and families to reach an understanding that "literacy, language, comprehension and communication are inseparably linked to power and ideology" (Peters, 1999 in Peters 2005, p. 158). She is hopeful these types of discussions lead to further engagement that helps all of the participants welcome a critique of pedagogy—an essential component necessary in the exploration of oppressive discourses, practices and consequences found within the medical model. When educators open themselves to listening to the ways in

which students know and express knowledge, opportunities for change and growth can occur. Conscientization, or the state of consciousness, is an ever evolving engagement which implies a "dialectical relationship between reflection and action, or what is called praxis" (Peters, 2005, p. 158).

Liberation is praxis and includes "reflection and action upon the world in order to transform it" (Freire, 1970, p.36). Praxis is a process of critical reflection and critical action in which persons who are oppressed, marginalized and disenfranchised, and their supporters, collectively struggle towards a state of freedom. It is a process that belongs to all persons and it requires authentic dialogue: "Human existence cannot be silent, nor can it be nourished by false words, but only by true words, with which men and women transform the world. To exist, humanly, is to name the world, to change it" (Freire, 2005, p.88). This kind of dialogue enables disabled persons to speak or communicate truthfully and to overcome their silencing when moving to freedom or liberation (Glass, 2003).

Paulo Freire's philosophy of praxis serves as the foundation of liberation pedagogy and presents education as a practice of freedom (Glass, 2003). Freirean theory is based on an ontological argument that posits "praxis as a central defining feature of human life and a necessary condition of freedom" (Glass, 2003, p.16). The nature of human beings is shaped and limited by the historical and cultural contexts of their lives. These histories enable disabled peoples opportunity to experience the "realization of freedom" and how it is not "given but is always precarious" (p. 16). "In the everyday world, opportunities to embody freedom are realized through commitment to struggle for one way of life or another" (Glass, p.16). For the person with a disability and for the members of his or her family, this struggle is the "quest for inclusion" and their opposition to an ableist culture.

> Freire argued that the struggle to be free, to be human and make history and culture from the given situation, is an inherent possibility in the human condition. The struggle is necessary because the situation contains not only this possibility for humanization, but also for dehumanization. Dehumanization makes people objects of history and culture, and denies their capacity to also be self-defining subject creating history and culture. These dehumanizing forces reside in both the material and psychic conditions of person and situation, so freedom required people to engage in a kind of historico-cultural political psychoanalysis. Freire argues that overcoming the limits of situations is ultimately an educational enterprise that he calls a practice of freedom, a permanent form of cultural re-creation that enables the fullest possible expression of human existence. (Glass, 2003, p.16)

Paulo Freire (1970) explains the need for space, voice, collaboration and personal action: "Those who have been denied their primordial right to speak their word must first reclaim this right and prevent the continuation of this dehumanizing aggression" (Freire, 2005, p.88). For a person with a disability, this aggression is ableism and the claim of the "right" begins with claiming the "right to belong". "The liberation of the oppressed is liberation of women and men, not things. Accordingly, while no one liberates himself by his own efforts alone, neither is he liberated by others" (1970, p.66). Paulo Freire, Norman Kunc and Jean Vanier look to the voice of the "other", the voice of the disabled person, to give direction to that liberation.

Liberation from oppressive regimes, for disabled peoples, liberation from ableistic states and conditions, cannot come from those who take up positions in dominant leadership roles: "Not even the best intended leadership can bestow independence as a gift" (Freire, 1970, p. 66), therefore, the voices and actions of disabled persons must be present in this struggle. An acceptance of this premise encourages teachers to develop moral imaginations envisioning freedom and liberation for each "human" person. This moral imagination encourages educators to "see" disabled persons as potentially self-determining humans and to push forth action that empowers persons with disabilities to engage others in praxis. A collective of people, those who are marginalized and those who can support them must share in

the leadership. This directive creates space for disabled children, youth and adults, and their parents to join in the "revolution" and take their places as equal members and vanguards in a movement to self-determination. It is not about a leadership campaign led by those who act on behalf of the disabled, rather:

> The correct method for a revolutionary leadership to employ in the task of liberation is, therefore, not "liberation propaganda." Nor can the leadership merely "implant" in the oppressed a belief in freedom, thus thinking to win their trust. The correct method lies in dialogue. The conviction of the oppressed that they must fight for their liberation is not a gift bestowed by the revolutionary leadership, but the result of their own *conscientizaca*. (Freire, 1970, p. 67)

Collectively the oppressed, and those who entered *conscientization* or *take on the experiences* of disabled persons, recognize that the critical components of liberation are tied to dialogue, critical reflection and critical action:

> …this conviction cannot be packaged and sold; it is reached, rather, by means of a totality of reflection and action. Only the leaders' own involvement in reality, within a historical situation, led them to criticize this situation and to wish to change it (Freire, 1970, p. 67).

Liberation pedagogy for disabled persons is a political pedagogy that has links to culture, history, and identities through authentic dialogue. The "way of being" (Glass, 2003, p.19) presented by disabled peoples signifies a human capacity to produce history and culture; this production, or way of knowing, is the critical knowledge disabled persons employ. Glass (2003) presents Freire's notion of dialogue:

> The dialogue that distinguishes critical knowledge and cultural action for freedom is not some kind of conversation, it is a social praxis. To be liberatory it must respect the everyday language, understanding, and way of life of the knowers, and it must seek to create situations in which they can more deeply express their own hopes and intentions (p.19).

Jean Vanier's work with disabled persons is praxis and it is liberatory. Critique, dialogue, critical reflection and critical actions around the histories and

"lived" experiences of Vanier's friends shows others new ways of "seeing" disabled peoples and it creates new forms of supportive practice. The model of L'arche[44] is a strong example of a model of community living centred not only on a physical foundation, but grounded in a spiritual and emotional milieu. This example helps educators and providers of care to take necessary steps to engage in praxis when providing disability services or special education. Without such steps, educators remain within a technical rational framework which promotes and utilizes constructivist "cookbook" procedures to remediate "disabled" students while dismissing the necessary critical reflection and action that forms praxis (Gallagher, 2005). Vanier (1998) believes stories of lived experiences among disabled peoples will "awaken new energies of love" within educators (p. 90). This awakening has the potential to "humanize" teachers as they step away from technical rationality to become educators who share in processes of praxis and liberation.

Additionally, the growth in dependence that disabled children and youth exhibit after years of placement in special education is tied to the idea of a dominant leader that works *for*, rather than *with*, those who are labelled disabled:

> …those who work for liberation must not take advantage of the emotional dependence of the oppressed—dependence that is the fruit of the concrete situation of the domination which surrounds them and which engendered their unauthentic view of the world. Using their dependence to create still greater dependence is an oppressor tactic" (Freire, 1970, p.66).

