Education as a Human Right
Inclusion and Social Justice

Saint Paul Edeh

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*Inclusion and Social Justice*

Saint Paul Edeh

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Thesis supervisor: Ólafur Páll Jónsson

Faculty of Education Studies
School of Education, University of Iceland
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Education as a Human Right: Inclusion and Social Justice

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Preface

This research paper is my final project submitted for the completion of my Masters (MA) degree in International Studies in Education in the school of Education at the University of Iceland. This research based project accounts for 40 ECTS credit units. In the project, I investigated the struggles of disabled people in schools and societies, how far states have afforded the disable members of their community, their social justice, equality, and human rights, through their respective education legislations, school systems, and social policies. And also, to what extent these societies as signatories to international treaties have respected their binding obligations to international conventions on various rights of the disabled people. The small welfare state of Iceland served as my starting point in this research.

The views of the disabled members of the schools I visited in Iceland for data collections, few selected parents, exclusive and inclusive school teachers and philosophical and other academic documents connected to disability, social justice, equality, democracy and human rights, all helped to shape the views expressed in this project.

My supervisor was Dr. Ólafur Páll Jónsson, Associate professor of Philosophy at the School of Education and Chairperson of the Education Studies and coordinator of the International Studies in Education at the University of Iceland. I would like to use this platform to thank him for his guidance and assistance during my intensive research work. Initially I also received inputs from Dr. Hafdís Guðjónsdóttir, and Dr. Allyson Macdonald, professors at the School of Education, University of Iceland, and I wish to thank them for their valuable comments and insights.
In addition, I would like to thank Dr. Dóra S. Bjarnason, professor of Sociology and Disability studies and chairperson of the newly formed research centre on inclusive education, for her insights into the world of disability and the struggles of disabled people to gain social capital, not least for bringing me into closer contacts with many of my participants during her course on Inclusive education in which I was her student. My heartfelt gratitude goes to parents of those disabled children, for allowing me to probe into their sensitive lives and those of their beloved children.

I also want to thank Anh-Dao Tran, a doctoral student at the School of Education, University of Iceland for proofreading and for her valuable assistance and advices.

My special thanks to Almighty God, for making all this possible. Last but of course not the least, I want to thank my golden sons, Daniel, Gideon and David, for their much welcomed distractions which kept me sane from the intensity of this project.
Abstract

With Icelandic and international perspectives, and using research, reports and philosophical theories, from leading writers, across the globe, this thesis presents a synopsis of current state of disabled people’s struggle to integrate into mainstream education settings in particular and the larger society in general.

Medical model of disability focuses on medical, care-giving or therapeutic treatment to disability. Distributive justice approach to disability discourse focuses on deficits in capacity and performance. Anti-discrimination approaches to disability focus on stigmatization and exclusion. While social justice approach to disability focuses on democracy and equality aspects of disabling practices. Social model of disability focuses on the disabling environments, cultures, social perceptions; all of which combines to make the life of disabled people difficult than it otherwise should be. This thesis advocates for a shift from the medical to social model of disability, because the social model of disability helps to illuminate all indistinctively applied socio-cultural policies, law and practices that are more disabling than the actual impairments.

Since equality and fairness are protean concept that is capable of constant changes depending on what context it’s being used, it follows that for the purpose of this thesis, I simply limit my use of these words to its connection with disabled learners being given the same opportunities in fact and in law as their none disabled others to improve their social capitals. There are few ways to do this than by accepting them into our mainstream education setting for the purpose of inclusive education for all learners irrespective of levels of capabilities.
Participants were school aged disabled children (6-18 years), adult teachers and two selected parents of disabled students. A qualitative research method was used in gathering and interpreting the collected data. Great emphasis was placed on interpreting the theoretical philosophical framework and reviewed literatures.

This qualitative research, that was conducted in a phenomenological style, but written in advocacy tones, challenges as well as provokes teachers, educational authorities, policy makers the general public and government, to rethink current segregation educational settings and move in the direction of no child left behind.¹ I will argue that the most difficult obstacle to disabled peoples development of their human capital are not located in legislations, school written policies, pedagogical practices etc, but are actually located in their surrounding physical environments, in the mindsets of non-disabled people, such as values, expectations, attitudes towards disabled people etc.

¹ For the purpose of this thesis, no child left behind is a social policy against segregation involving socio, education, political, economic and legal discrimination against people who are presumed not equal with the predominant members of the society. So it did not refer to the American legislation bearing similar name.
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Chapter 1: Introduction

1.1 The project

According to Van Der Pol, the Director of the UNESCO Institute for Statistics (UIS), UNESCO statistics\(^2\) indicates that approximately ten per cent of the world’s total population, approximately seven-hundred million people, have a disability of one form or another. Together they constitute the world’s largest minority. This number is greater than the combined entire population of all Member States of the European Union.\(^3\) Disabled\(^4\) members of every society face various forms of discrimination and difficulties. Around 80% of total global population of the disabled community lives in developing countries, where they face all kinds of material and social exclusion.\(^5\) For example, approximately 20% of disabled children in developing countries receive no formal education (See Quinn et al., 2002). In many developing societies and even in the developed ones, the rights of disabled people are not respected. In some societies they are not seen as being equal to others, because of the society perceiving them as incapable of making contribution to the development of that society. Despite it being made unlawful for education providers to treat disabled people less favorably due to their disability, or to fail to make reasonable adjustments to prevent them from being placed at a substantial disadvantage, yet research shows that in practice, obstacles to obtaining quality education still remain and disabled people are in many cases

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\(^3\) Euro statistics office estimated that as at January, 2010, the population of EU is 501,064,211.

\(^4\) Except otherwise stated, all references to disabled people, persons, students with Special Education Needs (SEN) or labelled students means the same.

treated less favorably than others at school (Alderson, 1999; Ballard, 2003; Oliver, 2001;).

Research by Bjarnason (2011) shows, among other things, that all parents of school kids – including parents of disabled children – want their children to succeed in school. For this reason, these parents want to be good partners in their children’s education. So parents of disabled children yearn to see that in law and in fact all obstacles that have the effect of directly or indirectly, actually or potentially disadvantaging their disabled children’s rights to education be removed.

Various United Nations, regional and domestic conventions have attempted to deal with the difficulties that disabled people go through in pursuit of their education. Some of these laws have no doubt achieved significant benefits for disabled members of the world but more needs to be done.

In this research, I went about examining how policies, law and practices affect disabled people’s rights to education. How disabled people in schools cope with the day to day school life, how they are treated and how they treat others around them. Also, this thesis explores the theoretical assumptions of using affirmative action through the principles of democracy, human rights and social justice and equality to improve inclusive education. It will discuss the human rights of disabled people by combining components of the social model of disability, equality, human rights, social justice and democracy as developed by many writers including John Rawls and Martha Nussbaum.

The United Nations Convention on the Rights of Persons with Disabilities (2006) provided an international legal framework for combating discriminatory treatments to the disabled. This is a comprehensive international treaty that specifically dealt with the plights of disabled members of the global

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6 Except otherwise stated, throughout this thesis, all references to disabled people, disabled students, students with special needs and or labelled students must be understood as meaning the same.
community. Although series of UN General Assembly resolutions, declarations, and protocols explicitly reference disability yet these non-binding UN instruments were not enforceable neither locally nor internationally. Nevertheless, before this treaty, disability advocates had regularly called for better ways to improve equal treatment, social justice, human rights and affirmative action to ameliorate their conditions.

The old medical paradigm to disability sought to link disability with deficits of the affected individual or group of people. The new paradigm⁷ recognizes contextual aspect of disability, in particular the dynamic interaction between individual and environment, and shows how the environment, cultural attitude and rules all combine to constitute disability. In arguing for a ‘disability right approach’ Stein (2007) submitted

that a disability rights paradigm is capable of fortifying human rights in two ways: firstly, it can reinforce protections afforded to groups that are already protected, for example women; and secondly, that it can extend protections to people currently not adequately protected like the disabled people in developing and developed countries (p.76).

Ultimately such disability right paradigm advocates that human rights protections can progress from a group to an individual basis, because as argued by Stein “repositioning disability as an inclusive concept embraces disability as a universal human variation rather than an aberration” (2006, p. 76).

⁷ The term paradigm is used here in the quasi-popular sense it has acquired over the last 40 or so years to indicate a basic consensus among disability advocates and researchers of a phenomenon that defines the legitimate problems and methods of a research field. By this I mean the disability right paradigm which flows from the current focus on the social model of disability instead of the medical model.
1.2 What I wanted to do in my research project

I am fascinated by the use of legal and human rights principles in resolving, social conflicts, hence I took steps to investigate disabled people’s rights and to what extent it is respected. Also, how disabled peoples’ plights can be minimized, through practical respect for human rights, social justice and their equal treatment in democratic style. But this is a very vast area and I was initially uncertain as to what aspect of it I should pursue.

After pondering over it between October and early November 2010, I toyed with this idea in a discussion with Dr. Dóra S. Bjarnason, professor of Sociology and Disability studies and chairperson of the newly formed Centre on Inclusive Education, and she supported the idea.

I later approached another inclusive education professor Dr. Hafdis Guðjónsdóttir at the School of Education and under her guidance I spent weeks at various inclusive\(^8\) and exclusive\(^9\) schools in Iceland for my data collections. I interviewed some school teachers and their disabled students. I also interviewed few parents of disabled children. By March, 2011, Dr. Ólafur Páll Jónsson, replaced Dr. Guðjónsdottir, as my supervisor.

1.3 How I did this research

Before I started my school observations, I had studied books and articles about disability, equality, social justice, human rights and democracy of education. I diligently read theories of human rights, equal opportunities, social justice, social capital, and human capabilities. I also, extensively researched about international and domestic legal frameworks aimed at eradicating all forms of discriminations against the disabled members of the community in relation to education. Gradually a huge body of data which was interpreted culminated into this thesis.

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\(^8\) Múlaborg Leikskoli, at Reykjavik, Fjölbautaskólinn in Garðabær, Nordjöfaholtsskóli, Mýrarhúsaskóli in Seltjarnarnes

\(^9\) Öskjuhliðarskóli in Reykjavík
1.4 Background
One of the distinguishing elements of diversity of humanity is the presence of people with different kinds and levels of disabilities, some with lesser dis/abilities others with higher dis/abilities. People with lesser abilities and impairments that are not overtly visible are often classified with various labelling such as dyslexia, epilepsy, Down syndrome, ADHD, autism etc. or generally as mental disabilities. These kinds of impairments and the physically obvious disabled children are inevitably a constituent part of all states and societies. More than two-third of these kinds of learners live in developing countries, and while their living conditions vary, disabled people in developed and developing countries, share the common experience of being exposed to various forms of discrimination and social exclusion albeit at different scales. Also, in many developing countries in Africa, Asia and Latin America, because of their culturally oriented reasons, most disabled school aged children are still restricted from attending schools because they are perceived as less suitable for being educated than others (UNESCO disability report, 2010). Also, provisions like facilities at education settings in developing countries do not take disabled students ability to access it into account in design and construction. This often leads to their being excluded from mainstream education and this thesis considers such exclusion as being a form of violation of their human rights, social injustice, and unequal treatment.

As a developed and relatively homogenous country, Iceland tries hard to include its disabled population into almost all spheres of its socio, economic and political activities, though more need to be done. Icelandic disability legislations have been directly or indirectly rooted on the Assistance to the ‘Mentally Retarded’ (Lög um aðstoð við þroskahefta nr 47-1979), which Dóra Bjarnason (2011) claimed marked the beginning of community support for
persons with disabilities. Some slight changes to this law in 1983 and 1992 were only extension to cover additional disabilities such as dyslexia, epilepsy, Down syndrome, ADHD, and autism. Put simply, these laws all talk about assisting disabled people so they can lead a normal life. According to the first paragraph of the 1992 legislation:

The aim of this law is to secure disabled people equal rights and a comparable quality of life to that of other citizens, and to create for them opportunities to lead a normal life (Lög um málefni fatlaðra No. 59/1992)

This leads to an argument that if the law is intended to secure equal rights for a previously marginalized group, then it must not continue to marginalize them any further by excluding them from its mainstream education setting. Opponents of inclusive education will no doubt argue that all the law need to do is to provide a comparable quality of life and an opportunity to lead a normal life to the disabled person and that Icelandic education laws in fact provided these opportunities to disabled people. But it could be argued in favour of inclusive education, that things can only be properly compared when they are in the same level and not when they are at different levels. And the expression ‘opportunity to lead a normal life’ will only be an illusion if disabled learners are not welcomed in all schools, because by so excluding them, they are being denied opportunities which the law claims to be creating. It is arguable that a democratic society cannot show a positive attitude to certain group and a negative attitude to another. Such negative attitude, which is often rooted in society’s ignorance, low expectation and prejudice, was discovered by my research to be responsible for exclusion and marginalization of persons with disabilities.

Tina, the mother of a disabled student that I interviewed during my data collection, is not happy that her son is placed at a segregated school; she
would want her son to face the challenges at a mainstream school because she thinks it will, among other things, make him tougher. According to her:

“Every time I ask them [school authorities] to put him in a regular school, they tell me that his IQ is not up to the acceptable standards, but when I test him with most of the lessons his sister uses at their school, he gets most of the answers correct, I am sure he is capable of doing well at a regular school. I will keep fighting”. [Interview with a participant mother of disabled student on 10th February, 2011]

It might be asked why this mother has to fight in order to get her son into a mainstream school in a democratic society, where equality is an accepted social norm. The answer lays in the difference between equality in legislative documents and practical real life equality. Inclusion is much more than “integration” or “mainstreaming”, it is embedded in a range of contexts, political and social, as well as psychological and educational and my aim here is to examine these contexts, through the lens of human rights, social justice, equality and democracy.

The annual report on psychology of disability of the British Psychological Society (2009), stated that

any society which plans to mature, develop and use the skills, talents and strengths of all its members will enlarge its collective resources and ultimately is likely to be more at ease with itself, if it practices inclusion of all its members wherever inclusiveness is necessary and schools are no doubt a starting point (p. 77).

It could be argued that this statement calls for all members of a society (like the son of this mother) to be given equal chance to improve his or her life through inclusive education, irrespective of capability.
In most cases emphasis in special education system – especially in its process and assessments – has tended to emphasis “need”. In some ways, this has presented distinct disadvantages, such as improved equipment, staffs and welfares which are often mistaken as improved learning. At one of my research sites in Reykjavik, this was evident from the sophisticated equipment available for use by teachers and students. This is often included in what is called Special Education Needs (SEN). Regrettably, whatever benefits the society is supposed to get from the knowledge acquired through these sophisticated equipment are obstructed by social inequality and discriminations which excludes disabled people from actively participating in their society. Thereby excluding the possibilities of disabled learners using the knowledge they had acquired to help themselves and their society.

The phenomenon of indistinctive discrimination against disabled people also deprives societies of active participation and contribution by a significant societal group in many parts of social, political and economic life. It could be argued that there is no other place where their exclusion plays out more clearly than in education settings. It is axiomatic that education is a driving force for personal and national development. If a person with disability is denied access to similar education setting as is open for his compatriots and peer groups in the same school catchment area, then the authorities should not be talking in legislative terms of ‘equal rights’ or a ‘comparable quality of life’ nor an ‘opportunity to lead a normal life’.

According to UNESCO, Disability Report (2010), historically disabled people have suffered all kinds of disgrace and shame, which sometimes means they were forced to remain within the confines of their home. Sometimes in developing and poorer countries, they may even be confined to sheds for domestic animals. Even in developed parts of the world, they have been
systematically stigmatized, discriminated against and excluded from human activities and denied their human rights (e.g. education, employment, sports, and other cultural activities) to the extent that within many societies, particularly in but not limited to developing societies, persons with disabilities were often regarded as sub-human beings, shameful, and disgraceful creatures not worthy of recognitions as humans (UNESCO Human Rights annual report, 2010). It even gets worse in some developing societies, where they are perceived and identified as persons with incurable ‘disease’ for whom a cure or medical solution is a waste of time and money (Filmer, 2008). The Standard Rules on Equalization of Opportunities, adopted by the UN General Assembly, identified “ignorance, neglect, superstitions, shame and fear” as significant social factors which have led to the isolation of disabled persons and, which has impeded their social, economic and I would add, educational development.

One of my participants, who is physically and mentally impaired because of an accident sustained at age 9, let’s call her Grace, said:

“I want to be a nurse … hum … but, my chance of being employed as a nurse is almost impossible because nobody wants to hire someone like me, they believe I am not good enough”. [Interview with a female disabled student participant on 19th February, 2011]

My data leads this research to assume that this kind of rejection are caused mainly because the society and government is dominated by non-disabled people. This one-sided dominance allows the society and its government, to unintentionally ignore the issue of inclusive education through, among other ways, the use of human rights principle with affirmative action to equalize opportunities for disabled people. For example, the use of affirmative action will require legislative actions on the parts of governments to address the imbalance in educational and employment opportunities that have left disabled people without access to mainstream education and mainstream labour market.
Social identity is made, not born, and they are made through the interaction of the specific social, structural, political, and cultural composition of a given context (Björnsdóttir, 2010). Disabled students usually form their social identity through how they assume that people without disability perceive their presence (Blumer, 1995; Pinderhughes, 1997). This means that social identities are neither fixed nor uniform, but variable and multiple.

It could be argued that persons with disabilities have not enjoyed the full force of human rights laws like other groups had, such as women rights, gay rights, racial rights, asylum seekers rights, children rights etc. Disability rights advocates always call for eradications of all obstacles that prevent disabled people from gaining access to social activities, or things that make it unsafe for them to perform life activities. These obstacles could be in the form of law, building or transportation designs, derogatory remarks and negative attitudes towards them; curriculum designs, segregated education system etc. (see Oliver, 1990; 1996; 2001).

1.5 Brief Background of the case study country – Iceland

Iceland is a small, modern welfare state located in the North Atlantic Ocean, just beneath the Arctic Circle. According to Guttormsson (1983) by the year 1880, the population of Iceland was homogenous and largely literate, numbering approximately 72,000, with more than 80% of them living in rural areas. Today, the population in Iceland is a little over 300,000. Iceland gained its independent from Denmark gradually through a step by step transition in the late 19th and early 20th century and became a republic in 1944. This former Danish crown dependent nation has over the last 80 years or so gone through spectacular socio-economic and political changes. It runs a near state-of-the art welfare system that is highly rated among the OECD countries (OECD 2007; Jónsson 2009). In the 1960s and early 1970s, most parents who kept
their disabled children at home did not have the opportunities of sending them to schools or public sponsored day-care-centres. Some parents, especially parents of children labelled intellectually disabled, sent them to live at one of the relatively new institutions for care, where they were possibly given same kind of formal or informal trainings (Bjarnason, 2011; Jónasson, 2008).

In the early 20th century days of Iceland development, very few institutions for people with disability were established. The first of such institutions was established in 1930, but more was built in the 1950s and 1960s. These institutions were providing to disabled children some basic trainings in the beginning and later some curriculum based and formalized teaching and learning (Sigurðsson, 1993). By 1961, Höfðaskóli in Reykjavik opened for school-aged children with IQs between 50 and 75 who lived at home. In 1969, a boarding school opened for some few years for children with physical disabilities (as quoted in Bjarnasson 2011, p. 30). However, despite these developments in the wellbeing of disabled children, most disabled children living at their respective homes had little or no access to formal schooling until long after the passing of the Compulsory school Act in 1974. Following this law, learners with disability who came from poor homes were provided with educational support, often in the segregated schools. Subsequently, some institutions for the then so called “problem children” were established (as cited in Bjarnason, 2011).

