

# Conceptualisation of Social Justice Model as an Advanced Framework of Inclusive Education

## Tracing the Trajectory

GEETIKA DATTA\*

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### Abstract

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*Inclusion is based on the ideology that all children belong together and therefore, educational systems must respond to the diverse needs of all learners and ensure participation of all students in their learning. The systems not only should be responding, but acknowledging, accepting and celebrating diversity of all kinds so that every individual of the group feels accepted, safe and empowered. Traditionally, the theoretical framework of inclusion is derived from the field of Special Education wherein, the paradigms have shifted from the flawed Medical model to the Social model. This paper tries to conceptualise Social Justice Model as an advanced theoretical framework of Inclusion. It traces the trajectory of policies and social processes, prejudices and dysconsciousness prevailing in Indian society, specifically pertaining to CWSN and Transgender persons. Thereafter, an attempt has been made to elaborate on the rationale and dimensions of Social Justice as an apt model for Inclusive Education.*

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### INTRODUCTION

Inclusive education is based on the philosophical premise that all children

belong together and there is no reason whatsoever to classify and label them and put them separately in different

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\* Principal, Bhavan's Leelavati Munshi College of Education, Bharatiya Vidya Bhavan, Kasturba Gandhi Marg, New Delhi.

organised groups and celebrating the diversity among all children irrespective of their ethnicity, class, caste, religion, linguistic background, gender, socioeconomic status, sexual orientation and ability. There is a history of many communities who have been marginalised socially, economically, educationally and culturally in India as well as all over the world. Excluded sections in Indian society comprises of people from specific classes and castes (SCs, STs, *Dalits*, *Adivasis*), ethnic backgrounds, religious minorities, children with special needs (CWSN), girls and transgender or third gender (known as *hijra* community). In addition to these, India Exclusion Report (2014) has given the following other categories of highly excluded children— street children, children without adult support, children in conflict with law, child workers, children whose parents are in stigmatised occupations for example, sex work, manual scavenging, waste-picking, HIV positive children and children of HIV positive parents, migrant children, children from nomadic and semi-nomadic tribes and children in conflict affected areas.

### **Provisions with respect to Excluded Castes, Class and Children with Disabilities**

Since independence of India in 1947, for CWSN, medical and/ or charity models of disability have guided the policies of government from time to time which, generally,

are deeply embedded and focused on medical intervention in the form of treatment and rehabilitation to cure the ‘disease’ or the ‘problem’. The medical model has been severely criticised since it accords a less-than-human status to people with disabilities and the focus is entirely on to ‘normalise’ them; so the onus is entirely onto the person with disability to conform to the ‘accepted norms of normality’. Therefore, the focus was always on what the person cannot do rather than on abilities or capabilities. If we analyse policy documents since Independence, right from Kothari Commission (1967), National Policy of Education (1986) and Programme of Action (1992), Integrated Education for Disabled Children (IEDC) Scheme (initiated in 1974 and revised in 1992), Sarva Shiksha Abhiyan (SSA) (initiated in 2000-01), The Mental Health Act (1987), Rehabilitation Council of India Act (1992), The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act (1999) were more or less focused on the medical model of disability. The act which recognised the multi-faceted nature of disability and not only provided for education but also for employment, creation of barrier-free environment, social security etc was the Persons with Disabilities— Equal Opportunities, Protection of Rights and Full Participation (PWD) Act 1995 (Realising UNCRPD, 2011).

A landmark move in recognising inclusion as a social construct based on social prejudices, barriers and oppressive structures was India's ratification of United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007. Rights to Education Act (RTE, 2009) which provides for free and compulsory education of children up to 14 years of age is the most important landmark in recognising education as a fundamental right and provided for a reservation of 25% seats in private schools for children from Economically Weaker Sections. But this act was severely criticised on the grounds that it does not sufficiently provide for the needs of children with special needs, which was rectified by the RTE Amendment Act, 2012. The Rights of Persons Disabilities Act (RPWD, 2016) which repealed the PWD Act, was drafted to fulfill the obligations of the UNCRPD. But, its implementation has been deficient in majority of states as pointed in the report 'Two years of The Rights of the Persons with Disabilities Act, 2016, Status of Implementation in the states and UTs of India' (2018).