Pedagogy of the Oppressed (1970) has many important lessons for teachers of disabled students. Educators who trust both cognitive and intuitive positions of disabled peoples will accept the voices of these "others" as they collectively embrace praxis with disabled peoples. This in turn will lead to the delivery of pedagogies framed within liberatory foundations of educational philosophy. Revolutionary

[44] The L'arche community model is presented later in this chapter.

educators such as Norman Kunc, Julie Allan, and Roger Slee have experienced this acceptance and trust the position of disabled children and their parents to be critical reflectors and critical actors. The ways in which they teach and learn from both disabled children and educators is exemplified in their dialogues and their narratives. The embracement of critical disability theory within this authentic praxis is a revolutionary step in creating the social change necessary to reach for an inclusive society.

> The insistence that the oppressed engage in reflection on their concrete situation is not a call to armchair revolution. On the contrary reflection — true reflection — leads to action. On the other hand, when the situation calls for action, that action will constitute an authentic praxis only if its consequences become the object of critical reflection. In this sense, the praxis is the new *raison d'être* of the oppressed; and the revolution, which inaugurates the historical moment of this *raison d'être,* is not viable apart from their concomitant conscious involvement. (Freire, 1970, p. 52-53)

Jean Vanier (1998), Roger Slee (2000), Julie Allan (2007), and other philosophers and theorists who search for a path of justice with marginalized peoples fully understand the necessity for dialogue, critical reflection and critical action. Each embraces their relationships with disabled persons and recognizes the journey to inclusion as one that encompasses critical self-reflection through listening to others. This journey to inclusion as "an ethical consideration" places the fundamental processes of peace education and social justice within a framework that ensures each person has a place within our society and in our schools (Allan, 2000). Foundations within liberation pedagogy help educators oppose the status quo, hegemonic and dominant ideology and encourage them to

> choose critical consciousness over commercial consciousness; transformation of society over reproduction of inequality; promote democracy by practicing it and by studying authoritarianism; challenge student withdrawal through participatory courses; illuminate the myths supporting the elite hierarchy of society; interfere with the scholastic disabling of students through a critical literacy program; raise

> awareness about the thought and language expressed in daily life; distribute research skills and censored information useful for investigating power and policy in society; and invite students to reflect socially on their condition , to consider overcoming the limits (Shor, 1987, p. 14, 15).

4.1.1 Critical Disability Theory, Transformative Learning and Peace Education as Liberation Frameworks

If educators are serious about addressing social issues and crises within their classrooms, schools, and society, they can draw from insights and initiatives found within transformative learning models, peace education and critical theory. Critical theory and critical disability theory can assist teachers to become critical, reflective and compassionate practitioners. Understanding critical theories can help educators analyse learning conditions and ways that foster compassionate and humanizing experiences (Freire, 1998). Critical reflection helps educators gain the courage to engage in activism that challenges and interrogates the dominant ideology of ableism. This process of praxis—critical reflection and critical action—helps teachers break down systemic barriers and oppressive structures that disabled students encounter in schools. As they expose the gatekeepers and power brokers of these ableistic systems, they challenge other teachers and students to "become critical of mainstream understandings of what education and being educated entail, to question the canons and assumptions that underlie curriculum, and to understand that issues of social justice cannot be separated from teaching and learning," (Egbo, 2009, p.113). Critical disability theory allows educators to open their eyes and hearts to a new worldview. Educators utilizing critical disability theory can help others celebrate the ontology of disabled persons while they critique and address ableistic attitudes, practices and policies found within their classroom, school communities, and systems of pedagogy. This worldview reveals how disabled persons are situated within networks of dominant institutions, and it uncovers discrimination while presenting modes of

resistance. Disabled individuals, families, and other professionals working with these educators begin to sharpen their contextual and historical understandings of disabled peoples, and they learn to value a person with a disabled identity and that person's rights and relationships—those entities which are critical to self-determination and citizenship (Pothier and Devlin, 2006). Critical disability theory helps educators recognize the significance of engaging in pedagogies that may, conversely, feed ableism and or enhance inclusion in school cultures.

Transformative learning can produce a "profound change in consciousness or perspective in the learner," (Egbo, p.114). Freire believes that one must challenge entrenched oppressive ideology and pedagogies to come to a realization of emancipation. Through the work of critical self-reflection, the study of other worldviews and active problem solving with those that exist as "other", educators move on a path towards emancipation. As leaders, educators must engage in these processes if they believe that "there is no teaching without learning" (Freire, 1998). Vanier and Freire give credence to the idea that disabled students, those known as the "other", hold the key to knowledge and transformation within our education systems. If teachers and students are to move to states of learning that generate peacefulness, self-acceptance, and authentic belonging, each must learn from the other:

> To act in front of students [and parents] as if the truth belongs only to the teacher is not only preposterous but also false. It presupposes an openness that allows for the revision of conclusion; it recognizes not only the possibility of making a new choice or a new evaluation but also the *right* to do so (Freire, 1998, p. 39)

Critical self-analysis is necessary for teachers and teacher candidates before they enter classrooms. By examining their own biographies and coming to understand their own personal belief systems, educational leaders can generate the impetus necessary to engage actively in processes of teaching and learning that

enhance peace education within school cultures. This idea of a critical personal exploration is advanced by Egbo (2009). The Teacher Diversity Awareness Compass offers a cyclical analysis of five actions to help educators gage their own positions on equality and social justice: 1) critical self reflection; 2) role reversal/becoming the "other"; 3) values/attitudes appraisal; 4) perspective realignment; and 5) self-directed transformative action (Egbo, p.133). These steps assist the educator in moving to a state of *conscientization* (Freire, 1970). Julie Allan's analysis of "inclusion as an ethical project" is one such method of self-directed transformative action (2005, p.281). An explanation of this action is included in the next section of this thesis.

Peace education, central to Article 26 of the *Universal Declaration of Human Rights*, is " directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms [and] it shall promote understanding, tolerance, and friendship among all nations, racial or religious groups" (United Nations, 1948; Egbo, 2009, p.114). Peace education focuses on creating a democratic and civil society that enshrines social justice, equality and civil responsibility. Knowledge centres that promote understandings of cooperation related to personal attitudes and skills for conflict resolution and non-violence help educators advance these foundations of civil society within school cultures (Egbo, 2009).

Egbo (2009) identifies several approaches to peace education and cites Iram's (2006) definition of peace education as "an empowering educational model for affirming diversity and cross cultural understanding…peace education is not simply about resolving existing conflicts, it is also about preventing conflict, promoting tolerance, prejudice reduction, and diversity" (p.115).