The Icelandic government later in 1975 established a special exclusive school called Öskjuhliðarskóli,10 which replaced Höfðaskóli. Öskjuhliðarskóli which is located in Reykjavik is still operating, but now under a different name and the school and its students formed part of the sites and participants for this

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10 As at the time of writing this school has merged with Höfðaskóli and Safamýraraskóli. Together they are now known as Klettaskóli and are located at the same place as Öskjuhliðarskóli has been since 1975.
research. In 1975 children with disabilities were moved from the boarding school, Suðurhliðarskóli. Many of these students were later integrated partially or fully into typical classes. Bjarnason (2010) claimed that this marked the beginning of ‘integration’ or partial ‘mainstreaming’ in Icelandic schools; that is placing students on continuum from typical classes to segregated special classes or special schools on the basis of severity of their impairments and type of assistance needed (Jónasson, 2008; Sigurðsson, 1993).

1.6 Icelandic education system in outline
Above brief background histories of Icelandic disability education have continued to influence the country’s attempt to adopt an inclusive education for all its students irrespective of their levels of disability, albeit with limited success. The current educational system was established by comprehensive compulsory education law introduced in 1974. This law was not applicable to pre-school. It prescribed different types of special schools for disabled learners depending on their IQ levels (Jónasson, 2008; Reglugerð um sérkennslu nr. 270/1977). However, in 1994 a new law incorporated all preschools into the primary level of the state education system (Lög um leikskóla No. 78/1994). In 1980 some exclusive special classes were opened for disabled children at pre-school level, but these classes were years later closed. Presently all disabled preschool learners are entitled by virtue of Icelandic law (Lög um leikskóla No. 78/1994, No. 90/2008) to appropriate special education services in general mainstream preschool.

Compulsory education in Iceland is 10 years, beginning at the age of 6 years. Since early 1990s special classes\textsuperscript{11} have been operated for students with different levels of disabilities. Morthens (as cited in Bjarnason, 2011) submitted

\textsuperscript{11} Such classes are used to teach some severely disabled learners or learners who need extra aids such as the use of technology to instruct them or the use of a special teacher to teach them specific skills.
that approximately 15% to 20% of all compulsory school students in Iceland receive some form of special education supports. This figure includes non-disabled students in regular mainstream schools and those in special classes inside regular so-called inclusive school. Also, approximately 0.4% of the total numbers of compulsory school aged students are in exclusive special schools, like Öskjuhlíðarskóli.

Since most of the rural schools have very few students with disabilities or special needs, compared to the number in cities and towns, it was decided by the policy makers that running exclusive schools in the rural areas would be too expensive, so most of the exclusive school are in the capital city of Reykjavik. In 2000, the Reykjavik School Board decided to focus on inclusive education for all, by closing down its special classes and providing special support in classrooms or resource rooms (Fræðsluráð Reykjavikur, 2002). But this does not mean that in practice there is no more exclusive schooling or that inside the so-called inclusive schools that there is no segregation. In fact, my data shows that Öskjuhlíðarskóli, is a completely exclusive school for disabled learners while at Fjölbrautaskólinn í Ármúla and Norðlingaholtsskóli, there are special classes for disabled learners inside these acclaimed inclusive schools.

At the upper secondary school level the 2008 law (Lög um framhaldsskóla No. 92/2008) required an expansion of the upper secondary education programs with special classes provided, inside mainstream and inclusive schools, and that these special classes must be tailored to the needs and aspirations of the disabled learners. This allowed some disabled students to associate freely with their ‘others’ colleagues in the student body. Ragnarsdóttir (2005) and Gísladóttir (2007) found that most of the upper secondary schools were able to fully include non-disabled or non-labelled students who were identified as having special education needs. However, as submitted by Bjarnason (2011)
there are still traditional so called Grammar Schools, which see themselves as elite schools and as a way of maintaining their implied top of the ‘league table’ status, do not welcome students with “special education needs”, disabled students or intellectually impaired learners. Even those schools that accept students into their schools or into their special classes units usually selects from amongst the disabled applicants whom they think will fit into what they want before they can admit them or reject them (Bjarnason, 2011). This law allows the principal of these schools to reject students on the grounds that other schools specialize in serving disabled students with different labels and diagnosed special needs. Given that in most cases students, whether disabled or non disable, are supposed to be admitted into schools in their residential catchment areas, this law is too unfavourable and discriminatory to the disabled learner who, when rejected in the school in his or her residential catchment area, must now add the trouble of a daily commute to a distance school among their many other educational problems.

1.7 United Nations Universal Declaration of Human Rights (UNHR 1948)

The United Nations Universal Declaration of Human Rights was intended to tackle the violations of all kinds of rights across the globe.

Paragraph one of article 26 of the Universal Declaration of Human Rights (UDHR) is directly pertinent to rights to education. It states that “everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit”.

Paragraph two further states:
Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups and shall further the activities of United Nations for the maintenance of peace.

Paragraph three of the same article concludes by stating that “parents have a prior right to choose the kind of education that shall be given to their children”.

The United Nations General Assembly on 10th December 1948 adopted this declaration and called upon all Member States to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories”.

1.8 UNESCO Convention against Discrimination in Education (1960)

Article 1 of the United Nations Educational, Scientific and Cultural Organization, UNESCO, Convention against Discrimination in Education (1960) guarantees equal access to education of all types and levels to everyone and similarly prohibited the limitation of any person or group of persons to education of an inferior standards. Persons with disabilities must, therefore, be granted by the education authorities equal access to education, which is of comprehensively comparable standards to that which is available to non-disabled persons. This shows that there is a requirement of “reasonable accommodation” of able and disable students in same school in the UNESCO Convention. For the purpose of access to education and availability, this includes admission to schools and also physical access to buildings and classrooms, as well as availability of relevant learning aids, e.g. for the hearing
and vision impaired, and other materials such as books which fit the kind of
disability in question.

1.9 UN Convention on the Rights of Persons with Disabilities (2006)
The Convention on the Rights of Persons with Disabilities (CRPD) and its
Optional Protocol was adopted on 13 December 2006 at the United Nations
Headquarters in New York, and was opened for signature on 30 March 2007.
Same day, there were 82 signatories to the Convention, 44 signatories to the
Optional Protocol, and ratification of the Convention. This is the highest
number of signatories to a UN Convention on its opening day in the history of
UN. It is the first comprehensive human rights treaty of the 21st century and is
the first human rights convention to be open for signature by regional
integration organizations (Rehman, 2010). The Convention entered into force
on 3rd May 2008.

The Convention marks a “paradigm shift” in attitudes and approaches to
persons with disabilities. It elevates the shift from viewing persons with
disabilities as “objects” of charity, medical treatment and social protection,
towards viewing persons with disabilities as “subjects” with their own rights,
who are capable of claiming those rights and making decisions about their lives
based on their free and informed consent as well as being active members of
society (Rehman, 2010).

The Convention is intended as a human rights instrument with an explicit social
development dimension. It adopts a broad categorization of persons with
disabilities and reaffirms that all persons with any type of disabilities must
enjoy all human rights and fundamental freedoms. It clarifies and qualifies how
all categories of rights apply to persons with disabilities and identifies areas
where adaptations have to be made by signatory States, for persons with
disabilities to effectively exercise and enjoy their rights and areas where their rights have been violated, and where protection of rights must be reinforced (see Article 4, CRPD, 2006). The Convention was negotiated during eight sessions of an Ad Hoc Committee of the General Assembly from 2002 to 2006, making it the fastest negotiated human rights treaty.

Until the adoption of the Convention on the Rights of Persons with Disabilities in December 2006, disabilities presented a major lacuna in the United Nations consideration and treatments of human rights of the vulnerable, victimized and disadvantaged groups. The universality and indivisibility of human rights means that all human rights are applicable to all persons, regardless of any disability or characteristics. Since the preamble of the above mentioned UDHR (1948), called for equality before the law for everyone, it should not surprise anyone that the Convention on the Rights of Persons with Disabilities (CRPD, 2006), as an additional international human right rules and regulations of the United Nations was primarily designed to protect the rights and dignity of persons with disabilities. The Convention aims is to move disability policies away from a “medical” model that is based on sorting and separating persons with disabilities as objects of medical or therapeutic treatment, towards a “social” or “human rights” model that focuses on capabilities and takes inclusion, individual dignity, personal autonomy and social solidarity as the principal point of departure. Under these approaches, the disability problematic will no longer proceed from the question how to provide for those deemed “unable” to integrate into the mainstream society, but instead how to make society accessible to all persons, on equal, non-separatist basis. These include legislating or amending existing legislation to equalize opportunities either in the physical “disabling” environment, or in the perceptions of the public.
To this end State Parties to the Convention are required to promote, protect, and ensure the full enjoyment of all human rights by persons with disabilities and to ensure that they enjoy full equality before the State Party’s domestic law.

So far as is relevant to this thesis, Article 24 of CRPD, which is the most directly relevant to education, provides that:

1. State Parties recognize the right of persons with disabilities to education. This must be done with a view to realizing these rights without discrimination and on the basis of equal opportunity. State Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

   (a) The full development of human potentials and sense of dignity and self-worth and the strengthening of respect for human rights, fundamental freedom and human diversity.

   (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their full potentials.

   (c) Enabling persons with disabilities to participate in a free society.

2. In realizing these rights, State Parties shall ensure that: (a) persons with disabilities are not excluded from the general education system on the basis of their disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.
(b) Persons with disabilities can access an inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live.

(c) Reasonable accommodation of the individual’s requirements is provided.

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education.

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. State Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as a member of the community. To this end, State Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative scripts, argumentative and alternative mode, means and formats of communication and orientation and mobility skills and facilitating peer support and mentoring.

(b) Facilitate the learning of sign language and the promotion of the linguistic identity of the deaf community.

(c) Ensuring that the education of persons and in particular children, who are blind, deaf or autistic, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, State Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. State Parties shall ensure that persons with disabilities are able to access the general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, State Parties shall ensure that reasonable accommodations are provided to persons with disabilities.

So far as concerns this thesis, the overall purpose of the 2006 UN Convention is to eradicate discrimination against disabled members of humanity, which it expansively defined as “any distinction, exclusion or restrictions, that affects the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms”. This treaty clearly indicated a significant shift in how the international community views human rights, suggesting a willingness to rethink the sphere of human rights protections specifically provided to persons with disabilities.
Chapter 2: Theoretical background

2.1 Literature review and theoretical framework

On the pre 2008 presumed Icelandic growing economy, Dóra S. Bjarnason (2011) went on an inquiry of social policies and social capitals of parents of disabled children and other national issues, laws and programs about disabled children born between 1974-2007 and asked “why in this society of abundance, did parents of disabled children still have to struggle hard for social justice, equal rights and human rights”? Why did parents still have to fight for appropriate education, training, and social acceptance of their disabled children”? (p. 2). She wanted to understand how “parents of disabled children surfed the waves of social policy at different stages of the Icelandic welfare system”, and concluded that it was inter alia, “by constructing their private problems as public issues” (p.2). Her findings shed more light on the dilemmas of parents of disabled children as well as the sufferings of the disabled children in the Icelandic education system. Of particular interest was the strong belief of parents that their child’s disability should no longer be viewed as their individual family private affairs but need to be seen as a general public issue (Bjarnason 2011).

Many studies have been conducted on the ideas of inclusive education. Individual and social models\textsuperscript{12} of disability were the main concern for Oliver (1988)\textsuperscript{13} who argued that the social and individual model is,

\textsuperscript{12}The approach behind the model is traced to the civil rights/human rights movements of the 1960s. It focuses on the environmental, cultural legal, institutional and attitudinal approaches to issue and concerns of the disabled people. For example a school might admit a disabled student, but fail to provide adequate access into classrooms, and other facilities. According to social model of disability, such lack of access is disabling in its own. This model aims to shift the focus from the traditional medical model of disability to the social model.

\textsuperscript{13}Some scholars credit Michael Oliver with subsequent development of the social model theory. See Oliver (1983).
Nothing more than fundamentally switching away from focusing on the health or physical limitations of particular individuals, to the ways the physical, cultural, institutional, attitudinal and social environments imposes limitations on certain groups of people.

The social model of disability is a reaction to the dominant medical model of disability which in itself is a Cartesian functional analysis of the body as machine to be fixed in order to conform to normative values. The social model of disability identifies systemic barriers, negative attitudes and exclusion by society, whether purposely or inadvertently. This means that the perceptions of the society and other social barriers are taken into account as parts of the major contributory factors in disabled peoples problems. While physical, sensory, intellectual, or psychological variations may cause individual functional limitation or impairments, these do not have to lead to disability unless society fails to take account of and include people regardless of their individual differences (Oliver, 1988).

Lipsky and Gartner (1997) concerned themselves with the evolution of the ideas of inclusive education in the USA, in terms of three main periods namely: (1) the era of institutions, (2) the era of deinstitutionalization, and (3) the era of community membership. In their view of the US literature, they considered series of “focal questions” in relations to each of the eras, they have identified. Their book titled Inclusion and Social Reform: Transforming American’s Classroom discussed many of the issues that were later addressed by Clough and Corbett (2006) who used UK cultural perspective to look at the evolution of inclusive ideas in UK. Clough and Corbett, constructed their own models in three ways, namely (1) the historical influences which shaped current views and practices, (2) the heterogeneity of inclusive ideology, and (3) the ways in

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14 Cartesian functional analysis is a new method of multidimensional analysis of the individual capabilities of each bodily limb in relation to the complete capability of the whole person, e.g. the brain, leg, nose, and mouth, as opposed to the individual personality.
which researchers’ ideas change and develop over a period on these ideas. These cross Atlantic findings served history purposes and may be indicative that the USA and UK societies were then making piece-meal or half-hearted efforts devoid of effective actions in addressing the plights of disabled people in their respective school and employment environments. These have left the societies to treat disabled people’s educational opportunities with pessimism and stigmatization.

Some researches (Finlay & Lyons, 2005; Harris, 1995; Todd & Shearn, 1995) have argued that disabled people do their best to ignore the labelling that society has stigmatized them with by pretending as if it’s not their identity, albeit carrying the huge burden associated with such stigmatization. They do this by various individual means so that their self-identity is linked only to what they perceive themselves as being and not linked to what the society have labelled them to be. But according to Rapley, Kiernan & Antaki (1998), despite disabled people’s concealed efforts to ignore the psychological and emotional impacts of the societal stigmatization of their impairments, nevertheless, they are adversely affected psychologically and emotionally by what they described as the “societal consensus on the toxicity of the imputed identity” (p. 825).

Nordenfelt (2008) found out that common feature in the Scandinavian legislation is to measure the individual work ability in degrees or percentages. From that point of view a decision about the individual sick leave and his/her economic compensation is taken. However, Nordenfelt concludes in his book “The Concept of Work Ability” that a quantified measure of degree of impairment related to separate diseases or injuries cannot give an answer to the question that concerns the overall disability of the person in his or her life. He states:
In general, a specific impairment can have an effect on one person which is so different from the effect of the same impairment on another person that the impairment itself cannot function as a reasonable criterion for decisions in the medical insurance system. A person’s impairment may but need not lead to an activity limitation. And an activity limitation may but need not lead to a participation restriction (Nordenfelt, 2008, p.37).

Nordenfelt’s discussion was in job related area but the kind of assessment of impairment to which he refers is sometimes used by educational institutions in assessing who to be admitted or who to be sent from exclusive rehabilitation schools to mainstream educational settings. Nordenfelt’s arguments are in-line with the view stated by the World Health Organization (WHO) in the International Classification of Functioning, Disability and Health (ICF) (2001). The basis of this model is that disability has three major components apart from having a disease: impairments in bodily or mental functions or structures, limitations in activities, and restrictions in participation in societal roles. Personal and environmental factors also play important role in an individual’s ability to function well (Verbeek & van Dijk, 2008).

Solli (2007) analyzed the model of ICF and proposed a new model of functional ability where he uses the conceptual system of ICF as a starting point because it helps the assessor to evaluate the individual’s degree of disability. He thinks that the assessor must, in addition to the traditional medical investigation, also make an objective judgment of the individual in question. He states: “This judgment should be based not on physical examination but on a specification of the client specific needs, goals and ideals.” Behind this suggestion lies the insight that an activity limitation not only depends on physical impairment, but also on types of environment under which the activities are to be performed, the degree of expectations of the individual in question, and rules governing these expectations such as the curriculum in use at schools. This in turn depends on the individual’s wishes and goals in life. The conclusion of this observation is that disability needs to be assessed much more on an individual basis than has been the case (Nordenfelt, 2008).
2.2 Theoretical framework

Issues related to disability, equality social justice, human rights and democracy have concerned social commentators and researchers for many years now; these people have often based their work on one theoretical framework or the other.

17th century English philosopher John Locke used the concept of natural rights in his work. He identified a natural right as being a right that was of such fundamental importance for the individual that it could not be surrendered to the State for the purpose of social contract (Locke, 1991).

Locke’s theory which reserved natural right as the basis of the maintenance of fundamental liberties, insisted that human beings have some fundamental rights that need not to be derogated, because they belong to the individual by nature and have not been surrendered to the state and cannot be limited or denied by the state. His works on natural rights was influential in shaping the concepts of human rights; especially post Second World War, as evidenced from the draft papers for the Universal Declaration of Human Rights (1948) which was adopted by the UN General Assembly Resolution 217 on 10 December, 1948 (UNHR).

John Rawls (1971; 2001) has argued for a theory of social justice by utilizing some of the familiar devices of the social contract tradition. The result of his work culminated in a theory presented in his seminal work, *A Theory of Justice*, in 1971 (see also Rawls, 2001). Fundamental to his theory are two principles of justice: the liberty principle and the difference principle.

According to Rawls (2001), the liberty principle requires that all individuals in a given society, be given equal rights to basic liberties. Rawls argued that certain rights and freedoms are more important or more ‘basic’ than others. For
example, Rawls believes that “personal property” (this includes intellectual properties or personal skills) constitutes a basic liberty, but an absolute right to unlimited private properties is not. Rawls argues that those basic liberties are inalienable and that no government can amend, infringe or remove them.

The difference principle regulates inequalities, by allowing inequalities only when they work to the advantages of the worst-off in that society. Rawls argument could be interpreted as requiring a system where wealth is ‘diffused up’. This diffusing up of wealth will guarantee the worst-off in the society a fair and proportionate deal. However, Rawls was mindful of some properties that some individuals acquire by virtue of their natural endowments of talents or skills15. Such inequality is understandable even by the least well-off.

Rawls (2001) argues that the two principles would be chosen by representative parties in the original position — a thought experiment in which the parties are to choose among principles of justice to order the basic structure of their society from behind a “veil of ignorance” — depriving the representatives of information about the particular characteristics (such as wealth and natural abilities) of the parties that they represent. In order to overcome the inequalities of natural contingencies, in human life, Rawls argues that society should select institutions that are the most beneficial to the least advantaged people as a means of improving their lives. There is little doubt that schools are such institution, so that segregated schooling has the effects of reducing excluded peoples opportunity (Oliver, 2001).

Admittedly, someone may argue that segregated schooling is necessary to prepare the disabled students for possible integration later into the mainstream society. But such argument cannot stand in the face of US

15 Like the skills of sports men/women, or other performance skills like dancing, singing etc
Supreme Court’s landmark decision on relatively similar facts in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).

Educational institutions are widely believed to be among the most important institutions for the improvement of peoples’ lives and if persons with disabilities are excluded from those important institutions, it is arguable that the society is basically endangering their lives. It could be argued that the Pareto improvement principle\(^\text{16}\) offers a good way for thinking about how the most disadvantaged members of a society can improve their living conditions. It is argued here that the use of affirmative action through human right principles are consistent with the Pareto improvement principles and will easily and rapidly improve a society’s awareness and implementation of inclusive education for all.