### **Provisions with respect to Transgender or Third Gender**

Transgenders, whose population, is estimated to be around two million in India, are one of the most excluded sections of our society. The Transgender Persons (Protection of Rights) Act, 2019 defines 'transgender person' as a person whose gender does

not match with the gender assigned to that person at birth and includes transman or transwoman (Whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*. Though, historically, they have been an important part of Indian culture with societal approval and respect as depicted in ancient Hindu scriptures and during the Mughal reign where they could rise to significant positions. However, under the British rule, when the Criminal Act 1871 categorised the entire transgender community as "criminals" who were "addicted" to committing serious crimes, their status in the society fell significantly and they were arrested for dressing in women's clothing or dancing or playing music in public places, and for indulging in gay sex (Pandey, 2014). In 1949, this law was repealed, but their status did not improve. They have been known to being abandoned even by their own families or given away to transgender communities as babies. Further, laws like the Section 377 of the Indian Penal Code, State level Beggery Acts, and otherwise non-recognition in the eyes of law made them an entirely excluded section without having any rights of education and subsistence, not allowed to beg and being exploited by the law enforcing bodies in case of earning their livelihoods by

prostitution. Therefore, exclusion and marginalisation of the transgender community continues and they are bereft and ignorant of their social, economic, educational and other rights. A historic judgement came in 2014, when the Supreme Court of India recognised transgenders as the 'third gender' and ordered the government to provide quotas in jobs and education in line with other minorities, as well as key amenities by considering them as socially and educationally backward sections of society (Pandey, G, 2014). The Transgender Persons (Protection of Rights) Act, 2019 was passed on 5th December, 2019 which prohibited discrimination against any transgender person in educational institutions, employment or occupation, healthcare services and gave people the right to have self-perceived gender identity. The Act also talks of inclusive education but does not provide reservations in jobs as per Supreme Court ruling. There are not too many studies on their status of education, but transgenders have conceded that high-school years and beyond are terrifying. The experiences of adolescent transpeople (at a time when it becomes evident that they are 'different') include being segregated, harassed, bullied and even sexually abused by both teachers and students (India Exclusion Report, 2014). The move towards Admission forms giving option for the third gender is a recent happening, but it has been seen that enrolments are

almost non-existent. According to a news article published by News18 in Dec., 2019, there is absolute no mention of transgenders in records generated by All India Survey on Higher Education till 2018-19. Also there are no transgenders at any teaching or non-teaching positions in the records. However, it has been mentioned that many transgender may have enrolled either as male or female due to social stigma attached and getting people to enrol in the category would be a huge progress.

### **DYSCONSCIOUSNESS AND INCLUSION**

The above discussion sufficiently proves that there is a lot of negative attitudes, beliefs and practices among people about all of the excluded and backward sections, a phenomenon which can be put under the concept of 'dysconsciousness'. Dysconsciousness refers to an uncritical habit of mind (including perceptions, attitudes, assumptions, and beliefs) that justifies inequity and exploitation by accepting the existing order of things as a given. This cognitively limited mode of thinking shapes one's identity and distorts one's consciousness—that is, one's awareness and sense of agency (Banks, J A in Encyclopedia of Diversity in Education, 2012). These perspectives of dysconsciousness distort the understanding of people towards issues of equity and justice. These practices are perceived as 'a given' and are followed and passed on from generation to generation

with teachers being no exception. These instances of dysconsciousness inform the basic ideology of teachers and they are further transmitted, reinforced and passed on through the processes of education. India Exclusion Report, (IER) 2014 has highlighted the following instances of injustice and prejudices, the foundations which can be traced to prevailing dysconsciousness in our society and education system.

### **Hidden Curriculum**

The children learn not just the intended learning outcomes, but also the inherent societal structures and practices which reinforce casteism and gender stereotypes as manifested in seating arrangements, rewards, punishments, cultural practices, distribution of work etc. CWSN find themselves excluded from classroom activities because of difficulties in communication or other difficulties (Pg 18-19).