Behavioural, contextual and sociological processes that enhance peace education bring attention to a pedagogical paradigm that focuses on "violence prevention, whether physical, psychological or structural" (Harris, 1996 cited in Egbo, p. 115). Knowledge of peace paradigms and historical contextual analyses help educators understand why and how their role is essential in creating inclusive and libratory pedagogies within school cultures. The small step of planning for classroom management that addresses conflict resolution is one way in which teachers can be active in peace education. Another example of peace education is tied to the delivery of curriculum that teaches students about such concepts as racism, ableism, homophobia and sexism. The advancement of curriculum that is centred in anti-oppressive pedagogy is a positive step for engagement. Although cultural diversity education brings knowledge to students about specific cultural groups, including groups of people with disabilities, and it can aid in the celebration of identity, it may not address many of the power implications that are, for example, tied to racism and ableism (St. Denis, 2005; Baker, 2003). Although celebrations of diversity are essential components of identity and pride within groups of people, this alone is not enough to unpack oppressive regimes that deter students from the acquisition of equality. The promotion of tolerance and diversity can only come through the understanding that "belonging" is an essential right and in school cultures it must be developed within pedagogies that support inclusive education initiatives. Knowledge of peace education aids teachers in accepting, supporting, and protecting marginalized students. It gives them the courage to challenge social injustices and systemic discrimination and it ensures the protection of voice for students who are not perceived as the "dominant". These recognitions are important when addressing

critical discriminatory processes that protect ableism and racism within the school culture.

4.2 Authentic Inclusive Education as Liberation Pedagogy

Shor (1987) believes that schools are responsible for the "disabling socialization" (p.14) of students and only by collectively challenging the present status quo might educators transform the predominance of ableism. When educators challenge the status quo regime, their students have opportunity to move to an authentic position of equality based on belonging and valuing, without it they remain in the same status quo repressive state. Labels associated with special education cause much of this "disabled socialization" by way of segregation and tracking. These practices are "so ingrained that systemic questioning no longer exists as a topic of educational research" (Ysseldyke et al., 2000, p. 135).

By focussing on the realities of exclusion and oppressive practice, teachers can begin to strive for new inclusive pedagogical frameworks. Strategic developments to advance inclusive education and inclusive philosophy can be made when educators understand why exclusion thrives in the school environment. Barton's (1997) advancement of inclusion as a socio-political construct within a human rights framework has been explored in Chapter 2. This shows that inclusion is not just about disabled students; rather, it is about all learners and about all teachers understanding the "right to belong". The work around inclusion can be considered a continuing ethical project throughout the history of one's teaching career. For example, Julie Allan's (2005) research with young children has given her the courage to identify and define inclusion as an ethical project that begins within each one of us, rather than something we create for the "other". She argues that, together, students, teachers, parents and researchers have an obligation to critique exclusion and move towards a

culture of inclusion. She believes inclusion is a phenomenon based on the premise that each person has a right to belong to society and its institutions. Inclusion, therefore, necessitates an obligation to work collectively to eliminate barriers and the negative ontology found within the discourse of special education. Allan (2005) uses the strategies of deconstruction, reflection and voice to advance the position of belonging for disabled persons.

The voices of children, in particular have been presented as "expert" voices in much of Julie Allan's research. Her research shows that disabled children strongly reject the identities and experiences imposed upon by the "others" including by peers, teachers and parents. Of all groups opposing "disabling socialization", the most encouraging acts can come from non-labelled peers, particularly in early education. Their natural abilities to listen to the voices of others provide them with a strong awareness about what is required for justice and equality. They are also significantly aware of the role they play as "gatekeepers" in the inclusion or exclusion of children who display physical or intellectual variance. Some research indicates a significant clash between what all students of varying capacities believe is needed to reach a state of inclusion and what teachers believe students require (Allan, 2005). As teachers are trained to identify students as "deficits", they have difficulty in recognizing the kinds of barriers they create by maintaining and protecting teaching practices. A concrete example exists in a band class where a 12 year old child with Down syndrome appears to be happy by playing "the blocks" while she views her classmates as they play other instruments. Rather than giving the child encouragement and guidance needed to play the other percussion instruments, the teacher allows her to play the same instrument all year. As children learn from each other, they know that modelling is often the key to successful learning outcomes for themselves, and in this

situation for the child with Down syndrome. These students wonder why their classmate does not play another instrument when she is constantly viewing their actions. The voices of non-disabled students are critical in addressing this problem. These voices help adults see how "inclusion as an ethical project" can build positive ideology around social change. By speaking out, non-disabled students learn how important justice is and, simultaneously, gain a great respect for students with disabilities when they see them in processes of self-determination (2005). These children understand the critical issue of providing voice for those who have been historically marginalized.

Inclusion, if presented as an authentic discourse within school environments, opens up the possibility of inclusive pedagogy being studied by both practicing teachers and teacher candidates. Initiatives to use critical disability theory and the voices of children in the colleges and universities could assist teacher candidates in learning about the realities of "special" students. Without these initiatives, teacher candidates often lapse into the default discourse of ableism which is reinforced within special education. In *Listening to Megan*, Cynthia Fey (2001) writes of the fearful views teacher candidates have of students with disabilities. In a poll of 300 students from the University of Saskatchewan, College of Education, she queried them about the possibilities of student accommodation for a field trip. More than 95 percent of the respondents indicated that the child using a wheelchair for mobility should not go on an outing with peers. Responses ranged from

> "Obviously she cannot go", "It's her parent's responsibility to take her", "That too much to ask of a teacher", "Give her some work to do in the library", and "I'd be concerned about safety issues. How am I going to get her out of a place if there is a fire?" (Fey, p. 125).

This example indicates that students in pre-service education programs do not yet see themselves as teachers of all, and further that they do not imagine ways that creatively provide suitable inclusion supports for students with diverse needs.

UNESCO's *Guidelines for Inclusion: Ensuring Access for All* (2005) encourages teachers to view the needs of diverse students as enriched learning opportunities for all rather than problems or personal deficits. An exploration of the social model of disability and a strong foothold in the philosophy of inclusion can assist pre-service teachers in accepting a new view. Through re-conceptualization, the valuing of each learner becomes the focal point of pedagogy and the willingness to explore alternative ways of developing services, for example, for a child who uses a wheelchair, becomes more prevalent.

Teachers gain helpful insights when exploring the history of disabled persons, for example, the disability rights movement illustrates forms of resistance disabled peoples have engaged in. Learning about the social model of disability and more recently the "renewed social model" of disability may help educators address societal discrimination and ableistic views (Thomas, 2001; Morris, 1998; Oliver, 1996; Wendell, 1996). Many agencies, NGO's, and governments are using the ideas and language of the social model to advance disability rights. As an interpretive tool, the social model allows educators to understand the "lived" experiences of their disabled students; it helps them recognize that although students with disabilities have challenges, the greatest of these may be the negative attitudes and inability of those in power to adapt a new way of thinking about disability. Human rights frameworks encompassing the social model, such as Article 24 in the *Convention on the Rights of Persons with Disabilities*, aids teachers in developing inclusive pedagogies that ensure checks for adaptive processes and reflective teaching strategies (Rioux, 2003,

Hehir, 2002.) These strategies and processes are the beginning of how educators can formulate new ideas about self-determination and equality for disabled students.

