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What's the Use of Ethical Philosophy? The Role of Ethical Theory in Special Educational Needs

Abstract

This article examines the relevance of modern moral philosophy to education, with particular reference to special educational needs. Where moral philosophers explore the tension between utilitarian and deontological reasoning, they often consider the balance between the rights of the individual and the benefits or costs for the majority. I argue that the debate is predicated on a false dichotomy between minority and majority which is best overcome by a return to virtue ethics. In exploring this ethical debate I draw on a case study from Australia of a student excluded from mainstream education on the basis that inclusion will not serve the greater good of the majority of students. My intention here is not to offer practical guidance in the complex day-to-day deliberations of educators dealing with issues of inclusion, but to elaborate the structure of the present thinking about inclusion. It is hoped that an appreciation of the deeper basis of ethical reasoning will itself lead to a greater recognition of the need for exploring the ethical grounds of teaching and learning. I will argue that any dichotomy between the utilitarian happiness of the many and the deontological commitment to the rights of the individual is based on a misconception of human identity. The false choice between the many and the one rests upon the assumption that morality is fundamentally about restricting personal preferences for that good of the majority, that there exists a fundamental conflict between what is good for the individual and what is good for society as a whole. This will lead me to argue that we need to reinterpret human identity as constituted by its social relations and that this reorientation is best achieved by reference to virtue ethics.

Introduction

Decision-making is a complex business which can go wrong. Since the eighteenth century philosophers have sought to insure us against the vulnerabilities of decision-making by establishing ethical reasoning on forms of secure analysis such as utilitarianism. In what follows I will examine the relevance and limitations of utilitarian and Kantian reasoning with particular reference to the question of the inclusion of students with special educational needs in schools. Although I am writing from a British perspective, the understanding of special educational needs is deliberately broad considering in some detail a case of school exclusion from Australia. The discussion focuses more on the ethics behind the forces of exclusion than on the specific issues within particular jurisdictions or the specific policies that arise from those jurisdictions. Moreover, my intention here is not to offer practical guidance in the complex day-to-day deliberations of educators dealing with issues of inclusion, but to elaborate the structure of the present thinking about inclusion. It is hoped that an appreciation of the deeper basis of ethical reasoning will itself lead to a greater recognition of the need for exploring the ethical grounds of teaching and learning. Thus what Carr has called the "conspiracy of silence" (Carr 1991, 10) around the question of values education for aspiring teachers might be further broken where learning to educate involves a wider experience beyond mere training. I will argue that any dichotomy between the utilitarian happiness of the many and the deontological commitment to the rights of the individual is based on a misconception of human identity. The false choice between the many and the one rests upon the

assumption that morality is fundamentally about restricting personal preferences for that good of the majority, that there exists a fundamental conflict between what is good for the individual and what is good for society as a whole. This will lead me to argue that we need to reinterpret human identity as constituted by its social relations and that this reorientation is best achieved by reference to virtue ethics.

Utilitarianism and Education

It is not uncommon to regard our present educational climate as increasingly utilitarian in its character (Barrow 2010; Garner 2004; Noddings 2002; Ryan 1999; Pillay 2010; Tarrant 2001). For example, the introduction of university fees in the UK places student and lecturer in an increasingly transactional relation where students are thought to regard themselves as consumers, and lecturers as producers. In this case the course outcomes offered by the lecturers might carry with them an expectation that those outcomes provide students with marketable skills. Such an economistic relation threatens to disrupt our aspiration towards a broader, more liberal education, an idea that once graced the pages of philosophers with interests in education (Collini 2012; Newman 1996; Nussbaum 2010; Peters 1968, 43-45; Readings, 1996; Sandel 2012).