### **Negative Teacher Attitudes**

Teachers were found to have mixed kind of attitudes towards inclusive practices. They were found to lack the orientation and professional support and often find it challenging to take care of the needs of diverse children. (Dutta, 2014). Teachers have been reported to exhibit highly discriminating, biased and exclusionary behaviour with respect to class, caste and gender i.e more stringent punishments

and pre-conceived notions for marginalised sections.

### **Leadership Roles**

Chances of becoming 'monitors' are reserved only for privileged sections hence chances of experiencing success and power given selectively; with huge psychological consequences on development of self-concept and self-esteem.

### **Long-term Cascading Effects of Neglect and Ill-treatment**

Because of ill-treatment, active biases, prejudices, favouritism metted out to disadvantaged children, they leave school with a negative impression throughout their life. Thus schools, which are supposed to be 'safe places'; and education considered to be the ultimate leveling factor; in fact are playing roles of furthering and reinforcing the biases and discrimination prevalent in the society (Pg 24). These, children, because of no real education continue to be in the lower rungs of society and develop a '*dysconsciousness*' against schools and education; which is passed on from generation to generation.

The above discussion sufficiently proves that, until and unless efforts are made to make people move away from their existing notions and dysconsciousness, policies on paper will not work. Therefore, it makes sense that the paradigms of inclusion; which shifted from the flawed medical to the more evolved social model; must now shift to the social justice

model; since the mission for inclusive education is to address issues of social justice, inequality and human rights (Polat, 2011).

### **SOCIAL JUSTICE AND EDUCATION**

Aim of any civilised society in the world is to provide for justice, in all its ramifications to its members or citizens. When we think of justice, it does not comprise merely legal justice. A very relevant concept in terms of a just society is the idea of social justice. None of the history's great philosophers like Plato, Aristotle, Confucius, Averroes, or even Rousseau or Kant saw the need to consider justice or the need to redress justice from a social perspective (UNO, 2006). According to Zajda, Majhanovich and Rust (2006), the term Social Justice was first used in the year 1840 by Luigi Taparelli's Azeglio, a Sicilian priest in response to changes brought upon society by industrial revolution and the Church's position on these changes (quoted in Connor, David 2013). Taparelli asserted on the importance of rights and responsibilities of each members of society and each member contributing towards meeting everybody's needs; thus stressing on the basic principle of equality as the basic premise of social justice. Therefore, this concept is a western concept rooted in the developments and issues arising during the industrial revolution during the 20th century. During the 20th century, a revolution took place in the western

world's conception of justice— the ordinary idea of justice i.e. resolving of disputes, putting criminals in jails etc. was superseded by a new conception which focused on society as a whole (Burke, 2011). It basically originated because of exploitative practices of capitalists and it was felt that a society needed to provide for development measures to ensure upliftment of all human beings. Also known by 'economic justice' and 'justice as fairness', the theory of social justice advocates that there should be equality of power and resources in society. A society must not have concentration of power in the hands of only a few individuals. By the middle of the 20th century, social justice as a concept became an ideology of progressive thinking in social and political spheres along with conceptions such as democracy and socialism. And since 'social justice' is a demand addressed to the society and not to the individual and as it is a demand that can be met only by the state (Burke, 2011); therefore, the governments have been adopting the ideology in economics, political and educational spheres.

Social justice and its conception is a relatively new one and an under-theorised one in the field of educational studies and policy (Giwirtz, 1998); and it is only in the past 20 years or so that attainment of Social Justice is being seen as one of the aims of education and educational policies. Social justice means availability of equal social opportunities for the

development of personality to all the people in the society, without any discrimination on the basis of caste, sex or race (Ahmad and Ali, 2006).