4.3 Silenced Voices and Teacher Allies: Creating Space for Emancipation

> Recognition is the act of enlargement that enables both sides to envisage new possibilities of living together. We don't simply recognize each other for what we are; we recognize what we could become together. Ignatieff (2000, p.136)

"Current discourses around integration or inclusion are still professionally led. While the words have changed, the reality hasn't" (Clough and Corbett, 2000, p. 115). Oliver (1990) contends that professionals still engage in special education discourse as though they were the only significant stakeholders involved in the development of education for disabled students. To begin to change ideologies and positions of power, one of the first steps is in the understanding of "recognitive justice" (Gale, 2000). If teachers are encouraged to explore the ethics of voice to anticipate new ways of seeing learners and new ways of delivering pedagogies, change is possible. A moral imagination gives educators the courage to see how this type of analysis provides space for those students who have been silenced. For example, when a disabled child is placed in a classroom without adequate supports or encouragement he feels neglect. Behaviours precipitated by emotions such as anger and sadness reflect disengagement and chaos. Physically, the child remains on the periphery of the classroom, and emotionally on the periphery of the learning experience. This sets the tone for how the child expresses needs and how that child is listened to. When educators begin to critique how "recognitive justice" promotes a culture of inclusion and how the lack of it creates a culture of exclusion, they begin to see more clearly how their specific actions are important in helping students become a part of a membership.

Interrogations around the ideas of identity and worth, how persons of difference assume voice, and where that voice may be situated are all important considerations when engaging in critique. These questions need consideration when thinking about voice and silence: *Who are the students that belong? Are there disabled students who feel they belong*? *Why? Why are some students immediately and systematically excluded? Why is voice privileged over silence?* And finally, *which voices are heard and which ones are silenced through either action or inaction?*

"Disability-positive cultural narratives" (Cushing, 2009, Part 2) might be taken up as a part of pre-service education to help beginner teachers engage in an inclusive philosophy. Developing an appreciation for the "value of a disabled presence" (Cushings, 2009, Part 5) through listening and really hearing disabled people is an immense undertaking that can support "recognitive justice" and "self-determination" (Gale, 2003; Greschner, 2002; Rioux, 2001)

Through the sharing of stories, disabled persons can create space for themselves and for other individuals who share similar states of marginalization. This is not to say they must share their stories, rather, that they should be given opportunity to do so if they wish. It is not the role of the disabled child, or the parent of the disabled child, to convince educators of the "right to belong"; rather it is the role of educators to ensure that the voice of the disabled student is legitimized through the mediums of respect, dignity and opportunity. Mechanisms to hear all voices and to diminish the current dominant "professional" voices as the all-knowing authority are required in this struggle (Boler, 2004). Educators have a significant role to play and each must engage in a critical analysis of special education and personal reflexivity to examine his or her own consciousness (Allan, 2005). To make changes in the

orthodox framework of special education, educators must take the role of "courageous advocate" to protect those students who lend voice. As leaders for social change, they are responsible and obligated to ensure that authentic voices are heard and positive action taken to eliminate the silencing of marginalized students.

Teachers must be prepared to learn from the voices of students with disabilities. Canada's signature to the *Convention on the Rights of Persons with Disabilities* indicates a promise of equality for all disabled children and adults. Six children, from different countries around the world, spoke to the General Assembly in January, 2006, on behalf of all disabled children globally. The quest to advance inclusive education and the "right to belong" to a school community, and to be given opportunities to form friendships with other children of choice were clearly articulated by these children. In telling their own stories, these six children worked together to advance freedoms for all others. They called for an end to institutionalization, segregation and genocide of disabled children around the world. The ratification of the *Convention on the Rights of Persons with Disabilities* is visionary, progressive and the necessary step to address human rights issues for all disabled peoples (Arbour, 2008). It signifies a paradigm shift that moves from the recognition of the "special" needs of disabled children to the realization that equality rights associated with inclusion and belonging are the necessary precursors in the acquisition of an engaged and peaceful life for every child.

Voices of disabled youth and adults become stronger each day. Another positive example of authentic voice is SAAG, (Self-Advocacy Action Group). Members of this self-advocate group of young and middle-aged adults in Saskatchewan share their personal stories with school children and university and college students alike. The telling of personal stories by these young people with

intellectual disabilities and their positive interactions with other students produces a "disability-positive cultural narrative" (Cushings, 2009, Part 2). Students everywhere see a new view of who people with disabilities are and how their likes and dislikes, and their dreams and hopes, are much the same as all other persons.

These encouraging and authentic initiatives need support from reflective educators to help others recognize the initiatives that focus on "benevolent humanitarianism" (Tomlinson, 1982) that deters access to inclusion. Such benevolence must be exposed for the oppressive and dependent state that it places disabled students within. An example of this is the fundraising initiative of *Telemiracle*. Although this agency provides some services to persons with physical disabilities, it simultaneously elicits pity, often at the expense of persons with intellectual disabilities, to raise these funds. This action is not only benevolent and ableistic, it is protected and valued by those who are not familiar with the hegemony surrounding the operations of non-profit charities. Knowledgeable and progressive educators can help other teachers in learning about dominant privilege within special education and other charitable projects to show how subordination is reinforced through ableistic initiatives (Asch, 2004; Baker, 2002).

By opening spaces for the showing, telling, and sharing of stories by and about disabled peoples, educators can help others celebrate not only the disabled embodiment and position of students with disabilities, they expose ableism. The teaching of history and comparative histories, and the exploration of ableism, disability rights, and human rights assist both educators and students in understanding educational hegemony and the modes of resistance utilized to counter this hegemony among disabled peoples and their families. Models of liberation and belonging that support disabled students can be presented in school curricula at every level of

schooling, primary, middle, secondary, and post-secondary. Within a framework of democratic education, Boler (2004) advances the use of affirmative action pedagogy to help teachers learn about unequal voices. This analysis gives educators the opportunity to "bear witness to marginalized voices in our classrooms, even at the minor cost of limiting dominant voices" (p. 4). Cushing's (2009) calls for educators to develop a moral imagination that promotes alternative interpretations of how disabled students must be and how they must learn. It is about transforming the educator's ability to imagine disabled students in new ways. This same application has been applied to the "progress made by feminists or civil rights activists in relation to transforming people's ability to imagine blacks and women in entirely new ways" (Part5).

Educators can use the research of Julie Allan, Pamela Cushing and Megan Boler to collectively challenge status quo understandings of the disabled embodiment. This challenge is not a small undertaking, and not for the weak of heart. Allan believes that educators who accept the "challenge" of inclusion will encounter resistance and opposition. Cushing's (2009) refers to a major United States study showing that large percentages of non-disabled Americans are fearful, feel awkward or embarrassed about, or feel pity for persons with disabilities. (Harris, 1991, Makas 1993). These emotions drive ableism and protect benevolent humanitarianism (Charlton, 1998; Tomlinson, 1982). To counter these negative realities, educators should look to non-disabled children or children who actively take on the role of ally for all other children; those students who show empathy and support for students with cultural, social, emotional, or intellectual differences can be leaders in schools and in community (Bishop, 2002). Following the lead of children, teachers learn the role of ally. Each student's voice can be cultured and protected to ensure his or her actions

will not be stymied. With adult support, students can be the change instigators that drive these peace education initiatives. This support of students by teachers is critical, as without the support of both teacher and student allies, disabled students and their families will continue to be silenced and routes to self-determination and recognition will be blocked.