But the application of the adjective 'utilitarian' to education seems to involve a broad, rather ill defined, critical sensibility. It has come to include (and the following examples are indicative rather than exhaustive) any intention to apply a competitive 'edge' to educational policy and practice, an apparent need to narrow down the curriculum in the face of harsh 'economic realities', or a desire to have students consider their career goals and how their present education might contribute to that longer-term strategy. It is rooted in the utilitarian ideals of Jeremy Bentham and John Stuart Mill whose deeper interests spring from an egalitarian concern to free ethical

decision making from traditional authorities. That egalitarian spirit is expressed in a focus on objective criteria for determining the best consequences, in contrast to principled or ideological commitments derived often from religious convictions. In the increasingly rationalized scientific age of the eighteenth and nineteenth centuries, into which Bentham and Mill were born, prejudice and subjectivity have no place and so a secure ground for ethical action, without reference to divine or human principles beyond that of the dictates of reason itself, define the triumph of scientific rationalism over ideological commitment. The famous opening passage to Bentham's *The Principles of Morals and Legislation* captures the rational ground for all utilitarian calculation: "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do" (Bentham 1961, 1) (Of course it is important to notice that Bentham is, in this sentence, affirming his own commitment to what he takes to be the self-evident principle of maximising pleasure (Ross 1994)). Bentham's use of the felicific calculus (Bentham 1961, chapter 4) to determine the best action prefigures the modern science of cost-benefit analysis, in which numeric values are placed on the balance sheet (Sandel 2010, 40-48). Such a scientific and rational approach to ethical action clearly has an attraction (Sweet 2001). But there are well known problems with utilitarianism, some of which must be highlighted.

Is it appropriate to apply a procedural method to determining ethical action? A major set of difficulties for the utilitarian can be placed in the categories of definition, quantification and comparison. How can certain goods be defined, quantified and compared? Is it possible to quantify or compare the pleasure derived from learning to play the violin with the pleasure of watching trashy television, or with the *schadenfreude* felt at the expense of another? Bentham's effort to define as precisely as possible the quality and quantity of pleasure did not assuage the critics of which

there have been numerous (See for example, Moore 1903, 80–81; cf. Feldman 1997, 106–24; Nozick 1974, 42–45; Rawls 1974, 22-27). Among the most striking illustrations of the dangers associated with utilitarianism can be found in the Ford Pinto case from the 1970's in which the Ford motor company used a utilitarian cost-benefit analysis to determine the most cost-effective way to deal with a fatal design flaw in the Pinto (Sandel 2010, 43-44). As Time Magazine succinctly puts it: the Pinto is among the 50 worst cars of all time not least because of the "Ford Pinto memo, which ruthlessly calculates the cost of reinforcing the rear end ($121 million) versus the potential payout to victims ($50 million). Conclusion? Let 'em burn" (Time Magazine 2014). Our effort to quantify the value of human life is, then, fraught with difficulties. And yet there are numerous contexts, including healthcare, insurance, and environmental impact assessments, in which 'the potency of life' must be assigned an economic value (Viscusi and Aldy 2003). In a similar way, the imperative to place an economic value onto education threatens to reduce education to what can be quantified and traded thereby encouraging a transactional view of education (Walker 2011; Swain 2011). Wherever we resist determining the cash value of education, we are implicitly resisting the excessive application of utilitarianism. In a certain sense, any hesitancy here expresses a resistance to the idea that all aspects of life can be placed within the calculations of a cost-benefit analysis.

On this basis it might seem that many educators would resist the tendency to develop a purely rationalistic approach to ethical decision-making. But despite some hesitation here, cost-benefit analysis is widespread within education generally. Here State bureaucracy and managerialism encourages, if not enforces, the need to make rational and accountable decisions on the best use of public funds, putting pressure on decision-makers to establish a scientific approach to decision-making.[1] Despite the difficulties of the utilitarian approach and its application in cost-benefit analysis, it is

often preferable to rationalize decision-making in these terms than in terms of a more Kantian duty or rights-based model. This is partly because any non-negotiable (deontological) commitment, for example to the intrinsic dignity of a human life that cannot simply be 'valued', is regarded with suspicion. Within moral philosophy, the distinction between deontology and utilitarianism has come to characterize a significant portion of the debates. Let us now turn to deontology to consider its applicability to education.