“Justice as Fairness” is the phrase used by Rawls to refer to his distinctive theory of justice. Justice as Fairness consists of two principles: First, each person is to have an equal right to the most extensive basic liberty compatible with similar liberty for others. Second, “social and economic inequalities must satisfy two conditions: (a) They are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and (b), they are to be to the greatest benefit of the least advantaged members of society”. The first of these two principles is known as the equal liberty principle. The second principle is split into two parts; the first, known as fair equality of opportunity, which asserts that distribution of social needs, should not benefit those with advantageous social contingencies, to the detriment of their less privileged others; for the purpose of this thesis it will mean the non-disabled members of

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16 Pareto efficiency, or Pareto improvement, is a concept in economics which also applies in other disciplines including social sciences. The term is named after Vilfredo Pareto, an Italian economist who used the concept in his studies of income distribution. This principle calls for a change to a different allocation that makes some individuals better-off by improving their conditions without making other individuals worse off.
such society. While the second, is reflective of the idea that inequality is only justified if it is to the advantage of those who are less well-off. This is consistent with human rights, social justice and democracy, because with the use of affirmative action to equalize the unfair and unequal treatment of disabled people. Any complaints or argument of inequality from the non-disabled members of the society will be justified because it is to the advantages of those (disabled people) that have long been the less well-off.

Of the many ideas of justice as fairness as enumerated by the work of John Rawls, I focus here on the ideas of (1) citizens as equal in a democratic society and (2) the principle of a well ordered democratic society as discussed by Rawls (2001, p.6). Both of which are considered in the hypothetical assumption of a democratic society that is effectively regulated by a public conception of justice as fairness. Though citizens may have conflicting religious, philosophical, and moral views and so they affirm their political conception from within different and opposing comprehensive doctrines, and also affirm it in part at least, for different reasons (Rawls, 2001, p.32). However, in a well ordered society, reasonable and rational minded citizen have a common and acceptable notion of concepts of justice. Though their reasons for coming to a conclusion of what is or is not justice may vary, nevertheless their “reasonable overlapping consensus” does not prevent them from identifying that in their society, there is a shared assumption that this or that is justice and this or that is injustice on a socially serious matter like human rights, inclusiveness, social justice, and equality.

In such society if a disabled learner and a non-disabled learner are not educated in same inclusive learning environment and are not assessed under same nationally accepted curriculum and same testing instruments, and there are obvious discriminatory and adverse effects of this on the disabled learners,
members of that *well-ordered* society will certainly see this as being unfair and injustice. This is still so even when certain members of that society believe that their disabled people are well taken care of.

Walzer (1983) suggested that every human society must educate its children, its new and future members. Education according to Walzer is a program for social survival. And so it is always relative to the society for which it is designed. The purpose of education, according to Walzer, is to reproduce in each generation the type of characters that will sustain the constitution. In the serenity of Iceland, or any other civilized society, it could be argued that social cohesion will be better sustained by allowing every citizenry to equally obtain, similar education, through an approach of inclusiveness. Education should be supportive of learners’ live so they can achieve their social capitals.

The concept of social capital highlights the value of social relations and the role of cooperation amongst people in a given society as they cooperatively share collective, socio, political and economic burdens and benefits. The term ‘social capital’ is frequently used by different social sciences and scholars in different ways. It is a wide term, and that is why it can be defined accentuating different aspects depending on the perspective. Here I mean that it is the fruit of social relations, which consists of the expectative burdens and benefits derived from the equal treatment and cooperation between individuals and groups in a society. It arguably follows that education must appeal from school to society, and from conception of educational justice to a conception of social justice (Walzer, 1983, p. 198).

During my observations and interviews at a Reykjavik based pre-school, the head teacher was proud to showcase how they instructed all children that they are equal to each-other, irrespective of their individual capabilities. Such is
needed to maintain an egalitarian society, as globalization brings learners with different physical, cultural and family backgrounds together. Also, since education also serves as an egalitarian business, Walzer (1983) rightly suggested that “when schools are exclusive, it is because they have been captured by the social elites, not because they are schools” (p. 202). It may be good to begin to see educational equality as a form of welfare provision, where all children, conceived as future citizens, have the same needs to know, and where the ideas of membership is not allowed to hang on their physical or mental ability but on their being human beings, who are interested in education and capable of doing what all those admitted in schools can do, albeit at varying pace and capabilities.

Whilst learners never all learn at the same pace and with the same ability, nevertheless, education as a good distributive to all citizens calls for equality in its distribution. School children are each other’s recourses: comrades and rivals, challenging one another, helping one another, thereby forming what may well be the crucial friendship of their adult lives as the relatively homogenous Icelandic environment suggests (see Walzer, 1983, p. 215).

It is common knowledge that parents who think that their children are exceptionally bright, tends to favour the sort of segregation that encouraged the presence of exclusive and league table of schools. This parental attitude is in-turn promoted by a class culture so that their children will make the “right” grades and contacts with similar bright students on the believe that intelligence reinforces intelligence. The counter demanding consequences of these are inter alia, that instead of proper distribution of brighter students across the community schools as a way of stimulating and enhancing the so-called non-bright student’s ability in inclusive education settings, segregation
means that the so called brighter students are pitched together. This leaves a one-sided and unequal balance of educational settings because of the dividing lines between inclusive and exclusive education settings, thereby, using exclusion to reinforce inequality from schools to society (Walzer, 1983, p. 220).

The notion of the social contract as most famously discussed by philosophers like Hobbes, Locke, and Rousseau, implies that the people in any given society gave up their individual sovereignty to a government or other authority in order for them to receive or maintain social order through the rule of law. It can also be thought of as an agreement by those being governed and those governing them to use some sets of rules by which they are governed in order to achieve their common good. It follows that any such rule by which they are governed which unfairly prejudices the possibilities of known members of that society to lead and maintain a normal life is ‘iniquitous’ rules and injustice. Rules and practices that minimize the opportunities of disabled people to improve their life clearly demonstrate the impact of iniquitous rules and its accompanying injustice, which need to be removed.

In criticising utilitarianism Rawls (1971, 2001) argued that utilitarianism would in general give little comfort if it did not respond to distributional inequality of the most blatant type as suffered by the disabled members of most civilized societies, a fortiori in developing societies. Whilst Rawls theory is not directed against utilitarianism alone, it appeared to be directed against ineffective doctrinaire social theories in general. Utilitarianism requires that moral worth of policies, action or inaction, must be determined by its utility in maximizing social satisfactions of greater number of people. For the purpose of inclusive education as fundamental human rights of those excluded, in particular and society’s wellbeing in general, it is arguable that the principle of utilitarianism
is an attempt to lay down an objective principle for determining when a given action was right or wrong (Popkin et al. 1982, p.33). It is arguable that if the principle of utilitarianism is applied in the context of fairness and justice it may become clear that exclusion serves to marginalise a number of compulsory school aged children. This can be argued as being inconsistent with democracy, human rights and social justice, and equality.

Martha Nussbaum (2006) suggested that if a theory of justice implies that moral duties to the severely disabled, to nonhuman animals, and to people who are outsiders, ie those that are not included in their own national political community are problematical or marginal cases of justice, the theory is thereby discredited. According to Nussbaum, the social contract idea is that justice is the outcome of an agreement among persons in a given society. This idea can be interpreted in various ways because the social contract tradition is heterogeneous.

On social contract accounts of social justice, Martha Nussbaum proposes a fresh start. Her suggestion is that societies start directly with the idea of the dignity of each individual and what is required to live a life of dignity. For humans, this yields the idea that justice at a minimum requires that we secure for each and every individual the capabilities to function at a threshold level in every way that is required for a decent human existence. She contrasts this approach with the approach of utilitarianism, which takes desire satisfaction to be the relevant measure of people’s condition for moral principles.

The main point here is an assumption that the primary subjects of justice are identifiable with the society entering into contract, i.e. that is the parties in the social contract are basically formulating principles as though they will live under the contract. This leads to the principle of justice assumption that those
entering into the social contract are doing so on the grounds of reasonable and foreseeable personal benefit to them. All these are closely connected to what has been called the *Humean Circumstances of Justice*\(^{17}\) so that if there were great disparities in physical and mental abilities between the contractors, then there is a likelihood that the more powerful (non-disabled) would probably benefit far more than the weaker (disabled) by taking advantage of their dominant power to benefit more from the social contract. That is exactly what the stronger parties i.e. (the non-disabled) are doing to the disabled members of almost every society, by creating laws, environments and building and employment environments that are only beneficial to them alone but are artificial obstacles to the disabled members of that society.

Leaving aside the functioning aspects of Nussbaum’s capabilities approach\(^{18}\) it is argued here that with a social contracting theory it is expected that people with disabilities as the weaker party, will be by so contracting legitimately expecting a fair treatments from their stronger and more powerful contracting partners. But that is not often the case as those with disabilities are often neglected and discriminated against in their quest to obtain education and other socially contracted benefits in comparison with their non-disabled contemporaries in the society.

Legislations aimed at improving the lives of disabled learners are sometimes in practice used against them. For example, the Icelandic *education* legislation (Lög um mâlefini fatlaðra No. 59/1992), claimed that the “aim of this law is to

\(^{17}\) What Rawls took from Hume was an anti-individualist understanding of social practices. Rawls deviated from Hume in identifying genuine and deep moral disagreement as one of the crucial circumstances of justice.

\(^{18}\) The approach emphasizes functional capabilities. It is noteworthy that the emphasis is not only on how human beings actually function but also on their having the capability, which is a practical choice, to function in important ways if they so wish. Someone could be deprived of such capabilities in many ways, e.g. by ignorance, government oppression, lack of financial resources, or false consciousness, created in him/her by long-term social stigmatization. See Nussbaum (2006).
secure disabled people equal rights and a comparable quality of life to that of other citizens, and to create for them opportunities to lead a normal life”. But in Nussbaum (2006), claim such as this by the Icelandic law would have required that in practice it provides fundamental entitlements to all citizens to be able to enrol into the mainstream education settings without hindrance on the ground of disability, because a “comparable quality of life to that of other citizens” can only be measured when both parties operates at same levels of equality. According to Nussbaum (2006), failure by any State to secure these basic rights to its citizens is particularly grave violation of their basic human rights and social justice, since there entitlements are held to be implicit in the very notion of human dignity and a life that is worthy of human dignity (p.155).

Human beings are characterized by what Marx (2002) called “rich human need” which according to Nussbaum, “that is to say, need for an irreducible plurality of opportunities for life activities” (p. 167). The law should be used to improve not reduce disability rights.

Nussbaum (2006) thought that Rawls’ theory is not inclusive in its full sense, because for example, a seriously disabled person may not be able to make significant contribution to the society at the same level as none disabled other do and thus be excluded at the initial stage. However, she went on to argue that this should, nevertheless, not be an obstacle to their basic human rights, and I would add; such as access to mainstream education for the purpose of inclusive education. It is not justice to sympathise with someone with one hand and use the other hand to remove his human right. Nussbaum’s capability approach generally values the dignity, autonomy, and potential of all individuals, and views each as his or her own end. In doing so, her framework provides an elegant normative theory of human rights as a means of ensuring human flourishing. However, it is arguable that Nussbaum’s scheme does not
sufficiently account for the development of individual talent. This is because, among other things, it requires that individuals be capable of attaining each of Nussbaum’s ten functional abilities as a prerequisite to being “truly human” and thus wholly entitled to resource distribution. Consequently, her framework excludes some individuals with intellectual disabilities, and only indirectly assists others.

Stein (2007) argued that a more inclusive approach is the disability human right paradigm which maintains as a moral imperative that every person is entitled to the means necessary to develop and express his or her own individual talents. Few things other than education without discrimination can help any individual or group to fully develop their talents. A disability human rights paradigm to inclusive education will compel societies to acknowledge the values of all persons purely based on their inherent human worth, rather than basing values on an individual’s measured functional capabilities or ability to contribute to the society. My argument here is that if we embrace a disability right paradigm to inclusive education as a framework then abilities will be assessed from the bottom up, embracing all individuals—including those excluded by Nussbaum’s capabilities approach—and accounting for the functional variations. By putting potential talents above function, the disability rights paradigm embraces disability as a universal variation rather than as an aberration. I think that this approach is necessary in order to advance inclusive education as human rights to all, including the disabled.

Stein (2007) argued that disability based rights necessarily invokes both civil and political rights, as well as economic, social and cultural rights to a greater degree than previous human rights paradigms. This calls for signatories to the 2006 UN Convention on the rights of persons with disabilities to respect their signature and improve the living standards of the disabled not only through
financial benefits but through an affirmative action that is aimed at inclusiveness.

2.3 Identity, habitus and excluded peoples self-concepts

The concept of habitus has been used as early as Aristotle, but in contemporary usage it was introduced by Marcel Mauss (1973) and later re-elaborated by the French sociologist Pierre Bourdieu (1977, 1984, 1986, 1988 and 2005), who by explaining its dependency on historical socio-cultural perceptions on that individual’s capital, showed how individuals are influenced by their habitus. For instance, a certain behaviour or belief becomes part of a person’s idiosyncrasy or through members of a society becomes a common norm of that socialized culture. Bourdieu contended that everyday life consists of the struggle over power and society’s resources. Dominant groups are often committed to maintain their strong grips of power over these resources and distinguish themselves from subordinate groups that attempt to increase their capital and opportunities (Bourdieu, 1984). It could be argued that as things stand now the cultural habitus of most societies appears to be to look down on disabled people as people incapable of doing most things they can do. Even though, by denying them the chance to do many things, they deny them access to equal opportunities. It could be argued that such social habitus can be significantly reduced through inclusive education, strengthened through affirmative action.

Bourdieu used the term habitus to refer to the dispositions and attitudes that people develop through social interaction (Bourdieu, 1977). For example, the attitudes of able people to disabled people can be decisive as to whether or not both groups are included or excluded at educational settings. The habitus is not a quality a person is born with, but an acquired product of history, social experience, and education (Bourdieu, 1977, 2005). The habitus is a long-lasting
structure of “perception, conceptions and actions” (Bourdieu 2005, p. 43). The habitus unconsciously steers people’s practices, behaviours, and feelings and reflects their social history and location and equips social actors with competence, i.e. knowledge and skills, to play the social game and increase their capital assets (Bourdieu, 1977, 1984, 1988). The less social capital a person has, the more impoverished she is, so if the non-disabled as the dominant party in the social contract continue to subject disabled people to segregation that denies them access to quality education and employment, then the disabled will end up poor in the society. But through inclusive education, they could get better by improving their social capitals through mainstream education that often mirrors the job market requirements in the increasing knowledge economy inspired by globalization. Social actors employ social strategies, i.e. ideas, practices, and knowledge, in their attempt to improve their social position (Bourdieu, 1984, 1988; Lamaison & Bourdieu, 1986). Social actors, who have good sense of playing the social game, constantly employ useful social strategies and do “what needs to be done, what the game demands and requires” (Lamaison & Bourdieu, 1986, p. 113). The habitus gives people a sense of their place as well as a sense of the place of others in a social context, and social actors associate with some and distinguish from others by expressing the habitus (Bourdieu, 2005). This may explain why and how the non-disabled distinguish themselves from the disabled according to society’s view of individual’s impairment. For example according to Björnsdóttir (2010), the view of disabled people in the developed Western countries of Europe, Canada and America is more humane than in the developing countries of Africa, Asia and South America. Habitus is therefore instrumental for the reproduction of the social order over time, ensuring its tenacity precisely because it is experienced as natural rather than constructed (Gibson et al. 2007).
All parents want their children to be accepted by their peers, have friends and lead “regular” lives. Inclusive settings can make this vision a reality for many children with disabilities. Children develop a positive understanding of themselves and others because when children attend classes that reflect the similarities and differences of people in the real world, they learn to appreciate diversity (Ferguson, 1995). Respect and understanding grow when children of differing abilities and cultures play and learn together. Friendships can easily be developed because schools are important places for children to develop friendships and learn social skills (Ferguson, 1995). Children with and without disabilities learn with and from each other in inclusive classes. Children learn important academic and social skills, because in inclusive classrooms, children with and without disabilities are expected to learn to read, write and do math within a corporative learning environment. According to Mara Sapon-Shevin (2007), with moderate expectations and good instruction children with disabilities learn academic skill that they otherwise would not learn. This is because they enjoy the healthy competitive atmosphere created by diversity. All children irrespective of ability, sex, race, creed, can learn by being together, in an inclusive learning environments, because the philosophy of inclusive education is aimed at helping all children in the school environment to benefits. Samelsson and Carlsson (2008) found that Children learn at their own pace and style within a nurturing learning environment, and that the psychological and mental state are varied to their academic achievements. If disabled people are allowed to carry the labelling the society have stigmatized them with then they will be weighed down psychologically and mentally, leading to poor academic achievements, poor job opportunities, low esteem and low social capitals (Sapon-Shevin, 2007).
The Salamanca Statement agreed by 92 government and 25 international organization at the 1994 World conference on Special Needs Education in Salamanca, Spain, added the following: “regular school with this inclusive orientation are the more effective means of combating discrimination attitude, caring welcome communities, building an inclusive society and achieving educating for all: moreover, they provide an effective education to the majority of children and improve the effectiveness of the entire education system” (UNESCO, 1994, p.2). Inclusive education, as conceived in the Salamanca Statement, is based on the concept of social equality and is consistent with a social model of disability. The preamble to the Salamanca statement (1994) on inclusive education states that,

We declare our conviction that every child has a fundamental right to education, and that children are unique, and that education system should be designed and educational programmes implemented to take into account the wide diversity of those characteristics and needs of those in special need education, [SNE]. That those with SNE must have access to regular schools regular and that schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all.

One would think that this robust statement should encourage education policy-makers, school authorities and teachers in signatory countries, to stop presuming that disable children have nothing good to contribute to the learning process of those non-disabled children because according to Douglas Biklen (1998), “presuming incompetence allows educators to dismiss students learning, to overlook abilities, and contributions, and see nothing but failure. In contrast, presuming competence allows the educator to see the other person as a peer: it requires a democratic outlook, a commitment to justice (pp. ix-xi).
2.4 Brief explanation of affirmative action

Affirmative action refers to legislations or policies that take factors including ethnicity, race, colour, religion, ability, and gender, linguistic, cultural, or national origin, into consideration in order to benefit a group recognized as being underrepresented, stigmatized, excluded or marginalized, usually as a means to counter the effects of a history of discrimination, which that group had suffered from. The focus of such policies ranges from education, employment and property rights, to public contracting and other programs. For example in the United States of America the principle of affirmative action was the type of policy that was adopted in the 60s, 70s and 80s, to increase the representation of women and ethnic or racial minorities in areas of employment, education, and property ownership, from which they had been historically excluded. This influences my choice of an affirmative action to inclusive education/schooling through other principles, like, the human right, social justice, equality and democratic perspectives. This is because; I am convinced it will help to achieve the objectives of inclusiveness, by awakening education policy makers, teachers and disabled learners to their duties, rights and responsibilities. The overall aims of pursuing inclusive education/schooling through affirmative action in connection with other mentioned principles is because education should as far as possible be provided within the ordinary school system, without any discrimination against the handicapped children or adults. However, this condition is not always met, because of prejudices of the authorities and teachers, of parents of other children or even of the parents of disabled children. Consequently, in many instances where the child’s disability does not constitute an obstacle in itself, discrimination prevents the disabled students from entering the ordinary school system. In some cases, it is the lack of means of transportation, both in cities and rural areas, although the phenomenon is much more common in the latter. Other barriers include the
shortcomings in building design which have similar effects, of making access to school buildings and movement inside them difficult, and also barring access to necessary facilities like toilets etc.