4.4 Models of Liberation Pedagogy

Drawing on the work of George Dei, Wayne MacKay (2005) is critical of inclusive education as it is currently practiced in the premise of integration. He describes "integration as an add-on to an otherwise Euro-centred, ableist curriculum, situating those who are different on the peripheries of the dominant education discourse" (MacKay & Burt-Gerrans, 2006, p. 27). Liberation pedagogy demands that educators rethink their ideas of pedagogy and knowledge. Indigenous, spiritual and community-based centres of knowledge offer holistic understandings that oppose ableist and racist ideologies. Holistic knowledge inverts the dominant discourse. Dei's identification and endorsement of "multiple centres of knowledge" helps educators see from an inclusive and compassionate lens. This critical step has the potential to lead educators to a state of conscientization that

> considerably broadens the possibilities for re-thinking education through the more holistic emphasis on the multiple ways of knowing, communication and making sense of the world. (Dei, James-Wilson, Zine, 2002, p.9)

This thesis identifies five models of libratory pedagogy that educators can use when presenting "inclusion as an ethical consideration" to administrators, parents, and students (Allan, 2005). These "multiple centres of knowledge" were chosen because of the author's experiences with them:

1. Sacred Circle Teachings and the Lakota Circle of Courage
2. Gentle Teaching
3. The Montessori Philosophy

4. Campus for All
5. L'Arche

4.4.1 Sacred Circle and Traditional Teachings

As pedagogies, the Sacred Circle Teachings and the Lakota Circle of Courage have primarily been used with Aboriginal youth in crisis, although these spiritual and community based pedagogies support Indigenous and non-Indigenous peoples alike. Aboriginal pedagogy is often centred within the symbolism of the Sacred Circle teachings. The Sacred Circle has symbolized Aboriginal worldviews for thousands of years (Calliou, 1995; Regnier, 1994) and many First Nations and Métis people incorporate the teachings of the circle as the foundation of their spirituality within pedagogy. Regnier (1994) explains that the Sacred Circle is useful in helping educators understand interconnectedness and the totality of the universe. Holistic and human growth is defined by the cycles, the seasons, the interdependences and the harmonization of all peoples, all sentient beings, and all life forms within the universe. Without the inclusivity of one life form, the other is defective or cut off. In a sense, one can become whole by recognizing the interrelatedness and interdependence of all humanity on each other, the Creator, and all other life forms (Vanier, 1998; Calliou, 1995; Regnier, 1994). Sacred Circle teachings hold significant power both for Indigenous peoples and other marginalized persons such as disabled peoples. As groups, each has experienced processes of colonization and inferiorization, and collectively, they can learn from and support each other within these teachings (Calliou, 1995; Baker, 2003).

The philosophy of the Sacred Circle brings an understanding to all educators and students that one is insufficient without the other, and that all, the weak and the strong, must give sanction to the other in order to belong as part of humanity (Vanier, 1998; Regnier, 1994). Each member's place is an important part of Indigenous

ceremony celebrating life and community. By adapting the Sacred Circle, educators may move to a state of healing as described by Katz and St. Denis (1991) in *Teacher as Healer*. This state helps educators recognize that they are responsible for a pedagogy that moves towards "meaning, balance, interconnectedness and wholeness" (Regnier, 1994, p. 136). Here educators are described as those who can transcend "beyond personal needs to become servants of the community" (Regnier, p.136). The ethical significance of the "right to belong" places responsibility and obligation upon the educator to advocate for the physical and emotional belonging of students. Spiritual and moral exploration is necessary for an educator's ethical growth, and self-efficacy is required for the educator to become emancipator or healer.

Similar to the Sacred Circle and building upon it, the Lakota Circle of Courage is a traditional Aboriginal teaching model that defines four quadrants of learning as required elements in a child's growth and self-esteem. (Brendtro, Brokenleg, & Van Bockern, 1992). When one of these quadrants is diminished or when the child is not supported to obtain the learning elements found within the circle, this child cannot fully achieve a state of wholeness or wellness. The four components defined in this circle are independence, mastery, generosity, and belonging. Students, with and without disabilities, may have strengths in one or more of these elements, but the significance of achieving the element of belonging is most critical to the well being of Indigenous peoples. Indigenous knowledge tells us that kinship is not merely a matter of biological relationships, but rather a connectedness to all life forms around. Native tradition helps children understand that they are essentially related to all people and to all other forms of nature and all living beings on Mother Earth. The key to this relatedness is contact with people, animals, and plants. Children are also taught that if this interconnectedness is disrupted or damaged through physical displacement,

isolation, and emotional and ecological pollution, then tragedy will occur to all that are in the circle. Research by Red Bird and Mohatt (1982) indicates belonging to a community is the most significant factor in support of young people becoming receptive and compassionate learners. This research focused on the relationships of grandchildren and grandparents to show the significance of belonging. The idea of reciprocity and compassion applies to the self and to the "other" as a part of this pedagogy. Educators and other adults must recognize the significance of *all* in belonging to a movement that focuses on wellness and peace. (Brendtro et al., 1992, p. 47).

4.4.2 Gentle Teaching

The second form of liberation pedagogy can be found in the philosophy of Gentle Teaching. This philosophy founded by John McGee is based on a psychology of human interdependence. It is focussed on nurturing and the kindness of those in leadership roles to create a safe and loving environment for marginalized children and adults. Alongside philosophers such as Julie Allan (2005), John McGee insists that caregivers and educators look to themselves first to learn pathways of gentleness and love that will enhance the self-worth and belonging of all those who have been disenfranchised by their families, their schools and their communities. This philosophy has been shown by those living and working with street children, disabled children with significant behavioural issues, and adults and youth who have experienced living in undignified conditions. The philosophy of gentle teaching supports companionship and community by focussing on the teaching of feelings so children and adults can express these to get their needs met. Being safe, being loved, being loving and being engaged are the four essential feelings that are taught to children and youth who experience marginalization.

