

Title slide: Re-imagining rights for dis/abled children

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Slide 2: Introduction

In this paper, I'm going to drawing on ideas generated from several research projects:

1.. Economic and Social Research Council (Grant No. RES-062-23-1138). Does every child matter, post Blair? The interconnections of disabled childhoods. 2008-2011

(<http://www.rihsc.mmu.ac.uk/postblairproject/>)

This project asked what impact the changes in policy and practice for children in England since 1997 had had on the lives of disabled children and young people.

2. Economic and Social Research Big Society? Disabled People with Learning Disabilities and Civil Society, Economic and Social Research Council 2013-2015

This project explores how young people and adults with the label of learning disability are faring in the context of economic austerity in England and the extent to which they are participating in civil society.

3. Living Life to the Fullest: life, death, disability and the human, Economic and Social Research Council 2016-19

The Living Life to the Fullest project is a research project which seeks to forge new understandings of the lives, hopes, desires and contributions of children and young people with 'life-limiting' or 'life-threatening' impairments (hereby LL/LTIs). With children and young people alongside as our co-researchers, the project will be a space where disabled children and young people can tell new stories of disability; their own stories.

And from numerous conversations with colleagues and friends, particularly Dan Goodley, Kirsty Liddiard, and Rebecca Lawthom.

Slide 3: Critical Disability Studies

My work is driven by my engagement with critical disability studies. For those of you not familiar with the area critical disability studies are a community:

'populated by people who advocate building upon the foundational perspectives of disability studies whilst integrating new and transformative agendas associated with postcolonial, queer and feminist theories' (Goodley, 2016: 190-191).

Slide 4 - My argument

I want to begin by setting out my stall. I am arguing that:

In global North contexts, rights have been imagined in ways that have excluded disabled children from the protections and entitlements they promise.

I am not claiming that disabled children are the only children excluded from these protections and entitlements; I recognize that dis/ability intersects with other forms of marginalization including: racism, (hetero)sexism, poverty and imperialism. And yet, despite a growing number of international and domestic human rights conventions and charters, progress in securing inclusion and full citizenship for disabled people (particularly those deemed to have cognitive impairments or learning disabilities) has been limited (Bach, 2017).

In the *Origins of Totalitarianism*, Arendt (1951) argued that once whole groups are excluded from or consigned to the margins of social and political membership, they are at greater risk of having their right to live threatened. Arendt set out a three-stage process moving from rightlessness, to not belonging, and then to the right to life itself being threatened (Bach, 2017). Bach (2017) suggests that this trajectory is one that we should keep in mind in thinking about the lives of people with cognitive impairments or learning disabilities.

So, this paper is really me thinking out loud, about why and how disabled children are marginalized and to start to think about how we could re-imagine a rights agenda in ways in which would include *all* children. It is not a fully formed argument, it is a work in progress and I'm looking forward to hearing your thoughts. I know that there are people in the room who have done much more thinking about rights for children than I have!

Slide 5 The shape of the talk

So, the shape of this talk will be ...

- **A clarification of terms: disablism and ableism**
- **One story (of many) of de-humanisation and violation of rights**
- **The social construction of learning disability**
- **The social construction of childhood**
- **The problem of rights and dis/abled children**
- **Some possible responses to the problem.**

Slide 6 Disablism and ableism

I want to start by briefly talking about the title of my talk and the use of the slash. I've been teased in the past for a fondness for using brackets or a slash in my writing, so I want to justify the use before I get started!

The slash is intended to help us to think about both *ability* and *disability* in discussing the rights of dis/abled children and to think about the practices of both *disablism* and *ableism*.

Disablism has been defined as:

'a form of social oppression involving the social imposition of restrictions of activity on people with impairments and the socially engendered undermining of their psycho-emotional well being'. Thomas (2007: 73)

And Fiona Kumari Campbell distinguishes disablism from ableism in the following way:

“disablism focuses on the negative treatment towards disabled people and social policy. I argue that while this approach is commendable, it still distorts research and policy responses. Why? *Disablism* is concerned with disabled people as Other (those people) – Other than ‘us’.” (Campbell, 2012:213-emphasis in original)

She wants to shift the focus of attention on to able-bodied perspectives and, so, to position ableism as:

“a network of beliefs, processes and practices that produces a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human. Disability is then cast as a diminished state of being human” (Campbell, 2009:5)

To liken this distinction to an area you may be familiar with in feminist theory, *disablism* is similar to sexism, while *ableism* is similar to the idea of patriarchy. Ableism is concerned with the structures, practices and processes that assume, and work in favour of, those whom it deems 'able' and, in doing so, seeks to 'erase' disability (Mallett and Runswick-Cole, 2014).

So, while disabled children are subjected to *disablism* when they are denied their rights, I am going to suggest that there is a form of what Carlson (2001) describes as *cognitive ableism* inherent in the ways in which children's rights have been constructed, built upon notions of individual agency, bounded rationality and *ability*, that inevitably harm disabled children.

Slide 7 - #JusticeforLB

I began with the claim that rights have been imagined in ways that have excluded disabled children from the protections they afford. I could offer a host of statistics about the exclusion of disabled children from schools, their experiences of bullying and abuse, the numbers of disabled children living in poverty and their poor outcomes in education and employment. Indeed, children with learning disabilities can still expect to die between 13-20 years before their non-disabled peers. But I want to begin, instead, with one story – set here in Oxford - where it is possible, perhaps, to see Arendt's three-stage trajectory moving from rightlessness, to not belonging, and then to the right to life itself being threatened, and, in this case, death.