2.5 Disabled students struggle in education settings

From, stereotyping, to bullying, to discriminations, to outright rejection, disabled students have seen it all in many (if not) all education systems across the world. But for the purpose of this thesis, the most outrageous is the unequal access to education between the so called “others” and disabled students. In many democratic and developed societies, there is still indistinctive negative discrimination being made and sought, between the kind of equality granted to students with disabilities and the kinds granted to others. The legislative backgrounds to this distinctions is that while all children irrespective of the capabilities have the putative rights to an education under domestic laws, nevertheless Rioux (1999) rightly pointed out that in most countries these laws do not clearly require school administrators to include students with disability in their schools. It follows that lack of clarity in legislation regarding inclusive education in most countries inadvertently gives school authorities the power to subjectively interpret their responsibilities regarding placement decisions, which results in children with disabilities being placed, against their objections and those of the powerless parents, in segregated special education schools or segregated classes inside so-called inclusive schools. Real equality, social justice human rights and democracy would require that legislations be as specific as possible in mandating schools to include all school aged students in its neighbourhood (Oliver, 1999). While discussing an important disability case in Canadian province of New Brunswick, Rioux (1999) reported how Canada’s region of New Brunswick education law required that “every child be placed in a regular school or class in his or her
school catchment area; if a particular child needs to be placed in any other situation the onus lies on the school to justify why the child cannot be in a regular school or class” (The New Brunswick School Act, 1985). It could be argued that all signatories to the UNCRPD (2006) must as part of their obligations include this kind of wording into their own domestic version of disability and education legislations.

When the law of a country discriminates against a certain group of people in its territory, the implication is to create in the minds of the affected people a sense of devalued personality (Coleman, 1997). Such law makes some stigmatized person to accept their devalued status as being legitimate. While others with the requisite phlegm press harder in an attempt to overcome their stigmatized life. Nevertheless in the absence of social and legislative equality, the extent to which the strongest stigmatized person can overcome his/her devalued status largely depends on mere luck.

This lack of clarity of legislation and its consequential discriminatory attitudes towards disabled learners was found by Coleman (1997), as flowing from social construction of stigma, which he argued allows the stigmatizers i.e., (“others/normal people”) to maintain their dominant power, because it gives them power and control over the stigmatized ones (disabled people). The struggles of disabled students in education settings will be minimized if the empowering and controlling aspect of stigmatization of the disabled by the non-disabled is confronted, through an affirmative action that seeks real and practical equality.

The theory of social stigma according to (Becker 1963; Goffman 1961, 1963), suggested that ‘deviance’ was socially created and that who is seen as ‘different’ is culturally determined. Inspired by these theories, scholars began
to study the influence of stigmatization on the lives of people with learning difficulties (e.g. Edgerton 1967; Bodgan & Taylor 1982). In his work titled *stigma*, Goffman (1963) chronicled how people cope with stigma in their daily interactions with others. He concluded that those who are stigmatized often looked at themselves in the same negative light as their stigmatizer had looked them. Their self-image and self-confidence usually suffer when disabled people think that non-disabled people are not satisfied with their presence, or their contributions to the issue at stake. Bodgan and Taylor (1982) found that stigmatisation has had decisive influence on the lives of those disabled participants, but they nevertheless resist it and forge their life as if they are not stigmatized. Whilst non-disabled people may not always be responsible for the lack of self confidence by disabled people, nevertheless, an inclusive approach to social living, including in education settings may reduce such a lack of self esteem if disabled people begin to fell, wanted and valued.

### 2.6 Disability in democratic society

Whilst democracy is a highly contested notion, it is generally used to refer to the principle of government by the majority and the projection of equal rights (Davies, 1999). It also refers to the principle of public participation and equality of opportunities. Struggles over how these principles are articulated and interpreted in different contexts takes place at all levels and in every society, and they often reveal broader struggles and social justice. Inclusive education is arguably an important part of democratic principles because; it involves the provision of equal opportunity to all children in the society to pursue same education, which in turn provides better employment opportunities, as well as other better opportunities to lead a normal life (Davies, 1999). The disjuncture between principles of democracy and equality and the control exercised over people’s choices and opportunities by the powerful (majority group) in
societies opens up vast space within which sections of the societal communities are discriminated against, disadvantaged, and marginalized (Barton & Armstrong 2001). Even if not intended, however, this is one side of a coin in which the majority (non-disabled people) uses democracy in a negative way to achieve their goals to the detriment of the minority (disabled people).

A fundamental characteristic of a good democratic welfare society is its usual policy of carrying everybody along. That can be seen from the system that allows non-disabled members of Icelandic labour market to contribute from their wages for the benefit of disabled people in Iceland. Such benevolence could be argued to be indicative of non-disabled peoples’ preparedness to share their wealth and life together with their non-disabled members of the society. This may indicate a positive sign that an affirmative action for inclusiveness at all spheres of social living may be a source of help rather than hindrance.

Inclusive education calls for carrying every learner along, irrespective of his or her capabilities. Inclusive education differs from previously held notions of integration and mainstreaming, both of which tends to be concerned principally with special education needs and implied polices to change the learner or getting the learner ready for accommodation by the mainstream (Oliver, 1996). By contrast, inclusion is about the child’s right to participate and the society and its schools duty to accept his or her rights to participate fully. A democratic society, must maintain laws and institutions that are intended to function in ways that allows every member of that society to flourish to his or her full capacity without any foreseeable and avoidable obstacles (Oliver, 2001). Since democracy stresses majority dominance, it could be argued that if for example, there are more disabled people than non disabled people in a given society, democratic values in that society would lead to there being more
ramp stair cases than normal step cases leading into high building, or public transportations.

Although, like most welfare democracies, the Icelandic society has many layers of supports for its disabled members, nevertheless, as Oliver (1996) has suggested, a focus on economic benefits from the State to the disabled implies a shift to an individualistic model of disability. He further argued that an exploration of the concepts of prejudice faced by the disabled from institutionalized, cultural and social perspectives will help understand that financial benefits from States to the disabled good as it is now may no longer be enough for the disabled to overcome their social, political, education and environmental predicaments. The focus, Oliver argued, must be on eradicating the structural, environmental and institutionalized prejudice against the disabled. This focus must aim at maintaining equality of opportunities as a means of developing an egalitarian society through social justice, and equality of people whether disabled or not.

Western model of democracy promotes independency as a key factor in construction of adulthood. Such construction of adulthood was found by Hockey and James (1993), as “a uniquely workable condition” (p. 142) which they suggested, is contingent upon an individualist model of adult autonomy in Western civilization and democracy. There is little doubt that some disabled people need non disabled person’s physical assistance to do certain things. However, it could be argued that disabled people do not develop their independence, because of social, institutional and environmental obstacles which subjects them to depend on non-disabled people for many basic supports, some of which they can handle alone. This calls for equalizing opportunities that will allow the disabled to build his or her own autonomy by inter alia, choosing his or her schools, instead of being forced into exclusive
segregated schools by a democratic government or its institutions. If parents of disabled students are allowed to choose where their children are educated, most of them will choose that their children be educated in same school as others (Oliver, 1996).

Democracy strives to promote social cohesion. It could be argued that if properly implemented, inclusive education could serve as a means of promoting social cohesion because when the so called normal students mix-up on daily basis with their disabled school colleagues, they both learn each other’s differences, inside and outside school environment. Disabled students will have their needs meet within inclusive education settings, with all the necessary support. As Stainback and Stainback (1990) wrote, “full inclusion does not mean that special education are no longer necessary; rather it means that special educators are needed even more to work with regular educators in teaching and facilitating education programs for all students in an inclusive learning environment. However, special educators do need to be integrated into, and in effect, become regular or general educators in the mainstream where their expertise in specific instructional, curricular, and assessment areas will benefit all students” (p. 4).

The control exercised over disabled people’s choices and opportunities by powerful non disabled members of the society opens up a vast space within which the disabled groups are discriminated and marginalized. This is exemplified by the persistent exclusion of disabled students from full and effective participation in mainstream education settings in virtually all countries of the world, regardless of whether these countries are considered ‘democratic’ or not (Barton & Armstrong, 2001). There have been systematic failures to link the democratic project of full and equal participation in social life to the treatment of disabled people. Perhaps the emphasis placed by
dominant Western discourse on ‘democracy’ as the servant of the majority and as ‘projecting’ the interest of the voting majority through which the government of the day came to power, may serves to underwrite structures, attitudes and practices that disempowered and discriminate against disabled people (Barton & Armstrong, 2001).

2.7 Inclusion as human rights
A teacher I interviewed at one of the research site, let’s call her Anna, made it clear to me that she is “not a fan of inclusive education”. She stressed that those who argue for inclusive education are usually talking from sympathy perspectives and not following the practical day to day requirements of 21st century knowledge economy, which she claimed, is a driving force in delivering modern education”. She thinks that the advocates of inclusive education have social justice and human right as their strongest point. She argued that it will not be fair to a group of very bright student if they are slowed down just because everybody must be carried along. She thinks that by providing education opportunities through exclusive education the government and the society have done all that they can possibly do to help disabled people get education. She (unknown to herself) mistake Len Barton (2002) argument that “special schools for the disabled have the power to strengthen or to discard the principles of inclusive education, so that disabled learners can build on new perspectives flowing from their special teachers expertise” (p. 68). But it must be noted that a page later Len Barton criticised special educators and special schools when he argued that “the provisions of special teachers and special equipment to exclusive schools tend to legitimate the notion of ‘professionals’ as ‘experts’ thereby encourages passive dependency on the parts of educators, pupils and their family almost entirely to the knowledge and skills of these so called experts” (p. 69).
Other barriers to achieving inclusiveness at schools, include the shortcomings in building design which have similar effects, of making access to school buildings and movement inside them difficult. Also structural designs that fail to take the mobility of disabled people into account have been indentified within the social and environmental model of disability as affecting their enjoyment of other facilities in the building such as toilets, restaurants, library, classrooms, and bookshops. These are very common phenomenon discussed by Mara Sapon-Shevin (2007). A human right approach will make it a law that structural designs of school buildings must take the movements of disabled people into account in providing them good means to climb the stairs, go to toilets and use other facilities without harming themselves. From my experiences during visits to the schools for observations and data collection, it is obvious that the Icelandic society takes their disabled group into account in designing the structures of their school buildings. This was part of the decision by the Icelandic Supreme Court in the famous case of Ragna Kristín Guðmundsdóttir v University of Iceland (1998)\(^\text{19}\) and now contained in some legislations.

Mara Sapon-Shevin (2007, p. xiii) makes the case that “Inclusion is non-negotiable”, which was the central theme of her book. Arguing that “It’s within schools that children and adults learn some of the most basic lessons about who (and what) matters in the world” (my emphasis in bracket). Mara, persuasively argued that “it is only within inclusive schools that anyone can become a fully participating and competent human being and citizen”, she stressed further that “inclusion is good, even essential-to a thriving democracy”. According to her, “inclusion is as powerful educationally as it is politically”. So that inclusion should not be seen merely as mere educational

\(^{19}\) This case is discussed further at section 2.9 below.
reform so that few schools could be singled out as inclusive school for certain “disabled” students, but as an essential core element in every aspect of an education system which must be taken into account when drawing up curriculum, law, polices, etc. The author continued by arguing that “instead we must see all children as individuals with multiple identity and design curricula and instructions that is responsive to many aspects of their life”. This is so because “the truth is that all children come to school with wide range of characteristics and that every child has multiple identities, all of which affects his/her school experiences and achievements”. So that no child is in real sense ‘normal’ as all children have their respective deficits.

However, researcher Linda Ware (2004) also, while supporting inclusive education, indicates that successful inclusive education is difficult but not impossible to implement. In view of this, I understood from my study that a school administrator or teacher who wants to effectively implement inclusive education in his or her school must have the skills and insights needed to implement successful inclusive education. Specifically, the person must explore (1) the historical and theoretical foundations of inclusive education; (2) research related to implementation; (3) research related to inclusive education; (4) whole-school change models of inclusive education; (5) controversies surrounding inclusion; and (6) considerations and reservations concerning inclusion as it impacts specific disability populations and age groups. Above-all s/he must have the will-power to move-on regardless of obstacles and criticisms. These are some of the noticeable qualities of staff at most of the research sites. One common characteristic of these staff is the love, caring and supports they showed on these students with special needs. This can be said to be a positive sign that if all teachers receive inclusive education trainings, their skills will collectively improve inclusive education.
Keith Ballard (2006), while writing about the situation in New Zealand, showed evidence that disabled people confront particular difficulties in the society. For example he pointed out that the Assembly of People with Disability (APD) noted that Northland Health proposed a list of criteria for restricting renal dialysis to patients with renal failures. This list includes “blindness, intellectual handicap and major antisocial behaviours. Ballard quoted APD, President, Anne Hawker, as saying that “excluding people from health treatment on the basis of disability, “assumes that they are less valuable human beings”. Ballard further claimed that the International Disability and Human Rights Network recently noted that they have received reports that such incidents are increasingly common worldwide, including evidence that babies with Down syndrome have been denied medical treatment available to other non-disabled children (Ballard’s contribution in Ware 2004, p. 97). Such is the level of human rights abuse which the disabled communities have to live with in many countries.

Schools are breeding grounds of the cultural norms and values of a society. So that what goes on at schools often spills in to the streets and society. I have deducted from my readings from most inclusive scholar’s arguments (Ballard, 2006; Björnsdóttir, 2010; Sapon-Shevin 2007; Ware, 2004), that there is a close connection between inclusion and maintaining a sustainable democracy in any society a fortiori, if it is a multicultural society, or the survival of a democratic society in an ever globalizing world, where immigration is fast re-drawing Western demographic map. For example, during my observations at an exclusive school, I noticed that there were two disabled learners from Poland and Estonia respectively. If their human right is not reflected in European Union’s Free Movement of Persons’ policies, and the Icelandic society’s hospitality, it would have been possible that, Icelandic government could (like most developing countries), deny them access to education because taking
care of them is considered expensive. This is why it is necessary to look at inclusive education from human right perspectives.

In considering the territories of failure associated with inclusion, the confusion, frustration, guilt and exhaustion—and by examining the doubts raised about whether inclusion will ever become a reality, Julie Allan (2007), discussed the various angles from which inclusion had been attacked by its opponents, who had described inclusive project as an “abject failure”. Pointing to the example of how the US Advocacy groups, such as the Children and Adults with Attention Deficit Disorder (CHADD), have began to use the US Rehabilitation Act (1973), and in particular its section 504, as a strong statutory weapon with which to wage the war against discriminating against the disabled persons in education settings.

Section 504 of the Rehabilitation Act (1973) is a civil rights law. It was one of the initial civil rights legislation in the United States specifically designed to protect individuals with disabilities from discrimination based on their disability status. The nondiscrimination requirements of the law apply to employers and organizations that receive federal financial assistance. This statute was intended to prevent intentional or unintentional discrimination based on a person's disability. Included as an amendment to the Rehabilitation Act of 1973, the message of this section is concise; Section 504, states:

No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The effect of this legislation is that programs receiving federal funds or assistance may not discriminate against those with disabilities based on their
disability status. All government agencies, federally-funded projects, K-12 schools, postsecondary entities (state colleges, universities, and vocational training schools) fall into this category.

Allan (2007) suggested that Advocacy groups in any part of the world should look for such statutory weapon in their domestic legislations and use it to fight for the inclusive human rights of their disabled students (ibid, p.12). I think Julie Allan’s argument in this regard is a vital one which must be taken by those intending to defend the human rights of disabled members of their school community. Social inclusions may be better facilitated under human rights paradigm that applies civil and a political right that seeks to equalize social and cultural treatments of people in combination with economic rights that is aimed at equalizing opportunities to enjoy life in for example the education and employment sectors. This means that the society must make sure that physical opportunity for a disabled student to at least gain physical access to the school is made easier, or that after graduating from schools that the disabled is able to get employment. And also while employed that the working environments are not an “avoidable” obstacle. Human right of inclusive education, as regards including disabled learners in mainstream schools requires that anti discriminatory laws are passed. Such antidiscrimination laws must identify grounds for discrimination for example (race, gender, religion and disability) and also identify specific areas of its protections, for example (employment, education, housing and transportation). The antidiscrimination legislations must also set out complaint and adjudication procedures and provide some forms of enforcement mechanisms, and punishments for offenders, usually but not limited to financial compensations (Bickenbach, 2001).
2.8 Inclusive education as fairness and social justice

While conducting my observations and interviews at an inclusive preschool in Reykjavik, which has about 50 pupils, among them, 5 disabled kids. The head teacher at this school, let’s call her Sigrun, said:

“We train them to understand that disability is not something anyone likes but something that falls on people and we all have to help out”. She continued, “We want them to grow as responsible children who take care of people around them. We make sure that they directly or indirectly assist any disabled student here. For example, if we are all rushing out to play or rushing inside after play and a student on wheelchair is at the door, they know that they must be patient and wait for him or her to take his or her time to get in or get out first. Of course these are children and sometimes, they forget and ruffle the person on a wheelchair but then we correct that mistake by educating everybody that what A or B or C had just done is wrong and must never be done by anybody. They usually listen and feel pity for the person on a wheelchair. There is a sense of social cooperation in helping someone in need in this school. I see it every day here. I am confident that if every school takes in disabled learners and trains all the students in the school to be part of the problem we will through this build a society that cares about its disabled people”. (Interview with a Preschool head teacher participant, on 18th February, 2011).

This is an example of building a society through inclusive education/schooling, which will see personal problems and social problems as requiring social and public solution. During my school visit to another of my many research sites, I noticed that there were few clearly separate classrooms dedicated for students with special needs and even one far-away exclusive classroom for one perceived “mentally disturbed” youth already bearing the unenviable tag of “trouble-maker”. This is what advocates for inclusive education have often condemned because it appears as if there is inclusiveness but in reality there is exclusiveness. By excluding some kids into an isolated side of the so-called inclusive school, such educational setting is building bridge too far for its

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20 This kid was later reinstated back into the mainstream classroom after psychologist confirmed he is going to behave “good“.
students which will reflect in their attitude to each other, as was the case in this school.

By comparing inclusion with the segregation and desegregation period of American history, Maria, Sapon-Shevin (2008), illuminates the need for schools to embrace inclusion because as can be seen from the American desegregation history (post-civil rights movement of 1960 upwards), what was previously thought as impossible have now been relatively ameliorated in many spheres of the American civil society. Mara pointed out that it is not a matter of having one, two or three inclusive classrooms in a school but about turning all our educational institutions into an inclusive place of teaching and learning. As she pointed out, that “unless teachers get thirty cloned children in his/her classroom, there is and always has been considerable diversity of attributes among learners”. Inclusion as a school policy may not create the differences in our classroom, but inclusion does allow teachers to name the diversity, value it and strategize about productive and sensitive responses, in a way that the strengths of student A benefits the weakness of student B and visa-vis.

But the whole efforts of attaining inclusive education will not be possible if there are still laws and policies which prevents parents from placing their children at the mainstream schools. This is supported by the current head teacher at the newly amalgamated exclusive school in Reykjavik, let’s call her Erma. She said that

“I have been a teacher and head teacher of inclusive and exclusive, schools over the course of my 21 years as a school professional. I believe that parents and students must have choices, there is an extreme need for choices, it is consistent with democracy, and parents who want their children to be educated in an inclusive school should be able to get that even though it may mean that the child will have to attend school outside his or her neighbourhood. Similarly parents who want their child to be educated in an exclusive school should get that even if it means paying extra cost. It is not
easy to satisfy every parent, the important thing is whether there are schools available for their child to attend”.

It could be argued that the issue is not so much about choices, but also whether the choice available to a group is adequate to assist its members in the quest to improve their life and be useful and productive people able to actively participate in their society. Training disabled and non-disabled students in same inclusive learning environments is beyond an issue of choice. It is an issue of building a society through its schools in same way every society builds its socio, economic, political and cultural norms, values and institution, its school’s curriculum, instructions and history. This fair way of treating everybody means, in Rawls theory, that social cooperation will be guided by publicly recognized rules and procedures which those cooperating accepted as appropriate to regulate their society through its education settings (Rawls, 2001).