> Caregivers also teach human engagement. This is made up of three basic feelings: 1) it is good to be with one another, 2) it is good to do things with one another. And, 3) it is good to do things for one another. Human engagement is the homeless person in the shelter preparing and serving meals to others. It is the child in the classroom doing projects with other children. It is the man or woman in a group home doing chores together simply because it is good to be together. It is street children forming community to protect each other and share the little they have gathered. (McGee, 2008)

Proponents of gentle teaching do not utilize traditional behaviour management techniques or programs; rather they focus on giving those they support unconditional love. Similar to Jean Vanier, they recognize people become broken and disengaged when they are oppressed, hurt, or neglected. This form of teaching, from a perspective of gentleness, does not utilize a reward or punishment system that is external from the teacher's behaviour, but looks at the aspects of leading and teaching as something that has to be changed within that teacher. Soft voices, gentleness of touch, absence of force and punishments, and child-led initiatives are all considerations within gentle teaching. Jean Vanier's work with people who have disabilities utilizes the principles of gentle teaching as he follows the lead of the people he lives and works with. Another who supports child-led learning finds the spirit of gentleness as key in the support of marginalized children: "The training of the teacher is something far more than learning ideas. It includes the training of character. It is a preparation of the spirit." (Montessori, M. in Montessori Blog, 2009)

4.4.3 Montessori Philosophy and Teaching

"Establishing lasting peace is the work of education, all politics can do is keep us out of war."(Montessori, M. in Montessori Blog, 2009)

A third model of liberation pedagogy can be found within the work of Maria Montessori. The Montessori "approach to life" is an emancipatory process that

signifies a child's place in the world. Montessori philosophy like the Sacred Circle follows a holistic understanding of children and their learning. The significance of interdependence is revealed in this quote: "Let us give the child a vision of the universe…for all things are part of the universe and are connected with each other to form one". (Montessori, M. in Miller, 2006).

A Montessori philosophy of teaching sees the child as the leader. This philosophy demonstrates all children, including those with disabilities, learn by doing. Teachers of Montessori programs encourage curiosity and a love of learning by showing children how they are interconnected with other humans and life forms in the world. Families are valued and children are encouraged to share cultural and spiritual knowledge from their relatives and other important community members. Multi-aged and multileveled heterogeneous groupings of children support peer learning. This structure of learning helps children adapt to roles of *teacher* along with the traditional role of student or learner. Cooperative learning and peer teaching are key concepts which help children attain cognitive, emotional, social and physical milestones. Materials used in contemporary Montessori classrooms assist children in stages of intellectual and social development. These learning materials are self-correcting and they support concrete and abstract analyses to aid children in gaining independent problem solving skills relative to life skills. Montessori programs help children understand their interdependence with other persons and all life forms. Children very quickly learn care of their classmates and their environment provides fulfillment and happiness and it may be, in fact, the most important role they play as contributing citizens. Children care for plants, animals, and other natural entities as a part of the Montessori experience. This highly social and caring environment creates a milieu of pride, joy, and compassion. The self-development that children experience generates

feelings of confidence, enthusiasm, and responsibility for the people around them and the world in general[45] (Allegro Montessori School, 2009).

The philosophy of Montessori has a useful place within all schools and it is evident that some public schools systems including those in Canada and the United Kingdom, as well as other countries throughout the world, utilize the philosophy and teaching methodologies to deliver primarily pre-kindergarten services. Additionally, many private schools also deliver Montessori programs. Although Montessori philosophy and the methodologies are generally absent from the discourse in many public school systems, there are select examples of pre-k to grade nine Montessori schools in Saskatchewan and in other countries such as New Zealand, Australia, and the United States of America (Allegro Montessori School, 2009).

Although the discourse of Montessori philosophy and methodology is absent in most public schools, prevailing concepts and practices such as multileveled and multi-modality instruction, differentiated instruction, integrated curriculum, and other methodologies have roots within the Montessori philosophy and methodology. These are not new ideas. Unfortunately, traditional methods of assessment and behaviour management do not support Montessori philosophy and set up disengagement in western classrooms. The importance of Montessori philosophy as a part of peace education cannot be dismissed. Happy children are peaceful children. Maria Montessori. (2009) clearly states that "one test of the correctness of educational procedure is the happiness of the child itself" (Montessori Blog, 2009). Norm Kunc (2000) affirms this statement. The significance of Montessori's knowledge must guide educators in the quest for belonging, respect and dignity for all students. One concern is this philosophy and methodology has to be learned and implemented to the

[45] This understanding has been adopted by the author based on personal observations of children at the Allegro Montessori School.

fullest degree if children are to experience the full benefits of a Montessori classroom. Poorly implemented programs by educators reading one chapter of Montessori philosophy do not contribute to an ethical or effective pedagogy. Colleges of education should see the benefits of working with Montessori programmers to deliver this useful pedagogy to all teachers in training. Maria Montessori's belief in the work of education as a peace initiative drives understandings of compassion and inclusivity found in Montessori philosophy (Montessori Blog, 2009).

4.4.4 Campus for All

A fourth method of liberation pedagogy can be found in post-secondary colleges. Campus for All is an inclusive post-secondary education program that is offered in partnership with the University of Regina, People First of Regina, and the Regina and District Association for Community Living. This program is one of a handful across Canada that gives opportunity for adult students with intellectual disabilities, those over the age of 22, to learn alongside fellow citizens. Students audit courses, improve literacy, and gain from the social interactions of their fellow students. The benefits of campus life are many; like other young people, these students with intellectual disabilities develop skills and abilities in their areas of interest as they have access to courses, services, and facilities on the University of Regina campus. The opportunity for these young people to develop friendships and other personal contacts through course work and campus activities that other students take part in shows the University of Regina, College of Education, as a leader in inclusive pedagogy. A strong component of this post secondary education is the individualized literacy program that is supported by the Campus for All staff and tutoring classmates. Campus For All serves as beacon of light for those searching for

an inclusive society. It has given opportunity to the young people with intellectual disabilities and to other young people to become pillars within a just society.

4.4.5 L'Arche Community and "Belonging" as Transition

Persons from every nation and every continent have felt the influence of Jean Vanier's love and concern for disabled persons. Vanier first began his work with disabled persons in France in 1964. When he recognized the plight of disabled persons in institutions, Vanier invited two men, Raphael Simi and Philippe Seux, to leave their institutions and share a life with him in a real home in Trosly-Breuil, France. He named their home L'Arche. Since that time the philosophy of Jean Vanier has filtered across our globe, and L'Arche now exists as an international family of more than 130 communities in more than 30 countries around the world. The translation of L'Arche is Ark in English; it signifies the steadfast security and love that the biblical Ark provided for its inhabitants and is reflective of that same love that Jean Vanier transfers to his followers. Today, homes of L'Arche existing around the world are supported within various cultural and religious traditions.

L'Arche communities are family-like homes were people, with and without disabilities, live together. These communities focus on the holistic value of each person and spiritual traditions of generating hope, friendship, respect, and dignity. The joys and sorrows of daily life are expressed by each member of the home and the needs of all who live there are met with both vulnerability and support.

Jean Vanier's bountiful peace initiative of L'Arche gives great opportunity for all persons to recognize the inherent value of a person with a disability. Additionally, it gives opportunity for those in dominant positions to recognize and take solace in their own weaknesses. Relationship building for all is at the heart of the L'Arche community. Vanier believes that men and women with intellectual disabilities have

gifts to share with all other peoples and "their creativity, transparency and great capacity for joy" are essential for all of humanity (L'Arche Daybreak, 2009, para.2). He believes that people with disabilities are our real teachers and that what is most important in life is to love and to be loved and to find a sense of belonging (L'Arche USA, 2009).