If we look into the scenario in India, Indian Constitution provides for the ideals of social justice at number of places including the Preamble. Article 39 of the Directive Principles of State Policy lays out the role of the state in fostering opportunities for social justice and welfare, while article 45 specifically requires that it endeavour to ensure free and compulsory education upto the age of 14 years. Article 29 of the constitution provides for the protection of educational and cultural rights of minorities. Article 46 of the Directive Principles places a responsibility on the state to promote the educational interests of the weaker sections especially the Scheduled Castes (SCs) and Scheduled Tribes (STs) (India Exclusion Report, 2014). In addition, Article 14 guarantees 'equality before law or equal protection of the laws within the territory of India' to every person. Article 15(1) prohibits discrimination against any citizen on grounds of religion, race, caste and place of birth or any of them. Article 46 constitutes the heart and soul of social justice. It provides that the state shall promote with special care the educational and economic interests of the weaker sections of the society, and shall protect them from social injustice and all forms of exploitation (Ahmad and Ali, 2006).

Therefore, we see that in the eyes of law all citizens are equal and discrimination of any kind is illegal and is a punishable offence. However, inspite of the laws, discrimination and injustice is rampant as highlighted in the above discussion. The possible reasons behind this are years and years of prejudices and dysconsciousness passed on from generation to generation. In this scenario, education is supposed to play a very important role in ridding the society of its existing prejudices and dogmas.

In the following sections, the paper will try to examine the various dimensions and aspects of the concept of social justice which can be applied in education, specifically for inclusive practices. As we understand, the aims of 'Education' are seen at an individual as well as societal level i.e. bringing about an overall development and transformation in all individuals so as to build up a cohesive and a just society. Therefore, education has to be seen as a vehicle of attaining inclusion, not just only in the educational scenario but in building up an inclusive and cohesive society. What this paper is trying to stress upon is looking at education and specifically, inclusive practices as a means to attain social justice.

According to Arthur, Kristjansson and Vogler (2020) there can be two aspects with respect to Social Justice and Education—

- Social justice in education
- Education for social justice

These can be elaborated as under—

### **Social Justice in Education**

This refers to following the principles of equity and equality in providing the access to educational opportunities for all. It covers the distributive as well as the relational dimensions of justice. Gaining access is the starting point, the more important aspects of social justice in education would take care of providing a just environment in schools without any discrimination, prejudices and exploitation, as issues of social justice are not only concerned with issues of access and distribution, but of equal participation. It does not only include things at the policy level but also how things are actually transacted on ground, the finer nuances of relationships between the stakeholders, power relations and equations. In reality, if in a hypothetical situation, all children do go to schools of similar infrastructure with equitable level of competent teachers and materials, but if the practices in the schools are of a discriminatory type, wherein not everybody is allowed to participate, then the whole idea of educating children in a just environment falls flat. As given by Palacio Avendano in 2009 'Participative parity is an interpretive ideal of social justice' (in Rowan, L. 2019, Pg. 14). Young, I.M. (2014) has conceptualised the following five faces of Oppression— exploitation, marginalisation, powerlessness, cultural imperialism, violence. So, when we are talking about social

justice in education, it has to be ensured that none of these elements should be there otherwise, education, which is supposed to play the role of a unifying agency, becomes an agency of perpetuating prejudices, discrimination and injustice. That is easier said than done. This requires value-based orientation towards ideals of social justice among school teachers and more importantly the school managements and other staff. So the entire gamut of experiences which the students experience— academic, non-academic, implicit, explicit, verbal, non-verbal becomes a part of it. Sharon Gewirtz (1998) in her widely acclaimed paper has given the following two dimensions of social justice in education; which are described as follows—

### ***Distributional Justice***

It is mainly concerned with fair distribution of materials and resources. The subject-matter of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the distribution of advantages from social co-operation (Rawls, 1972 and Gewirtz 1998). Going by this explanations, the following can be its main elements—

- Access to schools— not limited to just access
- Infrastructure— equitable
- Availability of teachers — qualified teachers with positive attitude

- Availability of instructional material — equitable and of good quality
- Technology in and for education — equitable for all