However, opponents of inclusive education could argued in defence of the alleged inequality, that fair term of cooperation would require that disabled students bring to school, the type and levels of academic contribution that is commensurate with what their non-disabled colleagues brings to school, within the meaning of what John Rawls called “ideas of reciprocity and mutuality”. But these arguments will not stand because until they are tested in the very same way, in the very same learning environment, under very same curriculum, it will be unfair to the disabled learners if opponents of inclusive education says that the disabled students cannot bring the same amount of academic impute as their non-disabled learners. Until there is fair term of cooperation or competition there is no need to first talk about equal cooperation, or competition because equal term of cooperation or competition requires fair term of cooperation or competition so that disabled people are judged equally and fairly within same term, standards or opportunities.
Everyone has the right to attend school in Iceland. Access to all levels of education, especially from preschool to compulsory education is within the immediate reach of any disabled learner. The Icelandic society is a democratic society operating on the assumption of a well ordered society. It certainly has a regulated public conception of justice. In view of this, it could be that some may argue that what really matters is that disabled people “feel good” at their exclusive schools, and not necessarily that they are included with their non-disabled others in an inclusive school. This school-of-thought, can stretch this argument farther to include the fact that provision of an exclusive school is better than non-provision of any school at all for disabled people. So that as long as they have access to a school of any kind then it should not matter that they are not included in same school like others. But it could by analogy, be counter-argued that for example, the fact that a slave boy has become used to his slavery conditions and now feels comfortable in his discriminated condition, is not an excuse to justify his slavery, so that ways of securing his freedom should be ignored. The fact that disabled people has access to exclusive schools is not enough to preclude an argument for their inclusion in Iceland’s mainstream school for the purpose of inclusive education for all. That is their human right. That is their social justice. That is fairness. That is their democracy.

Even though there are convincing evidence that the social institutions in Iceland are doing their best to support the disabled people to lead a normal life, nevertheless, this is not enough if some avoidable barriers are still placed on their ways to achieve the required social capital to enhance their normal life without overt dependency on the welfare schemes, [see Fræðslurað Reykjavík, 2002]. According to Rawls theory of “public basis of justification of justice as fairness” few members of the Icelandic society (if any) would agree that
avoidable barriers should be placed on the ways of disabled people accomplishment of their full potentials. Since significant proportion of the Icelandic society will not accept that barriers be placed on the ways of disabled people’s attempt to increase their social capital through inclusive education, it could be argued that as thing stands today, the lack of firm and clearly worded favourable legislation for inclusive education for all is a hindrance rather than a help.

Also, since there is no one singled-out way of developing any education system, there is need to use inclusiveness to welcome reasonable pluralism in our educational discourse. One of this reasonable pluralism is to welcome our disabled compatriots into our mainstream education setting to encourage inclusive education, promote their human right to mix with fellow peers. As Justice Arbour said “without inclusion disabled students will have fewer opportunities to learn how other non-disabled children lives, and how they learn. And the non-disabled students will not learn that disabled students can live with them, and they with them...” [Justice Arbour in Eaton v Barent County Board of Education (1995), 22 O.R. (3rd) 1 at 21 Court of Appeal]²¹

Taking a political analyst position, Len Barton (2004), prospectively illustrated the unfair ways UK government have strengthened their regulatory functions via directives, guidelines and framework, to legitimize exclusion, through what he described as “significant anti-inclusive” changes to legislations, while simultaneously seeking to appear fair and just by verbally encouraging

²¹ The above quote is from the Appeal Court stage of that case. In 1997 the Supreme Court of Canada heard an appeal in the case of Emily Eaton, a school aged girl with cerebral palsy, whose parents had sought to have her educated in regular classroom in their neighbourhood with her peers. Her neighbourhood school had denied her access to that school. Her counsel had argued that it was her constitutional right to be educated with her peers. At the Supreme Court, the decision of the Court of Appeal was affirmed. It was found that the Ontario Education Act and in particular certain regulations attached to the Act were unconstitutional under the Equality Right provisions of the Canadian Charter of Rights and Freedoms, because “they did not require that school boards protect Charter Equality rights of children with disabilities to be educated with their peers in same environments.”
inclusive education. But according to Barton, their actions suggest exclusive education. He reminded us that “the importance of [education] policy-making becomes apparent when it is viewed as a process of problem solving and thus linked to issues of social change” this according to Barton would mean engaging with the external and internal dynamics and the institutionalization of change. Such policy [if not properly debated] can be a means of excluding particular groups or concerns from the arena of public debate as well as resisting specific claims made by particular interest groups (ibid, p. 70).

Fairness and social justice for the purpose of egalitarian society would mean according to Bjarnason (2010), that in the present “unclear future of our school, the best scenario will occur if we stay in the maze of inclusive education practice, which implies an attempt to merge general and special education practices into a regular school”. To strengthen her points she quoted Ferguson (1995), who in expressing her hope for similar merger of the different pedagogies “…into one unified system, that incorporates all children and youth as active fully participating members of a school community, that views diversity as the norm, which ensures high-quality education for each student by providing meaningful curriculum, effective teaching, and necessary support for each student” (Ferguson, 1995, p. 286). The kind of integrations these scholars called for is not the artificial integration that is currently going on, whereby the labelled kids are welcomed into some so called inclusive education settings but in practical reality they are actually excluded by many things including the curriculum which was exclusively designed for the non-labelled kids. They called for a systemized inclusive education system that welcomes all learners in same fact and in same law, in a human right approach social justice and democracy.
This is why Len Barton (2002), is critical of those aspects of education policymaking, and implementation that contradicts inclusive values and practices, when he argued that “in my opinion it seems clear that creating competitive markets in education based on practical “choice” of schools and fuelled by school league table and competition for resources, is totally incompatible with developing an inclusive education system. In England there is now a divided and divisive school system” (p. 192). It is one of the many things I have learned in the studies of inclusive education researches, that capitalism ideologies especially when pursued within neo-liberal line, is a dangerous obstacle to inclusive education because the school system of most developed countries sees itself as the engine for reproducing the country’s super-human beings that will lead the nation to all its goals. And as a result, such societies see including intellectually or physically disabled learners and the so called “smart” learners together in the same curriculum and other education activities, as slowing the “smart” learners down. It could be argued that, the growth of school “league table” discourages inclusive education as most schools strive for top of the league table position.

The policy of league table schools was actually the views expressed by Mrs. Arianne Giaehuiller\(^\text{22}\), the special teacher who introduced me to the students and facilities at one of the exclusive schools I visited for data collections. She was not shy to argue that students with lower I.Q will adversely affect the learning process of students with higher I.Q. She said that from her experiences when students with lower I.Q are sent to “regular schools” they do not understand the languages of the teachers there, because most of these teachers are untrained to deal with special education needs. She argued that as a result, students with lower I.Q after few weeks at the regular school,

\(^{22}\) She did not want any anonymity. She wrote to permit the use of her real name.
becomes bored, angry and aggressive towards their fellow learners which is misunderstood by the school authorities as being indiscipline and they are sent back to them. She claims that when these students return back to them, within weeks they start feeling better and happier around other students with relatively similar I.Q at their exclusive school, or other special needs schools.

But it could be argued that these problems can be overcome if teachers training curriculum and pedagogical approaches incorporate a core requirement of taking certain amount of training in special education needs. This way instead of having few special need teachers we will have every teacher qualified as having the capacity and skill sets necessary for teaching both disabled and non disabled learners.

One of the argument of Michael Oliver (1990), was that exclusion of disabled people in educational setting adversely affects their habitus and social capital, because by being only with their fellow disabled colleagues and family, they miss out building similar social habitus as other members of the larger society. He also pointed out that the dominant group (i.e., non disabled people), has found the medical doctors, psychologists and special education teachers as their agents in carrying out these exclusive and discriminatory practices in education system. Bourdieu (1977) had used the term habitus to refer to the dispositions and attitudes that people develop through social interactions. For example, the attitudes of non-disable people to disabled people can be decisive as to whether or not both groups are included or excluded at educational settings. And since almost all education policies are made by non-disabled people, it could be argued that organizations concerned with disability issues should be involved during the making of education policies as a way of making sure the issues of disabled people are taken into account in policy making. Bourdieu (1980) argues that people, who are in a similar social
situation and share similar economic and or social status, also share group habitués, i.e. they often have similar attitude and dispositions that are based on how they experience and perceive their environment, see also (Bourdieu, 1977, 1984). In describing how different interests with different educational and social version competes for dominance in the social field of power surrounding educational policies and practice, Apple (2004), showed how curriculum and national testing that was designed for non-disabled kids are often used to test disabled and labelled kids in similar ways, with the obvious disadvantaged labelled kids sometimes failing these tests. Then they are blamed for what is beyond his/her control. Such a discriminatory testing scheme with its higher failure rates for the labelled kids often help shape negative education policies for disabled students.

One of the many things that impressed me during all the schools I visited for my observation and data collections was the mutual understanding and cordial relationships between the teachers and majority of their students with special education needs. Quoting Witherell and Noddling (1992), Keith Ballard (1999) argued that student-teacher relationship should include an ethic of care. “The notion of care is especially useful in education, because it emphasizes the relational nature of human interactions and all moral life, in a caring relation that requires contributions from both parties providing a foundation of trust”. It is this kind of trust which also exists between teachers and kids that I meet at all the inclusive and exclusive schools I visited. The inclusive compulsory schools and preschool respectively, showed a good breeding preparatory ground for very young non-disabled kids to learn how to learn and play together with their disabled peers. This was not because the non-disabled kids in these schools was initially inclined to play with disabled kids but because it was the schools policy that everyone plays together and this policy was strictly
applied to the point that it was a common school culture accepted by all students and teachers. This shows that if we make it a culture of acceptance and inclusiveness in our educational policies in particular and the social policies in general, to include everybody we can succeed in creating a more humane and caring society, through inclusiveness.

2.9 Inclusion as equality

I agree with Amartya Sen (1992), that “merely demanding for equality without saying equality of what, cannot be seen as demanding anything specific”. It is for this reason that I specifically calls in this thesis for the equal inclusion of disabled learners in our mainstream education settings. The principle of equality and non-discrimination for persons with disability are themes which are common in most civilized country’s law. Article 5 of the UNCRPD (2006) emphasizes the same principle. However it is known that these principles are highly controversial with significant outstanding debates as to the nature and content of their respective meanings and where to draw the line in a given controversial scenario (Rehman, 2010). Most civilized countries undertake to prohibit all forms of discriminations on the basis of disabilities through a de facto equality in their legislations which are usually aimed at protecting the vulnerabilities of disabled person. But the problem is that when it comes to practical reality, people with disabilities are still treated with all kinds of distinctive and indistinctive discriminations. These discriminations alongside environmental obstacle add to make life more difficult for the disabled members of any society (Oliver, 1994).

Article 5 (3) of UNCRPD (2006) states that: “in order to promote equality and eliminate discrimination, State Parties shall take all appropriate steps to ensure that reasonable accommodation is provided”. In order to flesh up this vital concept of “reasonable accommodation”, Article 2 defined reasonable
accommodation as being “necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”. A formal anti-discriminatory law for example may proscribe disability discrimination but fails to move beyond the equality as neutrality philosophy in order to take further vital steps of requiring reasonable accommodation of the differences of disability. This kind of equality is described by Rehman (2010), as “plainly hallow, because it confers illusory benefits and invites cynicism vis-à-vis the law”. In the light of this, it is necessary to make equality meaningful and to produce real changes in both education and work environments. For example, in a landmark Icelandic case *Ragna Kristín Guðmundsdóttir v University of Iceland (1999)*, whilst Icelandic law proscribed any form of discrimination on the basis of race, ethnicity, language, disability, etc. However the law did not go further to proscribe some other indistinctively applied discrimination which has the same effect, for example, providing for an equality of access and movement while at school, in the style that school buildings are designed and constructed. The consequences of this lacuna was that the plaintiff, who was a student a University of Iceland, was unable to comfortably gain access to most parts of the school buildings or move around the campus and classrooms without severe hindrance. Her successful legal challenge of such building design led to the Icelandic Supreme Court ordering that inter alia schools and other public houses should be designed in a way that both able and disabled people can easily gain access and move around without hindrance. Integrated approach to schooling will require a removal of all avoidable barriers to disabled people’s chances of full and effective participation in social activities. Whilst they are desirable, however, it is not only about equipping schools with special needs
like electronic devices, trained special needs staff, disability benefits etc, but it is also about eradicating any obstacle that hinders their effectiveness in practice.

American sociologist Irving Zola, in an influential article (Zola, 1989) argued that “an exclusive special needs approach to disability is inevitably a short-run approach” (pp. 405-6). What is needed for a more mature and enduring approach are “more universal policies that recognizes that the entire population is “at risk” for the concomitants of chronic illness and disability”. He continued by arguing that “societies need a political strategy that demystifies the specialness of disabilities” because “by seeing people with disabilities as different or people with special needs, wants, and rights in this currently perceived world of finite resources, they are pitted against the needs, wants, and rights of the rest of the population.” We must turn, he warned, to a more durable strategy for expressing the human rights of persons with disability, a strategy Zola (1998) dubbed “universalization”. Societies need to acknowledge, he wrote, “the near universality of disability with all its dimensions (including the biomedical) as part of the social process by which the meaning of disability are negotiated,” only then will “it be possible fully to appreciate how general public policies can affect this important public issue of disability” (Zola, 1989, p. 406).

In this regards, Zola was in full agreement with the medical, social and human right models of disabilities which supports a universalistic approach to designs, constructions and policies surrounding public utilities, like education, transport system, housing system etc. This universalistic approach will require a fundamental need to respect and celebrate human differences and variation by widening the range of the designs and creations, so to speak, an inclusive sense of social designs and constructions. Disability is ubiquitous and constant
in human experience, a fundamental feature of the human condition, in the sense that no single human being can be said to have a perfect repertoire of abilities suitable for all contexts. It would follow, then that there are no immutable boundaries to the range of variation in human abilities. In other words, the ability-disability distinction is not so much a contrast as a continuum, and the complete absence of ability, is only of theoretic interest (Zola, 1989). It was rightly suggested by Zola, that the real issue facing people with disabilities are “the fitting of ones’ disability/impairment(s) within the social, attitudinal, architectural, medical, economic and political environments” (p. 406). Once these issues are appropriately tackled, so that disabilities are fitted into the planning and policies of the society, then disabled people can compete favourably with their non-disabled colleagues at schools, labour market and the larger society.

2.10 Exclusion, social rejection as bullying and discrimination

Bulling is increasingly becoming an issue attracting lots of attention in education environment. This is mainly because of the adverse impact it has on its victims. When people discuss bullying, there is a perception that what they are talking about corresponds to what another person is thinking of bullying. But research has shown that this is not always true, because bullying is a subjective experience and people attribute different actions and meanings to it (Olweus, 1992). Bulling is normally defined in association with being an abusive act. A recent research conducted by, the United Kingdom’s Office for Standards in Education (Ofsted), *Children’s Services and Skills* defined bullying as “an intentional and reoccurring practice initiated by a person or group upon another individual or groups rather than a one-off experience. It is behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group either physically or emotionally, financially or
economically” (Ofsted, 2008). Behaviours that constitute bullying are in-
exhaustive. For the purpose of this thesis, it is important to note that Anti-
Bullying Alliance UK (ABA), inter alia, included excluding people from settings
or organization, and deliberately ignoring an identifiable group from
membership of a setting or organization amongst their lists of what constitute
bullying. It is the opinion of this thesis that excluding disabled children from
mainstream education setting is bullying just like deliberately ignoring their
desire to be actively and practically involved with other children in our
mainstream education settings is also a form of intentional and reoccurring
bullying, which adversely affect the opportunities to effectively participate in
the general sphere of social activities.

There is no single causal factor to explain why a person, an institution or social
system becomes a bully. However, Hamarus and Kaikkonen (2008), found that
“difference and the reactions of competition peers” are key factor in social
bullying, because according to their findings, bullying is a social construction of
which there is usually some differences between the bully and their victims.
This is found to be the driving force. In their study the authors highlighted that
at the heart of bullying lies what they described as “othering”. They claimed
that through the process of “othering”- which is defined by Hamarus and
Kaikkonen (2008), as the process by which an individual or [social institution’s]
difference is established. They claimed, and I agree with them, that this way,
the bully, i.e. the dominant [social system, individual, or group] acquires what
she, he or they desires: most notably reputation, power, status, dominance
and control. All these result in the victims of bullying becoming shy, week, low
esteem, and inevitably perform poor in his or her endeavours, all of which are
common traits indicated by most disabled students. It is the opinion of this
thesis that this is exactly one of the mechanisms with which non-disabled
people—who dominate the social policy-making- control, dominate, and strengthen their power and status over the disabled group, by “othering” them as they wish, through educational policies that shape their life and employment future. By “othering” them the bully diverts attention from their own vulnerabilities (by focusing on the “difference” of disabled people) thereby elevating their own status and social capital (Hamarus & Kekkonen, 2008. It is the human right of the disabled members of our society to be defended from this long history of bullying, by using legislative affirmative action through the principle of human right, social justice, equality and democracy, to stop their exclusion and press for their inclusion in our mainstream education settings, where they will mingle, interact and favourably compete with same children they share the society with.
Chapter 3: The research

3.1 Methodology
Phenomenological understanding of lived experiences of a certain group in society is necessary for understanding how its members live and handle their experiences. Advocacy research challenges the root causes of the issue under consideration. Advocates or activists can use phenomenology research to seek understanding of an issue then, subsequently use advocacy to suggest specific changes in policy, process and practice that are vital to the improvement of lives of the disadvantaged people. In this research the concentration is on inclusive education for the disabled. It was conducted in a phenomenological style and written in the tone of advocacy. I personally chose to call it a combination of advocacy and phenomenological method of research. This research is based on qualitative methods.

An advocacy research is a kind of descriptive social policy research, carried out by people who are deeply concerned about certain social problems, such as poverty, racism, homelessness, high drop-out rate among teenagers, bullying, inclusiveness, or rape. Their studies seek to interpret social problems with a view to heightening public awareness of them and providing a catalyst to policy proposals and other actions to ameliorate the problem in question. Occasionally, advocacy research studies bend their research methods in order to inflate the magnitude of the social problem described, and thereby enhance the case for public action to address the issue (Creswell, 2008). It is about using the advocacy to achieve equity and social justice either through bringing the matter to public attention or through the empowerment of the disadvantaged people, so that they can participate more directly in decision-making processes that affect their rights and their lives. But to understand the issue, the affected
people, and how they live their life, a phenomenology method of investigation is a good style to follow.

3.2 Introduction
In this chapter, the rationale for the selection of phenomenology as a methodology for the current study is explained. Phenomenology is both an appropriate and useful method for examining the process of how disabled people live in our society. By using a phenomenological qualitative research approach, how disabled members of our education community are pursuing their education goals can be understood. As McMillan (2004) stated, that phenomenological research describes real direct experiences that happen daily and can interpret the experience of participants in order to understand the essence of the experience as perceived by the participants. Phenomenological study was chosen for this research because it is a method that can be used to identify the meaning of the experiences that the participants have of their daily life experiences in their education, home, street and other social environments.

One of the main objectives of phenomenology is to describe the full structure of what an experience means to those who live it. According to Marton (1988, p. 147) the aim of phenomenology is “to discover the structural framework within which various categories of understanding exist“. Such structures (a complex of categories of description) should prove useful in understanding the participants’ experiences.