Deontology and Education

There are many aspects of education that rest upon a deontological basis: the affirmation of the right to education; student charters; inclusion policies etc. The now defunct 'Every Child Matters' agenda, whatever the conflicts, compromises and limitations in its implementation, sought the welfare of children (at least in terms of its hyperbole) not for any extrinsic outcome that could be called utilitarian (e.g. GDP or social cohesion). Likewise the Warnock Report (1987) was based upon a principle of human dignity that is less argued for than simply affirmed as a principle. More broadly, the concept of liberal education is not reducible to any principle of utility. The self-understanding of the liberal educator is of seeking to educate for the sake of education itself rather than the potential benefits and outcomes that can be derived from that education (Nussbaum 2010). Moreover, the universal declaration of human rights in 1948 has been a fundamental impetus for articulating a rights-based conception of education. Article 26 of that Declaration baldly asserts, "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages" (UN General Assembly 1948). It is appropriate for a declaration to be stated directly without the need for reason and justification. It is characteristic of

deontological reasoning that such rights do not need to be argued for or justified by extrinsic reasons since a deontological right is intrinsic and hence is a duty to uphold irrespective of circumstance, context or outcome.

Arguably the most common form of deontological ethics is 'Divine Command Theory' which is based on the idea that a course of action is right if it is decreed by God (Wierenga 1983; Cudworth 1996). The fact that a deontological commitment does not *necessarily* imply or express a religious conviction might suggest that the development of human rights, from the Magna Carta to the struggle against apartheid in South Africa, stands more upon political than religious grounds. But I take the commitment to the sanctity of human life to rely fundamentally upon a religious conception of human nature[2] and hence deontology can more easily be associated with a religious perspective. Moreover, the idea of simple adherence to rules given to humanity via some divine revelation (e.g. through the Bible or a religious experience) is broadly in line with a deontological view. But it must be acknowledged that there is a grey area here. Kant famously sought to place ethics within the realm of human reason, so whether Kant himself can be regarded as a divine command theorist is an ongoing debate (Nuyen 1998). In any case, many people who do not regard themselves as in any way religious can still affirm the sanctity of human life without contradiction (even if I might want to suggest a latent religiosity in their view). There can be a deontological commitment to education, the rights of the child, or human rights generally without invoking religious principles despite the fact that religion provides the clearest case of such commitments. What is essential here is that the right is not understood in terms of external motivating forces (e.g. career, pleasure, eternal life), but is intrinsic and in a sense, not up for debate. Treating all students equally, regardless of gender, race, religion, disability and so on, is likewise a non-negotiable commitment for many teachers. This idea of equality is often confused with an idea of

inclusion within educational settings though how equality and inclusion are brought about in practical terms is an extremely complex matter. This question brings us to consider a case study of the tension between deontology and utilitarianism within education: the case of L v Minister for Education.

The Case of Inclusion

In 'Disability and the ethical responsibilities of the teacher', Gordon Tait explicitly applies the categories of ethical theory to a case from the 1990's of the ethical issues around inclusion within the Australian education system. The case involves L, a student diagnosed with 'global development delay'. After L's teachers reported a range of behavioral, social, and educational issues, L was suspended from the school. L's mother took her daughter's case to the Queensland Anti-Discrimination Tribunal, but it was determined that, although the exclusion of L amounted to discrimination, it was considered acceptable due to the fact that unjustifiable hardship to the rest of the class and the school would be the consequence of enforced inclusion. During the case the media revisited debates around the merits of mainstream inclusion versus special education, debates which remain as emotive and unresolved in Australia as they do in the UK (Jackson 2005).

At first sight, the question of inclusion appears to present us with a clear-cut case of the needs of the one vs. the needs of the many, and in this case it was the needs of the many that were prioritized. As Tait explains:

> It is fairly clear that the central rationale behind the decisions in L v Minister for Education is based upon utilitarian reasoning. As one of the teachers said at the tribunal, he could give L a good lesson, or he could give the remainder of the class a good lesson, but he could not do both (Butler, 1995). Under these

circumstances, a utilitarian calculation was clearly made, and the maximum

social good was deemed to lie with L's removal—although against her wishes

and those of her mother (Tait 2004, 15).