In December 2008, *The Globe and Mail* gave Jean Vanier, the Nation Builder award. This award signifies someone who advances the common good and works toward unity and peace for all peoples. As a social visionary, Vanier presents the concept of a great society as one in which all persons belong and are accepted. His continuing work with young people and the recent development of the L'Arche social justice curriculum on belonging is significant in helping young people understand the inherent value of all of humanity. As educators think about the "right to belong" as a moral advancement for an inclusive society that welcomes persons with disabilities, these words are significant:

> What sort of society do we want? There are, for me, a few principles. A society that encourages us to break open the shell of selfishness and self-centeredness contains the seeds of a society where people are honest, truthful, and loving. A society can function well only if those within are concerned, not only with their own needs or the needs of those who immediately surround them, but by the needs of all, that is to say, by the common good and the family of nations. Each one of us, I believe, is on a journey towards this openness where we risk to love. Growth toward openness means dialogue, trusting in others, listening to them, particularly to those who say things we don't like to hear, speaking together about our mutual needs and how we might grow to new things. The birth of a good society comes when people start to trust each other, to share with each other, and to feel concerned for each other. (Vanier, 1998, p. 34)

Each of these examples provides educators with pedagogical possibilities to create "positive narrative" among their students. Theorizing the "right to belong" encourages researchers and individual teachers to create discourses which ensure recognitive justice and self-determination among students and teachers. Liberation

pedagogy can be found in philosophies and methodologies from pre-school programs to college and community services, and it can be grasped by educators who embrace the praxis of reflexivity and critical analysis of the status quo. The role of teacher as allies encompasses the protection of children's voices and the *conscientization* to forge ahead as pioneers in the search of inclusion as an ethical consideration (Allan, 2005). The notion of inclusive education as a fundamental human right protected by the "right to belong" requires educators to take on a different vision of what counts as inclusion. This vision is about social justice, it is about recognition, it is about voice, and it is about equality.

CHAPTER 5
NOTHING ABOUT US WITHOUT US: CONCLUDING REMARKS

The fight for justice, recognition, and self-determination with and for persons with disabilities is a journey that has only just begun. The "right to belong" circumscribes notions of inclusion and acceptance of diverse peoples. A friend of Gregor Wolbring challenges ableistic views and all those who presume they understand and know persons with disabilities or what they experience:

Gregor's Poem

If you can see him
he is all trunk. Not
2 legs missing
all fingers
no thumbs,
He is not
wrists protruding from
elbowless arms -
a wheelchair of black leather
and dirty chrome.

No, if you can see him
he is
a bit unkempt.
And he is
a prophet.
And he is an
obnoxious,
unapologetic,
revolutionary
in an un-Jesus like way -
less black than Martin,
less handsome than Che,
less humble than Mahatma,
less eloquent than Marcos
but nonetheless standing tall
(on those two feet he doesn't have)
he is calling until his voice is hoarse.
He calls them
"My People",
this silent holocaust.

My People: the various in body, diverse in mind -
all the uncommon forms of humankind

“My People “he says
“are shut away in institutions: hospitals, psychiatric wards."
“My People are shut out of institutions, science, the media, and law."
“My People” he says
“are the poorest, the worst educated, the most oppressed”
and they are being killed daily – by pre natal screening, drugs and neglect.”

And if you could see him
If you weren’t wondering where to look, anxious that he could be
“fixed “If you weren’t fidgeting, embarrassed, wishing he didn’t exist.
If you could see him,
overflowing with pain,
you would see brown eyes widen, wetten, wince
and close again.

“My People” he says
“are defined daily by their defects,
by the condescension of strangers
and the exclusion of steps,
of doorways, of buses, of the internet.
My People are boxed
into a medical model
of Disease and Cure,
deformity, mutation
and “poor little johnny “
and bleeding hearts"

he starts to form a fist.
"My People are being redefined as unwanted genes
on kinky chromosomes, fair game to be
edited out before birth.
I am an excuse for abortion.
I am the argument for euthanasia.
I am a societal burden, a monster
or worse...”

He halts, draw breath. "Every day," he explains, "I am dealing with my own death and that of My People:
continuously redefined as not people,
dismembered from society
united by their diversity."

And if you could see him
Teasing, parenting or swinging himself through a window on his strong arm,
Up all night in the bar, dissecting ethics, full of beery charm
If you can see him…

Ralph Ellison taught us that the black man is invisible in a society
that doesn't want him there.
Well, he's not half as invisible as a man in a wheelchair.

"My people are the ultimate physical bulwark
against conformity
And a creeping norm
that requires first two legs, then perfect skin,
A compliant mind, sculpted breasts, square chin
My people give humanity back its biodiversity
And you laugh at that notion
because you cannot see
The subtlety of the blind,
the strength of the dismembered
The cultures of the deaf,
The fine elegance and beauty in the forms

Of My People, we
Who are after all just people
If only you weren't so dis-able
To see.

(Written by Jim Thomas for friend Gregor Wolbring)
poet@jimsnail.org
http://jimsnail.blogspot.com/

This thesis advances the "right to belong" as a human rights discourse principled by compassion, respect, dignity and opportunity for persons with disabilities. It calls for a re-conceptualization of equality through understandings of liberation pedagogy. Additionally, it demands that research within institutions of higher learning focus on understandings of social justice, and moral and legal obligations that advance those understandings. Measures to ensure each child and youth in our society is valued, protected and engaged as a full citizen are required within school cultures. Compassion is a necessary virtue for teachers to embrace the journey of self-determination, for themselves and for disabled students.

The philosophies of Jean Vanier and Norman Kunc are supported by Martha Nussbaum. She believes "affirmative measures designed to empower a previously oppressed group [and] a regime that makes people equal before the law and that empowers all citizens in certain basic ways will encourage compassion" (2000,

p.421). The voice and participation of persons with disabilities is central to the "right to belong". The "right to belong" provides a philosophical framework educators can use to justify inclusive education as a human right. The components of social justice identified within this thesis include understandings of unity and diversity, global interconnectedness, universal human rights, and recognitive justice. These principles are similarly identified in the work of James Banks who "articulates social justice as citizenship" (cited in Landorff and Nevin, 2007, p. 716). Principle theorists and philosophers in this thesis, Donna Greschner, Norman Kunc, and Jean Vanier share a vision of an inclusive society and collectively advance belonging as a fundamental equality premise necessary for peaceful membership of such. Legal sanctions and moral obligations facilitate leaders' actions to protect disabled persons' avenues to respect and dignity, and to access and opportunity. This ensures all members of a society are afforded the same benefits and privileges, as well as the responsibilities and obligations, of all other citizens.