3.3 Objective of the research
The objective of this research was to search for an understanding of the problems that disabled students’ face and the various ways they study and live their lives. The particular research questions for the study were as follows:
(1) How do disabled students cope with their disabilities at schools and society?
(2) To what extent would inclusive education resolve the demand of democracy, social justice and human right in schools practices?
(3) How would the use of affirmative action policy resolve the problems of inclusive education?

3.4 Phenomenological study
Phenomenology as a qualitative research method has its source in social philosophy and psychology. It is said to have arose in the late 19th century in response to positivism which, as a scientific approach, could not adequately address some of the problems being presented to the humanities field of research (Sadala & Adorno, 2002). It was initially developed by and is most often associated with Husserl (1962). According to Bernstein (1983), it was Husserl’s belief that subjectivity underpins scientific understanding and the life-world of daily experience, by seeing a phenomenon and the human being that experiences that phenomenon as inextricably linked. The good thing about phenomenology method of research is that it allows the researcher to revisit the world as it is lived and experienced by his participants, describing phenomena as they reveal themselves. Martins and Bicudo (1989) describe phenomenology as a distinct approach to scientific investigation, enhancing understanding of relationships with individual descriptions and interpretations of data that result from lived experience. A phenomenon can be defined as a situation or condition experienced in daily life (Giorgi, 1985). Therefore, Giorgi suggested that when using phenomenology as a research method, the researcher should start with understanding the individual participants, the lived experiences of the participants, uncovering their level of understandings of their experience, what they think of their situation, experiences, why they
think, speak, feel or act in certain manner, how they cope with their circumstances and where they want the experiences to lead them to. In this way, phenomenology allows the researcher to see the personal meaning participants attach to their experiences and how the participants create their own personal reality. Phenomenology is also about the understanding of phenomena and explanation of its effects on those that live it (Lawler, 1998).

Two approaches to phenomenological research have emerged – descriptive and interpretive. In this research I followed interpretative approach. An Interpretive phenomenology is said to have developed from the philosophy of Heidegger (1962), a student of Husserl, who contended that it’s neither possible nor necessary to attempt to separate participants’ experiences from the phenomenon being observed and interpreted. Therefore, the aim of interpretive phenomenological research is to create a mutually meaningful account, from both the participants and the researcher, of the phenomenon under research (Price, 2003).

Phenomenological research has become a prominent method of research amongst disability studies researchers. According to Sjostrom and Dahlgren (2002), phenomenological research is necessary for interpreting both the structure and substance of how that phenomena are experienced in school practice. It provides the fields of disability studies, education authorities, policy makers with an increased awareness of the phenomena being researched and can provide information on how to tackle related problems. Uljens (1988, p. 134) outlines the process of phenomenological study as follows:

1. Selection of a phenomenon in the existing world (here: disabilities and inclusive education)

2. Selection of an approach to look at the phenomenon (classroom observation, interviews and review of connected literatures)
3. Discovery (by a process of careful observation, interactions and tape-recorded interviews) of the participants’ ideas about the selected phenomenon

4. Transcription of the observation, interaction and tape-recorded interviews

5. Analysis and interpretations of the written statements and description of constructed categories

To achieve the aims of this study I chose two methods of data collection to investigate the phenomenon of disability and inclusion. The first involved careful classroom observation, semi-structured interviews to explore and discuss the participants’ experiences of how they navigate their daily lives at school, street and home environments, what mode of learning that they had used and the situations in school and home practice which motivated or discouraged their learning as well as how the process happened. Secondly I used participant observation to observe the phenomenon of disabilities as my participants operates in practice in their respective classrooms, schools and homes and the progression of learning as it happened. This enabled me to understand almost each individual participant, the lived experiences of the participants, uncovering their level of understandings of their experience, what they think of their situation, why they think, speak, feel or acting in certain manner, how they cope with their circumstances and where they want the experiences to lead them to (Giorgi, 1985).

3.5 Participants
To select participants for the study, purposive sampling was conducted. McMillan (2004) defines purposive sampling as a method in which the researcher chooses participants because of their specific experiences of the research topic. In this kind of research it is useful to look for, find and go to
appropriate research sites/settings, where you will get the kind of participants that adequately fits well into the intended study, because as suggested by Denzin & Lincoln (1994), such sites/settings and participants produces the process being studied. In this study I selected five schools, three of them are considered as inclusive schools, and the other two were exclusive schools. This allowed me to draw comparison. All these schools are located in and around Reykjavik environs. I also selected participants that will fit well into my purposive sampling procedures. My participants ranged from 5 years pre-school pupils to 18 years upper secondary school students. With the grace and generosity of site managers and teachers at the schools I visited for observations and interviews I was able to gather rich data from my various sites and participants. Before going to each site I always prepare myself with necessary equipment like audio recordings device, pen, small recording book, photo camera, and off-course dress in youths fashion in order to look like my young participants despite the age difference. I was also willing to help the teachers whenever I was in their classroom as my little ways of paying them back as well as getting as closer as possible to my young participants. Since I did not directly interview the kids or discuss any sensitive issues with them, I did not seek their parental consents. After explaining the purpose of the research to the adult teachers, there was the understanding that written consent was not necessary. However I guaranteed my adult participants and teachers that only what they actually said as captured by the audio tape will be reported and also that they can get access to the main research before it is publish to make sure their confident is gained. This same style was adopted when I interviewed two selected parents of disabled kids in their home in Reykjavik.
3.6 Methods of data collection

I spent a total of seven months (November, 2010 to May, 2011) collecting data. I collected qualitative data by conducting semi-structured interviews with my participants (disabled and non-disabled students, teachers, therapists, at inclusive and exclusive schools and also parents at homes), about their ideas, their opinions, and their experiences and through observing students as they learn, play and eat, a phenomenological understanding of the issues under investigation emerged. Interviews can provide information about people’s attitudes, their values, and what they think they are doing (Patton, 1990). Observing can provide information about what people actually do and how they do it (Fraenkel & Wallen, 2003). The semi-structured interview as a method of data collection by using open-ended questions were one of two methods used to collect data. According to Marton and Both (1997), the semi-structured interview is the favored method of data collection in phenomenological research. Furthermore, interviewing has been widely used in disability studies and is considered a sound method for studying affected people’s insights and experiences (Allan 2007; Barton 2002; Bjarnasson, 2011; Björnsdóttir 2010; Oliver 1990).

Patton (1990, p. 45) noted that “we interview people to find out from them those things we cannot directly observe“. For me, the issue is not whether observational data is more desirable, valid, or meaningful than self-report data for examples in questionnaires. The fact of the matter is that we cannot observe everything, so those things that we cannot observe we find out through interviewing the person(s) who had experiences or is experiencing the phenomenon under consideration. For example a researcher may not adequately observe feelings, thoughts and intentions. Similarly we cannot

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23 This includes some time later after the research writing was in progress that I went out for some more data.
observe behaviors that took place at some previous point in time. We cannot observe situations that preclude the presence of an observer. Without being around the person(s) for a lengthy period of time we cannot observe how people have organized their world and the meanings they attach to what goes on in the world. These are reasons; we have to ask people (participants) questions about those things through interviews.

Patton (1990) also noted that two important issues arise with respect to interviewing as part of a phenomenological research method. Firstly, the participant’s motivation for taking part in the research may positively or negatively influence the style of interview and the data generated. Secondly, the researcher’s ability to understand and correctly interpret the participant’s responses has a significant impact on the researcher’s ability to decide further lines of questioning, which in turn may positively or negatively affect the quality of the responds received and data produced. Taking these into account, I always posed a relatively simple semi-structured open-ended question, which leaves room for a possible follow up questions whenever necessary.

Johnson (2000) described semi-structured interview involving research participants as an engaged conversation between two people. In the interviews with my participants, I usually try to make them feel comfortable and interested in the questions by addressing a particular circumstances or situation about their schooling, hobbies, friends, family, education, life etc, in order to try and understand that person’s point of view (Gadamer, 1989). I had to listen and pay constant attention to the participants as they are responding, repeatedly attempting to understand the meaning of what is being said and how what the person has experienced shaped his or her perspective. At all interviews, I also paid attention to non-verbal statements (body languages).
My interviewing allowed me and the participant to connect in a profound way, reducing the distance and any unfamiliarity between me and them.

At my house, while interpreting their interviews, the distance is further reduced as I analyses and interpreted the audio voices and text, effectively carrying out a conversation with their recorded voices and text of the interview. To be able to understand the perspective of the participant as clearly as possible, it is important for me to be open and inquisitive in both the process of interviewing as well as analysis/interpretation (Gadamer, 1989).

3.7 Participant observation as a method of data collection

In this research, I also collected data using the technique of participant observation, observing the atmosphere, surroundings and behaviors of the participants and how these related to the process of my research questions, and how they solve my research questions. According to Patton (1990), observational data are appealing as they give the researcher the means to gather “live” data from “live” situations. Patton goes on to suggest that observational data allows the researcher to both enter into and comprehend the situation being described.

Morrison (1993) elaborates by stating that observation enables the researcher to gather data on the following settings:

- The physical setting (i.e. the physical environment and its organization, i.e. schools, classrooms)
- The human setting (i.e. how people are organized, the characteristics of the groups or individuals being observed, such as the students and teachers in my research, how each gender deals with his or her disabilities).
• The interactional setting (i.e. the interactions that are taking place: formal, informal, planned, unplanned, verbal, non-verbal etc.)

• The site’s setting (i.e. the school or classroom’s resources and their arrangements, pedagogic styles, curricula and how they are planned and organization)

Since at some points I was a participant observer during my data collections, I took part in the situation or setting that I was observing. In this regards, I worked together with some of the teachers that I was in their classroom, by assisting them in whatever ways they allowed me to. For example, I helped some disabled students, read, write and play. This also brought me very close to some of my young participants and broke the ‘foreignness’ of my presence in the observation situations, as I also helped in distributing books, and other materials or in some cases even conducted a class lessons. Some of the usual question my young participants asked me includes; where are you from? How old are you? Why did you come to Iceland? How do you like Iceland? Answers to these questions served to bring us closer and improved our short-lived friendship.

As Creswell (2008) notes, one of the disadvantages of participant observation is the difficulty of taking notes while engaging in activities within the observation situation. Some researchers cram their observed information into their head and wait to write it down after they have left the research site which may impact the quality of the data produced. However, Creswell also notes that observation has the important advantages of providing the opportunity to record information as it happens in a setting, to study actual behavior, and to study individual participant. In this research I did not wait till I leave the site to record my observation. I recorded everything as it happened. I had my field notebook with me always so I can jot down what is developing as
they spontaneously occur. It was not difficult for me to observe, teach (or assist teachers) as well as record because my young participants where unsuspicious and unaware or did not care. But I did my possible best not to be mistaken for a police detective interviewing crime suspects, by jotting down as secretly as possible. Sometimes pretending to be checking my notebook, while jotting down points I do not want to forget.

### 3.8 Data collection procedure

There were various interviews for the participants in this research. In total I conducted twelve different interviews involving disabled and non-disabled students, teachers, school head teachers and two parents of disabled students at their homes. Following the first interview, I conducted participant observations. After the observations were completed, the second interview was conducted in order to gather further details and to clarify issues that arose while interpreting and analyzing the initial data.

Though data collection started in November, 2010, however the first interview was conducted in January, and February, 2011. The interview questions investigated the individual opinions of the school teachers, site managers, adult students and two parents, about inter alia the controversial issue of inclusive education, how these disabled students cope with their disabilities, education, school, street and home environments. Three non-disabled students were also interviewed to understand what they think about their disabled peers and how they see the issue of inclusive education. The interviews also covered what and how participants learned, why they wanted to learn, how they went about learning, who and what helped and supported their learning, how they felt when they were learning, and how the teachers or other educator (like the head teacher/principal) encouraged or did not encourage them.
3.9 Data checking
I simultaneously checked the data after data collection to ensure the data was valid and reliable according to the real conditions of the phenomenon of disabilities, inclusive education, social justice, human rights and equality. The validity of the data was maintained by transcribing the recorded tape of the interview word by word. I listened to the tape a number of times, especially the unclear parts, which enabled the accuracy of the transcription and interpretation to be checked. The method of checking the reliability of the data was methodological triangulation. To ensure methodological triangulation of the data, multiple data sources were used (Patton, 1990). Triangulation is a powerful technique that facilitates validation of data through cross verification from more than two sources. The purpose of triangulation in qualitative research is to increase the credibility and validity of the results. My data sources were diverse but their responds validates and strengthens the findings.

3.10 Data interpretation
The data were interpreted using an inductive approach allowing the prevailing patterns, themes and categories of the research findings to emerge from the data rather than be controlled by factors predetermined prior to their collection and analysis (Patton, 1990). The procedure for interpretative induction undertaken in this research followed that used by French (1989) and Burnard (1991). For this research, there were three sources of data that were interpreted inductively: the data from the interviews, the data from the participant observations and data from reviewed literatures. The interpretations of the transcripts and field notes comprised of labeling the data, creating a data index, sorting the content of the data into meaningful categories, and determining a list of themes. The constant comparative

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24 If the reader chose, s/he may understand all reference to interpretation as meaning the same as analyzing. I chose to use the word interpretation because I personally see analyzing more or less belonging to quantitative studies.
method was used in conducting the interpretation/analysis. Goetz and LeCompte (1981) describe this method as a continuous process in which inductive category coding is simultaneously merged with a comparison of observed phenomena. In constant comparative data interpretation, data are recorded, then categorized and compared across categories and as similarities emerge, it confirms and justifies the reliability of the theme as indicative of a common theme. Patton (1990) describes the process of categorization as one of constantly revisiting the logical explanation and the concrete data whilst looking for significant relationships. Lincoln and Guba (1985) suggest that the main task of categorization is to organize those data that appear to relate to the same content into temporary categories.

3.11 Interpretation of data from the interviews

1. I transcribed the tapes recorded during all interviews of the participants one by one in accordance with each interview question.

2. I repeatedly read the transcripts of the tapes and reviewed literature(s) relevant to inclusive education, disabilities, social justice, human rights, equality.

3. The transcribed interview was typed on the left-hand side of each page. The right hand side of the page was used to code the data by finding the keywords related to inclusive education, disabilities, social justice, human rights, equality, as they applied to each interview question. The following themes emerged denial and resistance, fear of inequality, disabling environments, attitudinal issues.

4. I categorized the codes that were developed in the already collected data, step by re-reading the data using the constant comparative method along with a review of the relevant Literature(s) of any of the phenomenon.
I subsequently wrote a summary of the findings from the interview questions based upon the categories and themes derived from the interpreted data.

3.12 Interpretations of the data gathered from the participant observations

I conducted the participant observation by working with my participant in each school/classroom for three and half hours per day for four (4) days per school. I assigned different paper-color to each theme as they emerge. This way I was able to focus on each theme and interpret data from my site observation with reference to verbal and non-verbal attitudes of my participants. This was necessary because some of the younger participant sometimes used gestures rather than words to show how they learn and solve their disability problems at schools, street and home environment.

3.13 The process of interpreting data gathered through participant observation was as follows

1. I used data from the field notes of participant observation to write accounts of what happened in the schools/classrooms. These accounts were summaries about activities, behaviors and incidents of participants. These incidents happened while my participants were talking, learning, playing, eating, etc. All these incidents helped to illustrate the way that my participants experience the phenomenon under investigation.

2. The accounts described the student’s relationships with their teachers, non-disabled colleagues and environments in connection with the phenomenon under investigation.

3. After that, all the accounts were typed on the left hand side of each page. I used the right hand side of the page to code the data by finding the keywords related to inclusive education, disabilities, social justice,
human rights, equality. Themes that emerged includes denial and resistance, fear of inequality, disabling environments, attitudinal issues

4. The codes were grouped to form categories by re-reading the data from the field notes and the accounts using the constant comparative method along with reviewing the relevant literature on each of the phenomenon that formed the research questions.

A summary of the data interpretation for participant observation was written based upon the categories developed. This way validity and reliability is ensured.

3.14 Triangulating data and drawing conclusions

I identified the themes that related to each research question by comparing the data from the different data sources (teachers, site managers, therapists, parents and disabled/non-disabled students). I carefully studied all of the data of inclusive education, disabilities, social justice, human rights, and equality in each category and compared the categories from each source of data – disabled/non-disabled students, inclusive and exclusive school’s teachers, parent’s interviews and participant observations – in order to identify themes according to each research question. This resulted in the merging of codes and sub-categories from the different data sources into categories for each research question. These categories were the preliminary findings of this research. Each category was thought to be particular to the phenomenon of inclusive education, disabilities, social justice, human rights, and equality. The data interpretation was concluded by documenting the emergence of a singular primary pattern, found in each of the data texts and representing the most essential data in reporting the concluded investigations (Diekelmann, Allen & Tanner, 1989).
3.15 Reliability and trustworthiness
Several features in the design and conduct of the study were included to ensure reliability. These were the use of multiple sources of information (disabled/non-disabled students and teachers at both inclusive and exclusive schools, parents and literatures about each phenomenon) the use of multiple research sites (inclusive and exclusive schools) within and around the municipality, as well as the use of multiple methods of data collection (interviews and observations, including participant observation and literature review). The setting and participants of the study have been described so that the findings can be understood in this context and applied to other settings where appropriate. Firstly, the report is written by using many quotes from participants and from academic writers whose books and articles I had reviewed. It follows that my conclusions are drawn using the experiences of the participants, gathered through observations, interviews and the reviewed literatures. Secondly, the findings have been supported by existing literatures. Thirdly, the roles and responsibilities of me as the researcher have been described so that the researcher’s knowledge and experience could be seen as related to, but separate from the findings of this research.

3.16 Conclusion
This chapter has provided the reasons for selecting the chosen methodology and how the researcher implemented this methodology. Phenomenology method was chosen to conduct this research because it was determined to be a useful method for researching the perceptions and experiences of disabled participants, their non-disabled colleagues, teachers and their parents, as they relate to the phenomenon of inclusive education, disabilities, social justice, human rights, and equality.
Given the complexity of this phenomenon, it was important to use a research method that could access those perspectives. The data were collected from many sources using three methods: (1) literature reviews of issues relating to inclusive education, disabilities, social justice, human rights, equality, (2) by interviewing participants and conducting participant observation in order to understand how these phenomenon unfold around my participants in their learning and home environments, (3) theoretical philosophies of great thinkers. Data were interpreted inductively by interpreting the meaning of participants’ perceptions as they arose. In order to make the findings of this research correct and reliable, I checked and confirmed the validity of the findings with the research participants in the second interview.25

Phenomenological research about disabilities should be judged mainly by its ability to empower disabled people through its contribution to the body of knowledge about the issues covered by such research. It would be impossible to imagine that any particular method of research, no matter how comprehensive or rigorous, could empower all disabled people at the same time. Disabled people like their non-disabled peers are not a homogeneous group. And of course to eradicate disabling institutions, environments, attitudes and legislations, and therefore, to empower the disabled the research must resonate with non-disabled people too, hence it was used from an advocacy standpoint.

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25 I recently went back to some of the participants and read my research findings with them and asked them if they would hold that this or that is the true or false of their experiences and circumstances. In most cases they agreed with my report.
Chapter 4: Findings

4.1 Research Findings

This chapter covers the main findings from my investigation including the field work. This chapter also takes account of the theoretical framework of disability, inequality, social justice, human rights and democracy. Other matters that emerged during my filed work are also briefly discussed here. The social model of disability is founded on disabled peoples' individual and collective experiences. The social model of disability is a paradigm shift from hitherto dominated medical model. The social model looks at disability from socio, economic, institutional, political, legal and environmental spectrums. This paradigm tries to show how these factors as designed by non-disabled people, negatively affects disable people’s opportunities to lead a normal life. What is research has found are inter alia, that using the social model to discuss disabled people’s difficulties in leading a better life is very important, because it allows for discussions of disabled people's experiences, by couched it firmly within an environmental and cultural context in order to highlight the disabling consequences of societies that are increasingly organised around the needs of influential non-disabled majority. Most legislation was adopted for political or sympathetic reasons for the disabled, so that whilst these legislations spoke in the language of inclusion, nevertheless in practice these legislations lacked the forces of improving things for disabled people. This may be because, for example, in practice [the Icelandic education law discussed at section 1.4] did not expressly require schools not to discriminate on disability grounds, nor did in expressly instruct school heads to include disabled students into their fold, nor provide any penalty for not doing so. So that those schools that reject disabled students on the grounds of their disabilities are left unpunished,
making the law arguably ineffective in regards to its legitimate aims (see section 2.4 above).