Consequently, the needs of the many appeared to outweigh the needs of the one. We might well want to question the pedagogy of a teacher who claims that they have to make such a choice. But for now I want to focus on the ethical tension that this raises since such a choice will seem plausible to many people. Tait's article is at least helpful in applying very specifically the language of ethical theory to a case study from education. It clearly shows that our social actions and decisions can at least be usefully described in theoretical terms, even if it is unclear whether ethical reflection itself motivates those actions. It is understandable that Tait takes the view that the discrimination of L is an affront to social justice and minority rights. He also argues that deontological reasoning would have ruled against the exclusion of L partly because L is being treated as a means to an end, something that Kantian ethics would never allow.

However, Tait's claim that utilitarianism has little regard for social justice seems to be at least overstated. There is no reason to assume that the decision to place L in a special school would necessarily be contrary to social justice. Social justice may be served in different ways. Firstly, placing L in the special needs school might well be the best outcome for all including L herself, even if, as is the case here, both L and her mother would take some convincing. Secondly, and more controversially, the greater good might be brought about by focusing on the educational needs of the rest of the class. The argument that might be developed here is that discrimination of L is the lesser of two evils, the greater evil being the discrimination of the rest of the class by compromising their education. As I have suggested already, the pedagogy that cannot find a positive way of teaching that includes the needs of L as well as those of the rest

of the class might well be regarded as suspect. I am not suggesting that either of these responses is the correct one, but only that there is more than one plausible interpretation, and that the issue of social justice is not simply resolved by the rejection of utilitarianism and the application of deontology. But more importantly than recognizing the interpretive complexities here is a more fundamental problem: that the conflict of interests between the one and the many suggests that discrimination is an unavoidable outcome whichever course of action is undertaken. That there can be a conflict of rights at all here suggests we are not speaking from the perspective of virtue ethics, since the virtue ethicist would resist the idea of a conflict of interests. By way of a brief preview of the relevance of virtue ethics, consider how in the ancient Greek world the goal of the household (*oikos*) and the goal of the city (*polis*) can be brought into alignment. It is true that in Aristotle's *Politics* "the city-state is prior in nature to the household and to each of us individually. For the whole must necessarily be prior to the part" (Politics 1, 1253a). Yet Aristotle sees human beings as having a natural social purpose, a social ontology, which allows for the whole and the part to work for the same end: the good life (*eudaimonia*). Therefore, if we see a conflict between morality and self-interest (based on the notion that morality is other-regarding and therefore in conflict with self-interest) it is because we are not seeing from the perspective of virtue ethics which regards the flourishing of one's self and the other as mutual (Athanassoulis 2010).

Virtue Ethics and Education

So far I have looked at how the ethical theories of utilitarianism and deontology could be applied to the ethics of education and have begun to suggest how virtue ethics might offer an alternative. This discussion could benefit from a more nuanced account

of ethical theory, particularly Mill's refinements of Benthamite utilitarianism. First of all the movement towards happiness in rule utilitarianism (as opposed to act utilitarianism) begins to look a little like deontology even though the real concern (either for living happily or for living moral lives) is quite different (Brandt 1991, 152). Secondly and more significantly, Mill's utilitarianism has been shown to merge the utilitarian ideal of happiness with the Aristotelian conception of the good life of human flourishing (Nussbaum 2004). Clearly, then, there is much more to the pursuit of happiness than Bentham was prepared to accept. We should not, therefore, be surprised to note the turn to virtue ethics that characterized the late twentieth century, and its influence on the education of morality and character continues to grow. Indeed what has been less evident in this turn to virtue ethics is the fully political dimension of ethics in ancient Greek thinking (Curren 2010), a political aspect that assumes a 'social ontology' and will allow us to escape the false dichotomy between the rights of the few against the best outcome for the majority.