This thesis contributes to a new "recognitive" discourse that sees the person with a disability as a vital member of our society, and it signifies that belonging to public forums, particularly that of schools, is crucial to citizenship. The "right to belong" calls for educators to listen to the voices of persons with disabilities. This is not to say that each story will be the same, or that all needs will be essentially collective, or each group of persons with disabilities will receive similar benefits. Rather, it is the necessary first step to help educators learn that present discourses within schools are ableistic, and that these discourses do not advance belonging or inclusivity. Conversely, current ableist discourses and the structures that are created by them encourage educators and other members of the public to engage in processes that exclude children and youth. The need to breakdown or deconstruct these

hegemonic systems and discourses which protect persons and systems that discriminate against or exclude persons with disabilities is an essential part of this work.

Allan's call for critical analysis of teacher education is supported by numerous critical disability theorists and critical pedagogues (Slee, 2000, 1997; Skrtic, 1991; Tomlinson, 1982). This call considers much more than the barriers disabled people encounter daily. Although the identification and eliminating of these infractions are necessary steps, if educators and other leaders look closely at educational systems and structures, pedagogies and discourses, curriculum and resources, then clearly they begin to see how a

> rich analysis of the relationship between school and society, one which understands how social and economic disadvantage produces educational failure, how educational interventions support social and economic interventions to create a more equal society and what such a society might look like. (Cummings, C., Dyson, A., and Millard, A., 2003, p.52)

Today's pedagogical understandings of students with differences and disabilities continue to rely on the medical model and, without challenge, this will continue to be the "normalized view" that educators protect (Linton, 1998, Rieser, 2000). Without critique, the upholding of ableistic views and practices will be reinforced, and the valuing of diversity and diverse learners in public classrooms will continue to be pushed to the perimeter (Slee, 1997). The "right to belong" helps leaders in teacher education create a framework to advance moral and legal obligations as critical factors associated with student emancipation. The consideration of these obligations sharpens the critique of why students are marginalized. These are helpful considerations while exploring constructs associated with exclusion, normality and inclusion within school cultures. Teacher educators can aid pre-service teachers in learning about inclusive education as a human right

and, further, they can direct an exploration of authentic inclusive pedagogies to show these student leaders how full access and equal educational opportunities can be provided for all students.

The balancing of equality rights, including the "right to belong", within pedagogy remains challenging. When educators recognize that the developmental needs and challenges of every learner require teachers to exhibit compassion, acceptance, and a willingness to be open, then greater ease and access to inclusive pedagogies will ensue. The acceptance of "inclusion as an ethical project" allows this understanding to take formation (Allan, 2005, p. 281). When teachers grasp the understanding that belonging is the most important foundational precursor for learning, they become part of the "ethical project" (Allan, 2005; Kunc, 2000). Through this re-conceptualization, the valuing of each learner, regardless of constructed intellectual or physical capacity, becomes the focal point of pedagogy. For all educators, the greatest challenge exists in changing the status quo about who belongs and who doesn't, who is included and who isn't, and why these realities are perpetuated.

When voices of disabled persons are heard by all members of our society, a culture of inclusion can prevail. Ideally a civil society presents peace, compassion, and inclusivity, and it advances sanctions that repel exclusions and segregations of the most vulnerable peoples (Nussbaum, 2001; Vanier, 1998). This thesis advances the acceptance of inclusion as an ethical and *conscientization* project that ensures peace. As an ethical project, inclusion begins first with individuals and then moves to memberships within a society. Essentially, it comes down to teachers believing in and helping others to learn about the "right to belong". Maxine Green drives home this point when arguing for democracy and democratic models of education:

> It follows that the principles of equality, justice, freedom and so on that we associate with democracy cannot be decontextualized if they are to be significant. They have to be understood and realized within the transactions and interchanges of community life. Moreover, they have to be chosen by living individuals in the light of the individuals' shared life with others. Therefore, an important dimension of all education must be the intentional bringing into being of norm-governed situation, situations in which students discover what it is to experience a sense of obligation and responsibility, whether they derive that sense from their own experiences of caring and being cared for or from their intuitions and conceptions of justice and equity (Greene, 2006, p. 225)

Inclusive education has the potential to open spaces for diverse peoples to come together and discover who they are. Additionally, it allows for an exploration about which values are essentially important in a society. Although guarantees to ensure avenues of personal growth and self-esteem are essential for the well-being of all disabled persons, the most critical ideal of inclusive education has to do with a culture of belonging. Given world poverty, economic crisis, war, isolation, suicide rates and sadness, the phenomenon of belonging may, in fact, be the only saving grace that members of a society can turn to (Kunc, 2000; Purpel 1989). Jean Vanier has travelled the globe and met with hundreds of thousands of persons in his personal journey. His profound understanding of belonging as a philosophy can be embraced by political leaders, human rights and social justice advocates, and educators. The potential to believe in and accept the goodness of human diversity rests within all individuals. A collective membership of democratic educators has the leadership potential to advance the notion of inclusive education as a human right. This right has a critical role in the future of our society. Jean Vanier (1998) sees the importance of the "right to belong" and he recognizes the lessons from disabled peoples are profound:

> Those who are weak have great difficulty finding their place in our society. The image of the ideal human as powerful and capable disenfranchises the old, the sick, the less-abled. For me, society must, by definition, be inclusive of the needs and gifts of all its members.

> How can we lay claim to making an open and friendly society where human rights are respected and fostered when, by the values we teach and foster, we systematically exclude segments of our population? I believe that those we most often exclude from the normal life of society, people with disabilities, have profound lessons to teach us. When we do include them, they add richly to our lives and add immensely to our world (p.45).

Philosophers of education are encouraged by the recent human rights initiatives globally. Canada's signature and recent discussions regarding the ratification of the *Convention on Rights of Persons with Disabilities* gives hope to disabled persons here at home and throughout the world hope. Of particular significance is the Canadian government's discussions about inclusive education as defined within Article 24 of the Convention. Students with disabilities will find the "right to belong" to a school of their choice, and to be supported with inclusive pedagogies, a progressive step in the delivery of educational services. Upon Canada's ratification, provincial Ministries of Education and their collective school divisions are obligated to meet the needs of all students. Most clearly those divisions which believe in the "right to belong" will address the significance of respect, dignity, and opportunity for all children.

As a world leader, the province of New Brunswick has a significant role in supporting researchers and teachers' federations throughout Canada to change not only teaching methodologies, but most importantly philosophies, curriculums, and research initiatives (Porter, 2008, 2000; McKay, 2006). More than a decade ago, the *Salamanca Accord* (1994) supported the ideology of inclusive education for children with disabilities. The *Salamanca Agreement and Framework* (1999) informed by the principal of inclusion calls for a major reform of the ordinary school. This reform includes the celebration of difference and the recognition that all children require necessary adaptive supports and compassionate teachers (UNESCO, 1994). This

same community will honour the 2nd gathering of delegates from more than the original 90 countries. Canadian teachers will re-visit Salamanca, Spain in October, 2009. Their vigour to pursue inclusive education is an encouraging and welcomed sign of change.

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