4.2 Denial and resistance

My finding during this research indicates that one reason for people’s resistance and resilience is the importance of all human beings to maintain their self-respect (Goodley, 2000; King, Brown & Smith, 2003). Several disabled students that I observed or interviewed appear to have one common characteristics of therapeutically ignoring or denying the existence or reality of their disabilities, and other obstacles it placed on full enjoyment of their life. Such denial and resistance, appear to be one of their strategies for encouraging themselves, that they can do better and more within their capabilities. Though some disabled students expressed their denial and resistance, such approach to life may have been reinforced by the regular encouragements from non-disabled people, particularly from their friends, teachers, family and loved ones. This is because I found that disabled people regularly receive encouragements from people and that they always want to be around people who love them, whom they trusted and those willing to be around them, listen to them and value their contributions to whatever is going on. Also, I found that they do not like to be seen as incapable of anything. As one of the participants put it “...people believe I am not good enough, but I know that I am better than some of them” [see section 1.4 above].

This attitude of denial and resistance was also on display during my interactions and interviews with the two selected parents of disabled students. Similarly such denial and resistance can also be seen from the attitudes of parents of disabled students who participated in the research of (Bjarnason, 2011). Those parents denied and resisted their circumstances “by constructing their private problems as public issues”, [see section 2.1 above]. Whilst such
denial and resistance do not totally remove their children’s disabilities or their own daily pains and problems in coping with these problems, however, I found that it therapeutically relieved their pains as well as served as a reinforcement of their resolute determination to fight on. This quality passes from parent to the affected child and from the affected child back to the parents as they both work on a common problem in a cooperative struggle for an improved life. Disabled people do their best to ignore the labelling the society have stigmatized them with by pretending as if it’s not their identity, albeit carrying the huge burden associated with such stigmatization.

If as (Becker 1963; Goffman, 1961, 1963), suggested that ‘deviance’ was socially created and that who is seen as ‘different’ is culturally determined (see section 2.4 above) then inclusion can also be culturally and socially created. Similarly if as Goffman (1963) argued that those who are stigmatized often looked at themselves in the same negative light as their stigmatizer had looked them. Then if disabled students begin to see less and less stigmatization through inclusive education, their resistance and resilience will further improve their self esteem and make them better academic competitors with their non disabled peers. A comparison of Goffman (1961; 1963) findings on influences of stigmatization over four decades ago and more recent findings of Bjarnasson (2011) on how stigmatized disabled parents and students construct their personal problems as public problem indicated to this research a movement towards inclusiveness and social justice as being the current norm.

4.3 Fear of inequality
The responds of fear about the possibilities of being excluded from doing what they love most by the environments, public institutions, law, culture as designed by the dominant non-disabled people was common amongst my participants. These are some of the problems the social models of disability are
aimed at bringing to the attention of the society with the aim of removing associated barriers that creates such fear. From Icelandic society’s standpoint, a lot have been done to improve the living standards of the disabled people in comparison with some developing countries. But with regards to their inclusion into the mainstream education settings so they can attend same schools as their non-disabled colleagues, more need to be done. Just as Rawls (2001) argued that “certain rights and freedoms are more important and ‘basic’ than others”, so do disabled people believe that their rights to equal opportunities are more important than their rights to financial benefits. But these rights to inclusive education are curtailed by segregated education system. As one parent puts it, “if my son is not educated in a mainstream school, the society sees him as not well educated because he attended a school for the disabled which is commonly associated with rehabilitation rather than education and this will affect his employment, income and quality of life”. Such is the fear of disabled people too, because education is seen by many parents and adult disable participants as a program for social survival [see section 2.9 above]. From the theory of Martha Nussbaum, this idea of inequality runs against her idea that justice at a minimum requires that we secure for each and every individual the capabilities to function at a threshold level in every way that is required for a decent human existence.

4.4 Disabling environments

Social model of disability focuses on other subtle but equally disabling factors such as, socio, cultural, law, institutional and environments disablement. For example, disabling environments is disadvantageous to the disabled people and advantageous to the non-disabled members of the same society. Most of my participants and reviewed literatures see this as constituting social injustice. Some legislation that governs the life and education of the disabled
students which are usually passed by dominant non-disabled members of the society tend to favour non-disabled people than the disabled, thereby becoming a hindrance rather than help. This Icelandic legislation (Lög um málefni fatlaðra No. 59/1992) is a good example in this regard. (See also section 1.5 and 1.6 above). However, it may be that non disabled people do not intend to disadvantage their disabled social colleagues when legislating, nevertheless, the unintended consequences prevents disabled peoples opportunities, [see section 2.6 above].

There have been systematic failures to link the democratic project of full and equal participation in social life to the treatment of disabled people. This may not have been done deliberately to disadvantage the opportunities of the disabled members of the community. But during my observations and data collections, effects of such systematic failures to link democratic practices to equalization of disadvantaged people’s opportunities was noticeable in school policies and practices. However it appears the Icelandic society via the education authorities are making-up for the disabling environments by providing some sophisticated technological equipment that assists the disabled students in pursuing better education and life. Also access to educational facilities in and around school environments and the city are relatively conducive for the Icelandic disabled students. Although some disabled people have found their way to work in certain spheres of the labour market, the same cannot be said about access to job opportunities for many others, because of the socio-cultural impression of their skills, and lack of accommodating physical work environments. Giving that without job opportunities, pursuit of education and skill acquisition may become an illusion for disabled people, this remains a problem. The situations for disabled
students in developing countries remain problematic because of the underfunding of their education system and neglect of disability plights.

Inclusion at schools will reflect inclusion in labor market and society. Many people with health-related work-capacity deficits are denied the opportunity to work (OECD, 2008). Countries are increasingly aware of this problem, which is why disability assessment methods and partial disability benefits have come under reconsideration (OECD, 2007). To ensure that individuals with partial work capacity remain in or enter the labor market, it has been shown that reforming disability legislations and working environments are an important element. Activate measures and increased focus on what the individual can positively do has been shown to be effective in getting disabled people to work (OECD, 2010). But without labor-market oriented education that is commonly found at mainstream education, disabled people’s chances of getting employed is illusory, because it is perceived that the kind of education they often get at their exclusive schools are merely of rehabilitation type that is short of labor skills.

4.5 Inclusive education: a myth or ideology

Critics of inclusive education ideology argued that it will not be fair to a group of very bright student if they are slowed down just because everybody must be carried along. They believe that by providing education opportunities through exclusive education the government and the society have done all that they can possibly do to help disabled people get education. Some participants (teachers, therapists and one school principal) belong to the groups that do not believe in the practical possibilities of an inclusive education where-by disabled students and their non-disabled peers attend same school, share same curriculum and learn side by side, because they believe that “it is not possible in practical reality”. One called it a “mere myth, which has no true reality
beside sympathy” [see section 2.7 above]. These subjective impressions could be because they have not worked in a school environment where inclusiveness is fully practiced for them to truly make an assessment of whether or not it could work well. It is submitted here that something which is impossible is different from something which is merely difficult. Inclusive education may be difficult but is by no means impossible to achieve.

4.6 Inclusion and egalitarianism
As was found during site visits for data collections, inclusiveness, and peer cooperation was seen in some sites as possible pathway to social egalitarianism. In these sites students learn each other ways of life. Exclusive or elite schools that do not admit or places subtle obstacles to admission of disabled students into their fold were seen by parents, their disabled children and pro-inclusive teachers who participated in this research as discouraging egalitarianism. One of the teachers in responds to my question whether or not she supports inclusive or exclusive education, said “the best way for the disabled students to understand their non-disabled colleagues is for both of them to be educated under one roof, that will also help the non-disabled students to know that the disabled ones have some bright ideas to bring to schools”. Such view is consistent with the Salamanca Statement and Framework for Action on Special Needs Education, 1994, [see section 2.3 above]. Such view is also consistent with the decision of Supreme Court of Iceland in Ragna Kristín Guðmundsdóttir v University of Iceland (1998) [see section 2.9 above], and another decision of Justice Arbour in Eaton v Barent County Board of Education, 22 O.R. (3d) 1 at 21 Court of Appeal of Canada, (1995) [see p. 69 above]. This research found that Inclusive education is likely to minimize stigmatization because as both the disabled and non-disabled students learn and play together, the non-disabled students may discover that
their disabled colleagues are not as *foolish* as they may have previously thought. Social egalitarianism if started at school for younger generations may over years lead to a better egalitarian society.

**4.7 Attitudinal issues**

The attitudes of people towards another group or an issue are often imbedded in the socio-cultural orientations of the people. The Salamanca Declaration and various legislations of its signatory countries have been framed to reflect a desire to eradicate discriminatory attitudes towards disabled students and to encourage inclusive orientation which the declaration recognized as “the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all”. But these have not changed the attitudes of most non-disabled people who dominate decision making that affects disabled peoples daily life and opportunities. Drawing on the lessons learnt from American post 1950 desegregation policies and practices, this research found that an inclusive education practices is likely to help in changing non-disabled people’s attitude towards their disabled ‘neighbours’ by reshaping disabling environments, institutional structures, policies, social perceptions and laws.

At the inclusive schools that I visited, the attitudes of non-disabled students to their disabled peers was that of sympathy and willingness to assist them whenever necessary, even sometimes against the wishes of the disabled student who wants to do thing by him/herself as a way of proving “I can do it myself”. Similarly the teachers are often willing to spend extra time explaining the issue clearer for the benefit of the intellectually or physically disabled members of the class. Teaching non-disabled children to be part of the solution was a core element of one preschool in Reykjavik [see section 2.8 above]. The kids at that preschool were well aware of what have become their
‘responsibility’ towards their disabled peers. It could be argued that if all schools follow the example of this preschool, chances are that the society may over many years of inclusive practices, build a more caring society. The effect of this may be that as disabled people construct their personal problems as public/social issues, the same society has raised a caring public capable of handling this public matter.
Chapter 5: Discussions

5.1 Discussions
This research does not claim to have discovered novel issues about disability, inclusive education, or social justice. Nor does it claim to have covered all or even many issues affecting disabled people, nor issues concerning inclusive education. The aim of this study was to gain insight into the lived experiences of disabled school aged students, how they cope with their education and how they can be included in mainstream education settings. Many issues emerged during this investigation. This section will discuss some of the main finding and compare them with existing knowledge in this area. Without ignoring some helps rendered by non-disabled people, to their disabled colleagues, however, sympathy and lip-service to disability matters was found to be a common attitude of non-disabled people who dominate policy making, educational institutions, educational professions and other social actors.

5.2 Sympathetic reality
Societies need to start understanding that mere sympathy and lip services to the plights of the disabled, or even mere financial assistance, are no longer enough, because that is not the only thing they need. Joseph Shapiro (1994, p.3), writing about the memorial service for late Timothy Cook, a disabled civil right activist, concluded that “nondisabled people do not understand disabled ones”. His conclusion was drawn from the heartfelt tributes of Cook’s non-disabled friends. The first speaker said “he never seemed disabled to me”. Another said, “He was the least disabled person I ever met”. The last speaker said “He never let his disability stop him from doing anything”. Shapiro’s analysis of this grave-side discourse is worth repeating:
It was the highest praise these nondisabled friends could think of giving a disabled attorney who, at thirty-eight years old, had won landmark disability cases, including one that forced public transit system to equip their buses with wheelchair lifts. But more than a few heads in the crowded chapel bowed with uneasy embarrassment at the supposed compliment. It was as if someone had tried to compliment a black man by saying “You are 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 realities of disabled people and the understandings of their daily lives by others. It was the type of collision that disabled people experience daily. Yet any discordance went unnoticed even to the well-meaning friends of a disabled rights fighter like Mr. Cook (pp.3-4).

It could be implied from Shapiro’s account of this funeral service compliments that, a democratic society, must stop paying lips services to the plights of its disabled members but through all its laws and institutions must move towards real equality, social justice, and human rights of the disabled members of its community to balance the age-long deficits in treatments, through a proactive affirmative action. The mother, [see section 1.4 above], who had been fighting to see her son enrolled into a regular school in Iceland should not be made to continue fighting, because it could be argued as being analogous to her son’s fundamental human right of freedom of association to be educated with his peers in same school. Also it could be argued that since the child wants to be educated in an inclusive school, such inclusion is likely to comfort the disabled student in same way as any therapy may relief him of some pains associated with disabilities and isolation.

As (Barton, 2002 ;Oliver, 1990) argued inclusion will allow for disabled people to be taken into account by designers of public utilities. It could be argued that it is only when designers of public utilities and educational infrastructures are aware that what they are designing will be used by both disabled and non disabled that they can actually start including disabled people’s use of it into
account. For example, a functioning public transport system that has no disability access ramps or a good public health care system that exclude AIDS patients from its insurance cover, may both be seen as minor and artificial in nature sides of an efficient system. Members of that society who are concerned about the plights of the affected (disabled) members of their community may easily be misled into believing that such discriminations in both their public transportation system and health care systems are based on socially contingent factors, and are therefore excusable, because for example, they may think that there are little reason to have buses with ramps as opposed to steps, and that since there is no immediate cure for AIDS now, it is a waste of public funds to cover AIDS in a state run health-insurance schemes. But it could be argued that there are no intrinsic differences between busses having ramps as opposed to steps, just as there are no intrinsic differences between treating Malaria or flu as opposed to AIDS (see Stein, 2006). In advocating for a social justice, equality and human right paradigm to inclusive education, I am hoping that we can mandate our societies to equalize opportunities in our social and physical environments and other indistinctively applicable measures which has the effect of directly or indirectly, actually or potentially hindering disabled people’s enjoyment of their daily life.

5.3 Social model of disability and inclusion
The Vienna Declaration and Programme of Action (1993), was directed specifically towards disability rights. This UN measure assisted in accelerating the trend towards a social model of disability by inter alia, maintaining that Member States and signatories should, see that disabled persons in their territories, “should be guaranteed equal opportunity through the eliminations of all socially determined barriers,” including any “physical, financial, social or psychological” obstacles that “excludes or restricts full participation in society”,

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because “all human rights are universal, indivisible and interdependent and interrelated”. During the debates leading to the enactment of the UN Convention on the Rights of Persons with Disabilities (2006), strong emphasis was placed on impressing on Member States to recognize “the importance of accessibilities to the physical, social and economic environment” because as the Convention stated, they are significant means of “redressing the profound social disadvantages suffered by persons with disabilities”.

By such recognitions the 2006 UN Convention supports the social model of disabilities as well as adopted a human right approach to the development of disabled person’s participation in their society. The social model of disability if purposively and pragmatically approached through a social justice, equality and human right paradigm as an affirmative action to equalize opportunities for the disabled members of any community, such measures, while drawing on inclusiveness will also, assist in changing the minds of the non-disabled members of that society. It will also allow the public to see issues about disability as not only an individual’s problem but partly as a societal problem. This is because, this research found, that disabled people like to construct their private problems as public issue, [see Bjarnasson, 2011 and section 2.1 above].

The social justice, equality, human right and disability rights paradigms integrate most features of the social model of disability, the human rights to disability developments which are the theoretical assumptions of the Capability approach of Martha Nussbaum, [see section 2.2 above], attempted to stress the very importance of the society’s role in constructing disability and its responsibility to rectify disability-based exclusions.

This research agrees with Stein (2006), who suggested that Mather Nussbaum’s Capabilities approach creates a fertile theory through which to understand the richness and content of the social justice, equality and human
rights to the development of disability rights. Subject to my disagreement with Nussbaum’s schemes that required some levels of minimal functions as a condition precedent to acknowledging an individual’s equal humanity and social participation, because it is arguably under-inclusive of for example persons with intellectual disabilities. Her scheme could also be faulted for conditioning the inclusions of other impairments through various proxies, and it also inadequately accounts for the development of individual talent. But by combining important components of the disability rights to developments and Nussbaum’s Capabilities approach, this study attempts to overcome some limitations, by acknowledging the important roles that social circumstances, social institution, social perception and social environments plays in creating disabling conditions as well as insisting on real and practical equal opportunity.

5.4 Vulnerable communities within disabled community

Article 6 and Article 7 of UNCRPD (2006) focused on the position of vulnerable communities within and amongst disabled peoples’ community. It is common knowledge that in most countries, particularly developing countries, where they basically struggle in almost all spheres of their already troubled life, disabled female in particular, is typically a vulnerable group. They are more prone to being abused physically and mentally. Disabled girls and women are at higher risks of not being able to pursue education or being employed. A social justice, equality and human right of inclusive education will make sure that in fact and in law, disabled female and male students are treated equally with regards to their education needs, such as access to inclusive education. Though in Iceland, and also in most other Western democracies of USA, Canada, Europe, Australia and New Zealand, this may not be a problem, but in developing world the gender division works to disadvantage the disabled female students.
If the global community, apply an affirmative action through social justice towards including children of all gender and abilities into our mainstream education settings, chances are that we will amongst other things be giving every child irrespective of gender, an opportunity to express his or her self, improve his or her chances of a better life, engage with the wider society and not being an isolated members of the society. Education policy makers are reminded by Article 12 & 13 of the UN Convention on the Rights of the Child (1990) which emphasised that:

Children, who are capable of forming views, have a right to receive and make known information, to express an opinion, and to have that opinion taken into account in any matters affecting them. The views of the child should be given due weight, according to the age, maturity and capability of the child

This included children with disability, so long as their disability did not adversely affect their brain and thinking faculty. If signatory countries to this Convention are not respecting their signature, then it makes no sense for these countries to turn around and claims to be respecting the rights of disabled children with their domestic legislations that often run contrary to the UN Conventions which they signed and adopted. One of the central tenet of John Rawls’s work in Justice as fairness is that the pursuit of greater society or social good, should not permit a society to mar the lives of individuals by abridging their basic rights and entitlements. If a society is to grow into a greater society at the back of its vulnerable members then it could be argued that any law or a measure which allows such inequality is an iniquitous law or measures.

5.5 Medicalization of disabled student’s behaviours

Disability activists have worked hard over the last three or so decades to move the attention from medical to social model. That is to lessen the attention on

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26 See Article 12 & 13 of the UN Convention on the Rights of the Child.
medicalizing disabled people’s condition, but to move towards viewing
disabled people’s conditions from the social and environmental surroundings.
When disability was easily conformed to the “medical” model, it allowed social
culture to influence “professionals to ideologically construct disability as an
individual, medical and tragic problem. The issue of how the disabled will
adjust to his current condition, therefore, becomes the focus of professional
intervention and reinforced these very images and constructions by rooting
them in practice” (Oliver, 1990, p.64).

This views a disabled person’s limitations as inherent, naturally and properly
reinforces excluding him/her from participating in some aspects of mainstream
socio, economic, or political activities. Under this perception, people with
disabilities are believed to be incapable of performing major life activities. The
consequences of this notion is that disabled persons are either accorded
limited social participation-such as being educated in separated special
schools, or they are systematically excluded from social, economic or political
opportunities-an exclusion that flows from societal presumptuous views of
disabled people as not being qualified to major life activities including for
example running for public office (Oliver, 1990).