***Relational or Recognition dimension***

It refers to the nature of relationship which structure society. It helps us to theorise about the issues of power and how we treat each other. At micro level— face to face interactions and at macro level, social and economic relations mediated by institutions such as state and the market; the nature and ordering of social relations, the formal and informal rules governing how members of society treat each other at micro and macro interpersonal level (Gewirtz, 1998). Therefore, we can say that it is concerned with entire environment— overt and covert, the hidden power structures, the hierarchies, issues of recognition and representation, the hidden curriculum transacted, the practices of hegemonies and imperialism involved. Chief elements in the field of education may be listed as under—

- Quality of instructions
- Quality of teachers
- Politics of education in classrooms
- Issues of equity and equality
- Power structures operating — between students and teachers, teachers and organisation, students and students, school and the society

- Homework and other assignments
- Issues of marginalisation on the basis of class, caste, religion, language, origin, looks, gender, ability
- Heterogeneity within diversity— CWSN, deprived groups etc.
- Gender and sexuality
- Fee structures
- Entry criterion

Therefore, it becomes important that appropriate sensitivities and sensibilities are developed among all people associated with the functioning of schools. This definitely is not an easy task, as this would entail getting to move away from, at times, centuries old traditions and conceptions (dysconsciousness) and to embrace new ones based on principles of equity, equality and justice. A whole set-up consisting of equitable distribution of infrastructure, availability of competent teachers across board, issues of equity and equality, technology support across institutions, availability of learning materials, social structures operating within institutions i.e. between teachers and students, between students and students, between students, teachers and management and overall social environment. It would entail celebrating the heterogeneity within institutions with respect to class, caste, religion, language, origin, gender, ability, socio-economic status and others in order to be a real inclusive institution.

### **Education for Social Justice**

This aspect refers to treating education as a means to attain social justice; entrusting upon education system the role to act as an equalising force to dissolve inequalities already existing in society. Justice requires social arrangements that permit all to participate as peers in social life and overcoming injustice means dismantling institutionalised obstacles that prevent some people from participating on a par with others, as full partners in social interaction. (Fraser, Nancy, 2005). In order to attain this, Fraser in her highly acclaimed and referred paper *Reframing Justice in a Globalising World (2005)* has advocated a three dimensional approach—

1. Political dimension of representation
2. Economic dimension of distribution
3. Cultural dimension of recognition

Education can play a very important role in each of these dimensions. Education needs to bring awareness among all regarding their fundamental rights and duties, legal and political frameworks, concept and processes of justice, democracy, social justice, equality in the eyes of law etc. Ideological processes of nation building, character building, inculcating pride in the history and culture of one's country, role of citizens, informed citizenry must be important aspects of educative process. Social justice would entail

equality of participation in political arena. Economic dimension pertains to distributive justice i.e. distribution of economic and material resources, parity in the income structures, and respect for all professions and occupations among others. Therefore, all the programmes and policies of the government and other national and international bodies which work towards universalisation of education, other welfare and economic measures to facilitate the marginalised groups can be a part of this dimension. Education needs to be an instrumental factor in bridging the gap between higher income and lower income groups. Cultural dimension includes equality in standing and recognition of all people from diverse cultural, linguistic, castes, class, socio-economic, religious and ability backgrounds; acknowledging and celebrating all forms of diversities. And education can be the most important vehicle in bringing about a u-turn in the collective conceptions and consciousness of people.

### **CONCLUSION**

To conclude, inclusion, as a philosophy, implies taking everybody together and ensuring parity in participation of all without any discrimination and injustice. Inclusion is where there is recognition of a need to transform the cultures, policies and practices in school to accommodate the differing needs of individual students, and an obligation to remove the barriers that impede

that possibility (UNICEF, 2012). And it should not be restricted to 'accommodating' only, differences and diversity needs to be acknowledged, accepted and celebrated. Only then we will be able to provide a socially just education system for all. The conceptual framework of Inclusive education which is basically rooted

and derived from the field of special education needs to transform and indeed a paradigm shift from the social model to social justice model is the need of the hour. There is an urgent need for education systems to align themselves towards the ideas of 'Social justice in education' and 'Education for social justice'.

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