The language and ideas of virtue ethics have been in the ascendant with a revival of Aristotle's ideas, particularly in the work of Elizabeth Anscombe, Iris Murdoch, Bernard Williams and Alasdair MacIntyre. While characterizations of this range of thought are not easy, the general approach of virtue ethics is to move away from an analysis of specific acts and ethical scenarios, to a concern for the development of moral character, virtues, and identity. The discussion of virtue ethics has also received significant attention in educational theory and philosophy (Carr 1991, Curren 2010, Dunne 1998, Smith 1999, and Kristjánsson 2014) with the associated concept of human flourishing (drawing on Aristotle's conception of *eudaimonia*) as a stated aim of education becoming increasingly commonplace (Strike 2003, Brighouse 2006, Nussbaum 2006).

So the fundamental question of virtue ethics is less 'how should I act?' than 'what sort of person should I be?' This tradition largely rests on the Aristotelian view that the good life can be achieved through the development of excellence of character and of intellect. I have already noted that the good life does not require us to restrict self-interest in the face of social existence; rather the good of society and the good of the individual can be complementary. In ancient Greek society, self-interest and the interests of the polis are not in conflict, and in fact both are supported by the development of the good life. This is why in the *Gorgias* (464b) Plato defines the art of government as that which ensures the health of the soul. In other words, there is a deep correlation between the health of the soul and of the city. John Milbank (Milbank 2012) points out how confusing this could be to the modern mind, since we tend to regard the soul (*psyche*) as individual, private and effectively psychological, while governance pertains to the entirely separate political domain: the shared, public and collective. For us the two realms of the individual and the political are not reciprocal because of the legacy of political liberalism which regards the foundation of the state through social contract as resting on an expediency driven by self-interest. Whether one takes a Hobbesian or Rousseauian view of human nature, the fundamental structure of social organization is viewed as fundamentally artificial. The artificial character of social order for liberal culture leaves us having to assume that the happiness of the individual and the wider happiness of society are at best accidentally related, though more likely at odds with one another. The individual must get what they can out of society within the limits of the law and will submit to the social contract for reasons of expediency. In this context it is not surprising that the desires of the one rival those of the many. It is in this context that politicians claim excessive expenses and the wealthy engage in complex tax avoidance: this is the Hobbesian war of all against all. But from the perspective of ancient Greek thinking,

neither the one nor the many could be victorious in this competition for happiness since the happiness of each is related to the happiness of all. And this is what I have called social ontology. Nevertheless, character development must take place for the individual to find a place of flourishing within the polis.

For Aristotle, the development of good character can take place through a process of practising good habits. Just as learning to play piano requires practising the piano, so learning to be virtuous requires practise in the activities of virtue. Children must practise the virtue of sharing with others and will, in time, form the habit of sharing without the need of explicit or directed habituation. There is, then, an initial requirement that children are coerced into good habits such that they become a natural part of the character and identity of the child. But as we have already noted the good of the individual child is not in conflict with the good of the class; on the contrary the good of the class and of the child are reciprocal. This is important because it shows a way beyond the false choice between the good of the majority, and the good of the minority. From the perspective of virtue ethics, the fact that we are faced with a choice between majority and minority should alert us to a failure in our fundamental assumptions. As we have seen, those assumptions arise out of a political liberalism that views social organizations as only artificial constructions. But if we take the view that a community is a natural entity with its own dynamics and qualities then the alignment of the personal and the social becomes conceivable. The common good is not something like a greater good to be attained the expense of my personal happiness, but brings me into my own flourishing in a way that expresses a social ontology.

Let us see how these reflections on the possibility of a social ontology play out in the case of inclusion. Although Tait recognizes the relevance of virtue ethics, I do not think that he fully appreciates how it might provide a way out of the stale dichotomy between utilitarian and deontological responses to the case of L v minister for

education. In this case, Tait makes the rather innocuous statement that the virtuous person would probably not discriminate against the disabled child (Tait 2004, 10). But the deeper question might be whether the other classmates suffer some form of discrimination in relation to peers in other schools if their teachers are unable to give them appropriate lessons. For Tait the conflict between the majority and the minority appears to be a *sine qua non*. But from an Aristotelian perspective, human identity can only be fulfilled when related to the *polis*. Models of action that force us to consider 'difficult decisions' arising from 'conflicts of interest' are based not on a neutral conception of human identity, but a very partial liberal view of human nature, one that regards our identity first and foremost in individual rather than social terms. Only in this context does the conflict between the individual and the group fully surface.[3]