It is still easy now for a student to be labelled with one medical disorder or the
other. This has forced desperate parents looking for labels of forgiveness to
turn to diagnoses because it offers them (i.e. parents) some degree of ‘cover’
instead of blames. For example, Gwynned Lloyd (2003) found that the rising
trends of children being diagnosed with Attention Deficit Hyperactivity
Disorder (ADHD), in Britain, is a demonstration of how medical and special
education policies has been influenced by well-organized pressure groups of
academics, insurance companies, professionals and parents, often created by
‘disability market’ that is supported by the vested interests of insurance
companies and pharmaceutical companies, through medical practitioners. While not categorically ignoring the importance of medical cure to physical and mental problems, nevertheless, it could be argued that a move away from exclusive to inclusive education where ability rather than disability is valued will drastically reduce the too much medicalization of students’ behaviour. It would also, help teachers focus on assisting the child to improve his or her deficits rather than seeing it as a medical disorder that requires medical solutions. For example, while at a segregated school, the aims are usually to prepare them to integrate into the mainstream society. So if Tom is labelled ADHD, based solely on his involvements with his fellow disabled students at that segregated school, how can the professionals working with Tom know for sure that this ADHD is really an accurate labelling of Tom? It could be argued that Tom may feel better with his non-disabled peer groups at an inclusive school which in-turn will change his characters. So it could be argued that until Tom is actually allowed to mingle freely with his peer groups at an inclusive school, such a labelling are only one-sided and inaccurate.

Barnes (2003) and also Traustadóttir (2008) both have found that medicalization often leads to labelling according to each learner impairments, while (Hughes, 2002; Hughes, Russell & Patterson, 2005), claimed that this model of labelling restricts disabled people’s identity formation. Björnsdóttir (2010), stated that “diagnostic manuals is based on the deficits or medical understanding of each disability, which views people in terms of individual abnormalities that medical professionals or care-givers need to manage, rehabilitate and fix”. It is this diagnostic manual which also contains the type of labelling that is attaches to respective impairments. With these medical labelling, the society stigmatize the disable folks. It defines through labelling
people with disabilities based on their inabilities and limitations, but not on their abilities.

Philosopher, Anita Silver, provides an eloquent application of the social model of disability to the concept of reasonable accommodations as required by the Americans with Disability Act (1990), and her underlying theory applies equally to the status of affirmative action. She argued that being physiologically anomalous is viewed as abnormal only because a dominant group i.e. (non-disabled people) imposes conditions favourable to their own circumstances, and not because of “any biological mandate or evolutionary triumph” (Silver et al., 1998, p. 73). Accordingly, the social model of disability recognizes the sources of disabled people’s disadvantages as a hostile environment that is “artificial and remediable”, instead of “natural and immutable”. She supported her theory with the example that “if the majority of people, in the society are disabled, then instead of steps, ramps would have been provided in houses and buses. Similarly graceful spiral ramps instead of jarringly angular staircases would connect lower to upper floors of buildings. Thus, a wheelchair-user is not only restricted by his/her impairments but in addition experiences disability through antagonistic surroundings, including lack of physical access to schools environment and school facilities, workplaces, and other areas open to the public. The reasonable accommodation principles contained in the Americans with Disability Act (1990), seeks to eliminate such social surroundings which affects individuals with disability, and as such is a product of formal and equalizing justice, in same line as affirmative action which this thesis calls for.

Björnsdóttir (2010) found that disabled learners in most cases did not concentrate on their inabilities, but mostly focused on their abilities, competence and achievements. Her research shows that diagnostic labelling
and its associated societal labelling have caused damages to the disabled people especially their self-confidence. One disabled participant in this research, let’s call her Gudrun, an 18 years old learner at one of my research sites, said that she is called a retard by some people, but that she does better in drawing than most of them. She would like to be judged by her quality drawings and nothing more. Exclusionary practices as currently carried out by schools and tacitly supported by legislations can influence disabled peoples negative identity formation and can cause them to develop an excluded self-concept and low esteem. Inclusionary school practice was found by this research as an important factor in developing a positive inclusive self-concept or identity (Borland & Ramcharan, 1997).

5.6 Defining ability assessment with respect to disability
To be able to define ability, there needs to be an understanding of what ability is. According to Nordenfelt (1993) three conditions must be met to use the term ability correctly, they are: (1) a person, (2) a measure, (3) Specific environments. Nordenfelt explains the relationship between these factors in the following paragraph:

“It is pointless to say of a person that he or she is in general able, or conversely, that he or she is in general disabled. Ability has to be specified. First, one has to identify a particular agent ‘A’. Second, one has to specify A’s project or goal: something that A is able to attain. Third, one has to specify the circumstances in which A is able to attain this goal or perform this action” (p.35).

From this statement it could be implied that the individual has body and mind, the individual has also goals that he needs, or wants to achieve and his purpose, intention, motivation or will is determined by public perception of his/her ability as opposed to what actually he/she can do (Solli, 2007). Significantly, it is not usually what s/he can do that determines whether or not
s/he gets accepted into the mainstream schools, or be given the job s/he had applied for, but what the recruiters subjectively thinks of him/her.

The definition of disability often varies from concept to context depending on what it is to be used for. So that the health industry, education community, legislators, and policy makers often define it in accordance with the issues at hand. Some definitions encompass the medical, social, legal or environmental concept of disability. For example, following the increase in applications for disability benefits, the Social security administration in Iceland changed their disability assessment in 1999 and as a consequence the definition was more medically oriented (as cited in Konráðsdóttir 2011). In the Icelandic National Social Security Act it is stated: those who are assessed to be at least 75% disabled because of medically recognized disease or disability are entitled to a disability benefit (Reglugerð um órorkumat, No. 379/1999). OECD has however recommended that authorities abandon definitions of disability based on loss of work capacity. Instead the emphasis should be changed from passive support, in the form of subsistence payments for disabled people, towards active welfare policies, both in the labor market and in society (OECD, 2003). This requires more opportunities for disabled people to get employment and in turn requires amendments to disability definitions as well as the work policies and amendments to work environments to accommodate their disabilities.

For me inclusive education is not an end in itself, but a means to an end. For me this project is about contributing to the realisation of an inclusive society with a demand for a human rights approach as a central component of policymaking. Thus the question is fundamentally about issues of human rights, equity, social justice and the struggles for a non-discriminatory society. This principle was found by Barton and Armstrong (2007) as being at the heart of inclusive education policy and practice. In view of all these, advocates for disability rights must continue the good fight for inclusive education.
5.7 Incorporating inclusive pedagogy and curriculum

Although there is no one way of doing things in schooling, it is not possible that in every circumstances a school with diverse students will be able to satisfy all is students, what I am advocating here is that separating or isolating disabled learners is against their human right, not their social justice and is an unequal treatment. Thus an important aspect of inclusive education is incorporating inclusive pedagogy and curriculum.

Inclusive pedagogy and curriculum are schooling ethics which considers and encompasses the learning of all children, irrespective of their gender, race, ethnicity, religion, ability etc. It is about teaching diverse groups and being concerned about the learning experience of all learners. Recent evidence (e.g. David & Florian 2004; Lewis & Norwich, 2005) suggests that much of what has traditionally been seen as pedagogy and curriculum for pupils with Special Education Needs (SEN) and/or disabilities consists of the approaches used in ordinary teaching, extended or emphasized for particular individuals or groups of pupils. This applies even when teaching approaches may look very different, for example, when teachers or other educational professional are working with pupils with special education. Florian and Black-Hawkins describe their conceptualization of inclusive pedagogy:

Our conceptualization of inclusive pedagogy focuses on how to extend what is ordinarily available in the community of the classroom as a way of reducing the need to mark some learners as different. This is underpinned by a shift in pedagogical thinking from an approach that works for most learners existing alongside something ‘additional’ or ‘different’ for those (some) who experience difficulties, towards one that involves providing rich learning opportunities that are sufficiently made available for everyone, so that all learners are able to participate in classroom life (2010, p.14).

When teachers identify patterns of progress for individual pupils or groups of pupils that cause them concern, then they must decide what action to take.
Their actions might be: to review the curriculum for the whole class. If all or
the majority of pupils are achieving at a level below that expected for their age,
then the correctable action would be to review the way the curriculum is being
delivered, identify problems, e.g. in curriculum, pedagogy or relationships, and
remedy them (Florian & Black-Hawkins, 2010).

The teacher(s) may also consider increasing personalization for classes/groups.
Most pupils will learn and make progress within a curriculum where the
teacher differentiates the curriculum to make sure that all pupils are included
effectively. A continuous cycle of planning, teaching and assessing, which takes
account of the wide range of abilities, aptitudes and interests of pupils, will
normally enable most pupils to learn and make progress. For example, using
multi-sensory approaches as part of normal teaching and learning to minimize
the barriers to learning for dyslexic pupils will normally enable such pupils to
make good progress and will probably benefit non disabled others in the class
too. A different kind of personalization may be suitable for pupils who need to
catch up with their peers. So long as they are given additional, time-limited to
accelerate progress. This additional time limit will enable teachers to work with
pupils at the students pace along his or her age-related expectations (Davis &
Florian, 2004; Lewis & Norwich, 2005).

However, if after appropriate intervention, a disabled student is still not
making the expected progress the teacher may recognize that he or she (i.e.
the teacher) has run out of ideas or doesn’t have the skills to meet this
student’s needs. At this point, the school’s support system needs to come into
play. Schools are supposed to set their own criteria for intervention and the
lines of communication should be clear to staff. There may be a special form
for registering concern, or the approach may be informal. But it is important
that schools have a support network (even if in collaboration with another
institution) for dealing with students with learning difficulties whether or not the student concerned is disabled.

Inclusive pedagogy calls for eliminating hierarchical structures: of who is the smartest kid(s) in this classroom, because for example, that will hurt the learning process of Jimmy who on hearing that John is the smartest began to lose confidence in his ability and learn less because he now thinks he is a bad learner. Inclusive schooling requires teachers and administrators to promote the belief that Jimmy is good at drawing, while John is excellent at painting; But Jane is good at reading while Anna is excellent at maths and so on.

5.8 Inclusive education as part of teachers training

Inclusive education has gained significant attention in Iceland and abroad. Inclusive education demands that teachers should be able to meet the needs of students with disabilities in a regular/ordinary school and classroom. It logically follows that the success or failures of inclusive education will inter alia rest on quality of teachers’ preparation that is designed towards inclusive education. This is because how teachers are prepared is intrinsically linked to the quality of education provided in the schools (Mukhopadhayay, Molosiwa & Moswela, 2009).

In most countries, inclusive education is perceived as one of the ways to increase educational access to large number of students with or without disabilities. Such inclusive education environment provides effective inclusive curriculum, inclusive pedagogical instruction and general education needs for all students irrespective of their abilities. This requires teachers to develop different sets of skills and knowledge than traditionally required by the teaching profession. At the same time the roles of those already trained as special education teachers should continue to change to reflect knowledge
about inclusiveness, because an inclusive teacher is as good as being a case manager (Mukhopadhyay et al., 2009).

Schumm and Vaughn (1995) and Baker and Zigmond (1995) observed that increasingly the numbers of children with special needs are being served in regular classrooms which is a dramatic change of paradigm in the way special education services was being provided in schools since late 70s and 80s. They stressed that this development must be addressed in pre-service teacher education programs so that the next generation of educators will be better prepared to work more efficiently and effectively in an inclusive settings. Therefore, the importance of changing the traditional ways of teaching in regular classrooms cannot be ignored.

Given the complex nature of classrooms and the increasing demands on teachers, who often have little or no specialized training in working with exceptional students, structures should be set up to provide the necessary help and guidance for teachers education providers to make changes in their curriculum and instruction (Maag & Katsiyannis, 2000). With the increasing diversity among children in today’s classrooms, teacher preparation programs should be designed in such a style that it equips the ‘would-be-teachers, with the necessary skill-sets to be able to respond competently to the challenges of inclusive classrooms (Munby, Lock, Hutchinson, Whitehead & Martin, 1999). A major part of responding to the diversity found inside the classroom is through effective and efficient teachers’ preparation. Regular teachers and or the so-called special education teachers often feel that they are inadequately prepared to address the needs of learners with various categories of exceptionalities. The current and future teacher-training programs should focus on affording trainee teachers ample opportunities to practice as much as possible throughout a teachers training university or college program that will
include significant period of active practice at various inclusive education setting (Jenkins, Pateman & Black, 2002).

Teachers need to be flexible and willing to adapt their classroom instruction to meet the learning needs of students both with and without disabilities (Hamill, Jantzen & Bargerhuff, 1999). At the same time, teachers need to collaborate with other stakeholders to ensure that teaching and learning takes place, in an inclusive learning environment. Therefore, teachers must have skills in communication, collaboration, and cooperative learning strategies and they should have confidence to use those skills.

5.9 Summary discussion
I had tried above to show the varying degrees and levels of obstacles to disabled peoples rights to enjoy their lives and actively participate in their societies, particularly at schools. Most civil rights were achieved after decades of advocacy, pressuring the authorities to recognize such rights. Since almost every democratic country has equality rights clauses of some sorts in its constitution, disability rights advocates should look for such rights and use it as one of its main arguments. It is suggested here that countries, provinces, districts and education authorities can do better if the domestic laws will follow the examples of the Canadian constitution, which has a distinctive legislative language that guaranteed equal benefits and equal protections of the law for all persons including those with physical or mental disabilities. For example, section 15 of the Constitution of Canada provides that:

(1) every individual is equal before and under the law and has the right to equal protection and equal benefits of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, mental or physical disability.
(2) Subsection (1) does not preclude any law programme or activities that has as its object, the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age, mental or physical disability.

The willingness of disability advocates using the domestic and international laws on disabled peoples’ rights to argue against exclusion will facilitate judicial pro-activism in favour of inclusive education as was the lesson from the Canadian case of *Eaton v Barent County Board of Education*, 22 O.R. (3rd) 1 at 21 Court of Appeal, (1995) [this case was discussed at page 69 above].

As pointed out by (Rioux, 1999), because of its constitutional nature, these supreme laws of Canada, guarantee everybody in that country equal rights at all levels of legislative authorities in Canada. Its reach is broad, in that it applies to all Canadian law, including for example, taxation, education, immigration, health care, human rights, etc. Since it is flowing from the highest law of the land, thus it can be used to bring into question, and declared invalid, provincial, regional or district laws or bylaws as was done in the above mentioned case.

Rioux (1999), reported how this supreme law have been effective and providing an important ammunition in the process for defining and clarifying the rights of citizens. It has provided an important context in which the discourse as well as the legal and policy considerations of disability have taken on the equality right perspective. It covers both substantive and procedural rights under Section 15 (1). This Charter of Rights and Freedom is a powerful tool for redirecting the understandings of disability, whether the contested issue is medical condition, physical environment, discrimination, school curriculum, or any issue affecting a disabled student’s education.
Also, advocates for inclusive education, human rights, social justice for the disabled must use in their respective countries the domestic legislation that is equivalent of American legislation section 504 of the Rehabilitation Act (1973) which provides an example of a civil right legislation that has been proactively used to mitigate discriminatory treatment on the grounds of disabilities. It has worked relatively well in the US and if properly used it will also work well elsewhere too.
Chapter 6: Conclusion

6. Summary, recommendations and Conclusion

In this quest, I have tried to take you through the journey-circle of disability life, their struggles, their rejection, their limited inclusion in certain schools, and their near total exclusion in many schools and other sectors of social, economic and political life. Throughout the world there are numerous examples of countries or regions or schools pursuing inclusive education. Some countries believe that they have met the challenges of inclusive education as regards disabled students by their signature on international and domestic laws concerning the rights of the disabled. Others create national institutional policies and practices that address the issue. But regardless of how nations approach the issue of inclusive education for the disabled, there are fundamental themes that exist in all nations regarding the rights of disabled people to be treated like others. These themes include social justice, equality, human rights, democracy, and amelioration of disabling environment. By gaining an understanding of these overarching themes, this research is able to identify how people with disability are denied their full participation in mainstream society in general and in mainstream education settings in particular. In addition to identifying themes, this paper also highlighted other issues that should be explored for a better understanding of the adverse impact of excluding disabled people from full societal participation, and full inclusion at mainstream education settings.

There is a current gap in knowledge and information regarding the degree of implementations of domestic and international law within specific areas of disability rights. There is also a lack of knowledge about what challenges and opportunities at various countries hence more emphasis in this research was
placed on Iceland, a country with relatively better care for its disabled population than many other countries. It is imperative in national development to acknowledge failures from past mistakes and build on lessons learnt. It follows that a critical step to promoting effective inclusive education for all students irrespective of ability involves developing a clearer understanding of the consequences of exclusive education, hence this thesis have delved into exploration and explanation of implications of excluding disabled students from mainstream education settings.

There is evidence that the number of schools across the globe that are trying to implement inclusive education is growing. This suggests that to some extent inclusive education practice is capable of facilitating positive changes. This paper have illuminated the current state of inclusive education, suggested affirmative action as a better way to promote it, and highlighted its connections to social justice, human rights, equality and democracy.

6.1 Recommended future research trend on disability and Inclusive education

From my experiences in conducting this research, I suggest that future research in this area must develop new methods to focus on the interface between disability, the affected people, environment and society. Whilst it is important, however, it is not enough simply to shift the focus of concern from health of the individual to the environment. What are needed are studies of the dynamic interplay between disability, the affected people, and the environment; of the adapting process, by the society as well as by the individual; and of the adaptive changes that occur during an affected person's lifespan. Research must focus on the development and evaluation of environmental options in the *built* environment and the society’s responds to these factors. All these will enable individuals with disabilities and society to
select the most appropriate means to accommodate or alleviate limitations. Research must lead to a better understanding of the context and trends in each and every concerned society about how existing designs of the physical environment in which people with disabilities will or are living-in and in which disability will be manifested. This includes re-conceptualization of how to accommodate disability in the area of: education/schooling, economy and labor or market trends, law and social policies, social, cultural, and attitudinal factors, new technological developments, housing designs, transportation, and other general welfare schemes.

These are critical factors influencing disability and disabled persons. Their frequent inconsistencies, contradictions, and oversights can inhibit the attainment of personal and social goals for persons with disabilities. The increasing number of people with disabilities has been a matter of concern in the OECD countries. During the past decade more than half of the OECD Member States have seen a substantial increase in disability benefit rates. Approximately 6% of the working age population in those countries collected disability benefits in 2007 (OECD, 2007). This increase has also been apparent in Iceland during the last decade. Around 5% of men and 8% of women in the age group 18 to 67 years old received disability benefits in 2006 and in 2007 7.5% of working age population collected disability benefit or disability allowance (OECD, 2008). In 2009 a total of 14,507 individuals collected disability benefit compared to 9,858 individual ten years earlier in 1999. That is an increase of 64% in ten years (Social Insurance Administration, 2009). This increase has put a lot of financial strain on the state and on the pension funds (Herbertsson, 2005). But it is not only the cost concerning the disability that is an issue here. This research found that lack of reasonable accommodation for the disabled people at existing work environments is of significant concern
because this avoidable physical environment more than the impairment prohibited many disabled people from entering the employment market. The starting point for ameliorating these identified problems is by moving towards an inclusive society. Since almost everybody passes through schools at one stage or another in his/her life, school is undoubtedly the best place to start practicing inclusiveness.
References


*Americans with Disability Act 1990* (USA).


Lög um aðstoð við þroskahefta. No. 47/1979. (Ice.).

Lög um framhaldsskóla. No. 92/2008. (Ice.).

Lög um grunnskóla. No. 91/2008. (Ice.).

Lög um leiðskóla. No. 78/1994. (Ice.).

Lög um leiðskóla. No. 90/2008. (Ice.).


*Reglugerð um sérkennslu.* No. 270/1977. (Ice.).


*Rehabilitation Act 1973.* (USA).


The UNESCO Convention against Discrimination in Education (1960).