There is another important aspect to virtue ethics: it does not provide general answers that address universal questions such as "can discrimination be justified?" It is more situated and contextual, resisting the play of ethical dilemmas and scenarios that characterize some ethical theory courses, of which MacIntyre is famously critical.[4] Both deontology and utilitarianism attempt to provide general responses or fundamental principles for action. In contrast virtue ethics provides no basis for determining in advance the general response to a given scenario. As Carr puts it:

> [i]t is futile, then, to look for some abstract form of justice or the good which lies above and beyond particular instantiations of it in the hearts, actions and conduct of real individuals; justice and the good are to be discovered essentially in the extent to which those hearts and actions conform to the mean in particular circumstances and circumstances alter cases (Carr 1991, 58).

So if virtue ethics is not about providing general answers to abstract scenarios or

developing rules to live by, then how does it function to address particular circumstances? For Aristotle a central faculty of moral development is that of practical wisdom (*phronesis*) to which I now turn.

From Aristotle's point of view having some general rules to live by is worthwhile, but it is not sufficient for a good life. Kristjánsson has recently warned against the tendency to suppose that the faculty of practical wisdom is entirely situational, or context-dependent as though there are no moral rules or reference points (Kristjánsson 2007, Chapter 11 and Kristjánsson 2014, 62). For Aristotle, the trick is in knowing how and when to apply those rules appropriately: "Matters concerned with conduct and questions of what is good for us have no fixity, any more than matters of health...The agents themselves must in each case consider what is appropriate to the occasion, as happens also in the art of medicine or of navigation" (Aristotle *Nicomachean Ethics*, Book II, chap. 2 [1104a]).[5] While the utilitarian and even the deontologist could be said to be concerned with developing a *science of action*, Aristotle is pointing towards the *art of action*, which cannot be contained within a set of prescribed calculations or ordained rules. Doing the right thing is not a case of figuring out the greatest good for the greatest number, or determining what the rules of God or reason dictate ought to be done, but involve the challenge of applying virtues in the appropriate way, which for Aristotle means applying virtues "to the right person, to the right extent, at the right time, with the right motive, and in the right way." (*Nicomachean Ethics*, Book II, chap. 9 [1109a]). Even those with good moral character are required to use practical wisdom to determine how and when to apply a virtue. Habituation (training in doing the right things) has a role to play in developing the faculty of *phronesis* even if that habituation begins only with the performance of right actions without fully understanding them. Thus Shakespeare's Hamlet suggests that we "assume a virtue though we have it not" (*Hamlet*, Act 3,

Scene 4).

Returning to the case of L v Minister for Education, it is an open question whether the virtuous person would see exclusion of L as the right course of action. The virtue of fairness (justice) requires consideration of complex cases which entail the contextualised application of practical wisdom – it is wisdom insofar as it affirms justice, but it is practical by virtue of being applied to a specific and complex question, for which there is no simple 'right answer' that can be determined in advance of the specific context. More could be said about the need for a focus on virtue in contemporary educational philosophy. This is not least because teachers are generally thought to have considerable interest in the formation of the character of those in their care. Indeed we often take education to be significantly, even principally about the formation of good character (Ozolins 2010; Campbell 2003, 23-58). A corresponding issue for educators is an examination of their own character and identity. This is especially true given the priority I have given to Aristotelian ideas of virtue ethics and the development of virtue through 'habit'. The prioritization of virtue ethics places a critical responsibility upon the character of the educator who provides the culture in which the formation of good character is possible. Or rather we should recognize that the educator does, whether they intend it or not, create an ethical climate in which the formation of character continues, or in the words of Parker Palmer, "we teach who we are" (Palmer 1997). Haim Ginott's reflections (Quoted in Wormeli 2006, p. 9) on the responsibility of the educator are exemplary:

> I have come to a frightening conclusion.
>
> I am the decisive element in the classroom.
>
> It is my personal approach that creates the climate.
>
> It is my daily mood that makes the weather.
>
> As a teacher I possess tremendous power to make a child's life miserable or

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joyous.

I can be a tool of torture or an instrument of inspiration.

I can humiliate or humor, hurt or heal.

In all situations, it is my response that decides whether a crisis

will be escalated or de-escalated, and a child humanized or de-humanized.

The spaces in which habits are formed depend, in no small part, on the character of the educator, entailing not only what the educator does to manage those spaces and classes, but also who they are.

Conclusion

I have attempted to provide an account of utilitarianism and deontology in the context of special educational needs. I have argued that we take for granted certain grounding assumptions in educational theory that should be interrogated. Firstly, we should question the appropriateness of cost-benefit analysis to education. Second, we must resist the false choice between a utilitarian and deontological account of action. Finally, we should challenge the assumption that there must exist a conflict between the individual and the group, especially in the context of a conflict between minority and majority rights.

My overarching concern has been to draw attention to the limitations of the ethical theory bound by the debate between utilitarian and rights based theories. Virtue ethics is increasingly popular today but that popularity has yet to impact upon practical issues such as special educational needs. Moreover, given the almost universal tendency to employ some form of cost-benefit reasoning for decision-making in institutions like schools, in which the competing rights and benefits of individuals and groups are inevitably in conflict, an alternative conception of decision-making is

urgently needed. There is still a long way to go before this prevailing ethical culture is fully understood and overturned.

On the contrary, in general our instincts are to affirm the rights of the minority, even over and against the rights of the majority, an affirmation that conceals a deeper assumption about the ontology of human conflict. This ontology of human subjectivity, which sees human beings as isolated, atomistic entities, is the legacy of political liberalism which itself has its roots in modern subjectivity of Cartesian philosophy, a legacy that philosophers such as Martin Heidegger, Paul Ricoeur, and Charles Taylor – all of whom draw on ancient Greek philosophy to articulate their senses of political community – have sought to draw attention to. But this philosophical challenge to individualist subjectivity has not yet percolated into the mainstream discourse of educational theory. Evidence of this claim is the present ubiquity of the view that there must exist a conflict of rights or interests; that there is a natural necessity to balance the rights of some against the rights of others. The inability to regard human relations in anything other than conflictual terms is part and parcel of the concealment of what has been called 'social ontology' (Lewin 2011, 215-220).

I appreciate the need to establish robust and transparent procedures for determining inclusion policies in schools and how public institutions will favour the transparency of a cost-benefit analysis over the complex and less fully accountable reasoning that the judgements of practical wisdom entail. But the alternative to this kind of complexity is the negation of our agency, responsibility, and humanity. In the end I must also acknowledge that many (probably most) working in education do already employ this faculty of practical wisdom in making judgements about how far to interpret policies. But my concern has been to alert us to the subtle erosion of this

faculty as we turn education from a character-based vocation to a competency-based profession.

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[1] John Clarke and Janet Newman imply the utilitarian foundations of modern managerialism: "The logic of managerialism is that managers are accountable for what they deliver, but not for how they deliver it. It is results, not methods that count" (Clarke and Newman 1997, p. 64).

[2] Of course this is highly debatable and, in many respects counter-empirical, since a good number of people are able to recognize the sanctity of life without reference to a religious ground. To establish this point would take us well beyond the context of the present argument.

[3] For theorists that reject the dichotomy between the individual and social see, for example, Elias (1987); Marx (1988). In his article 'Creating Public Values', Ozolins draws upon Plato, Aristotle, Augustine and Aquinas to argue that the good of the individual person "and the good of their community are inextricably linked" (Ozolins 2010, p. 411). Here Ozolins attempts to dissolve the tension between the State and the individual person and considers the role of the school in creating particular moral habitats that support this dissolution.

[4] The case of the runaway trolley car driver who must choose whether to sacrifice the life of one for the sake of five (*Trolleyology* as one colleague likes to call it), is the best known case, and is refined in so many ways as to drive students into the dilemma.

[5] See also Sandel 2010, 195-199.