You may know that, in 2013, a young man called Connor Sparrowhawk, who was just 18, barely an adult, and known to have epilepsy and learning disabilities, was left alone, unsupervised, in a bath and drowned in an NHS Assessment and Treatment Unit. The inquest found that his death was preventable and that the health trust had breached Connor's and his family's human rights under Article 2 of the European Convention on Human Rights: the right to life. Following a sustained campaign led by his mother, Sara Ryan, an Oxford academic, Southern Health Trust accepted they were responsible for Connor's preventable death. Recently, they were prosecuted by the Health and Safety Executive.

Sara has repeatedly stated that Connor died, because he was not offered the same care and opportunities as other young people – he was, in effect, de-humanised, excluded from the category of people who are afforded the protection that human rights offer. Sadly, Connor’s death is not an isolated incident, other young people including Nico Reed, and Thomas Rawnsley, have died in the ‘care’ of the state. As a result of Sara’s campaign, it was also revealed that Southern Health NHS Trust had investigated fewer than 1% of the unexpected deaths of people with learning disabilities in its care. This was a pattern repeated across the country.

In the context of austerity and cuts to public services, disabled people are struggling to have their rights recognized and upheld. Indeed, the UK is in breach of the UN Convention on the Rights of Disabled People and the UN report found that disabled people face ‘serious discrimination’ in education, employment and social opportunities.

This disconnect between human rights and the lives of disabled people is having a devastating impact on people’s lives

Slide 8 ‘Learning disability’ – a sticky label

My focus here is on the lives of children with learning disabilities and I want to pause for a moment to unpack this label.

‘Learning disability’ is only one of a cluster of labels that has been used to refer to ‘lack of intelligence’. Across the globe, the terms ‘mental handicap’, ‘retardation’, ‘intellectual disability’, ‘cognitive impairment’ and ‘developmental delay’ are in widespread use (Goodley and Runswick-Cole, 2014a). These terms are all premised on individualistic and medicalised understandings of ‘learning disability’ that locate the ‘problem’ within a person ‘with a learning disability’ with the firm belief that the cause of any difficulty is to be found in the realm of bio-medicine (Oliver, 1990).

“Learning disability” is a sticky label; in other words, once you have attracted that label it is impossible to shake off, or even to set it down, just for a moment. We, as academics, from the latter part of the twentieth century onwards, have played a significant part in both producing and sustaining the category ‘learning disability’. The proliferation of the category has been enabled by a rise in the number of new techniques and technologies that are used to gather information about people. The production of the category

'learning disability' continues to legitimize the institutionalization and oppression of disabled people.

In 1982, Bogdan and Taylor mounted a blistering attack on bio-medical and psychological understandings of learning disability:

Mental retardation (sic) is, in fact, a socio-political not a psychological construction. The myth, perpetuated by a society which refuses to recognise the true nature of its needed social reforms, has successfully camouflaged the politics of diagnosis and incarceration (Bogdan & Taylor, 1982, p. 15.)

Despite this and other concerted attempts to shift understandings and to explore the discursive and socially constructed nature of the concept of 'learning disability' (Chappell, 1998; Goodley, 2001; Rapley, 2004) official definitions in England still draw on individual and medicalised approaches. For example, recent education and health policy re-iterates the understanding of learning disability as a within-child deficit:

A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions (DfE & DoH, 2014: 15-16).

While labels have, arguably, been used in enabling ways in children's lives to gain access to services and support, they can simultaneously threaten and limit people's lives (Goodley and Runswick-Cole, 2014a). So, in focusing the discussion on the category of the 'learning disability', my aim is not to contribute to the maintenance of what I would see as a potentially oppressive and disabling category, but to search for ways to trouble, re-shape and revise that category in order to promote more enabling understandings that will impact positively on the lives of the people who are touched by it.

Slide 9 - Labels are useful, aren't they?

No doubt, for some of you, these claims for a social constructionist account of the category of 'learning disability' will simply seem like an argument against common sense. Labels are useful, aren't they? And learning disabilities are simply a reality for some children? (Goodley and Runswick-cole, 2015). It's true that learning disability is still

widely understood as a ‘naturalised impairment’ (Goodley, 2001) beyond the realm or reach of the social. Contemporary discourses of neuroscience tantalisingly promise, but have so far failed to deliver, a ‘real’ account of the causes and aetiology of learning disability and yet this is a promise, to which, we, in contemporary global North cultures, remain optimistically attached (Berlant, 2011). Crucially despite this persistent attachment to a naturalised category of learning disability, not all seemingly ‘natural’ categories have been so resistant to a social constructionist critique; indeed, one example of a category that has been shaped by this critique is the category ‘child’.

Slide 10 Children & Childhood

Traditionally, childhood has also been widely understood as a naturalized category. And yet, more recently, understandings of the concepts of children and childhood as being socially constructed are broadly accepted within the academy in the global North. For example, James and Prout (2001) argue that ‘childhood’ is a social construction that can never be separated from other variables such as class, gender or ethnicity. In 1962, Ariès (1962) published a hugely influential text, *Centuries of Childhood*, in which he argued that, although ‘childhood’ is often presented as a natural phenomenon, ‘childhood’ simply did not exist in the Medieval era as infancy and adulthood were distinguished without an intervening period of childhood being acknowledged. The shifting focus on children as ‘active social agents’ within childhood studies represents a further change in how ‘child’ is re-produced and re-constructed (Mallett and Runswick-Cole, 2014). The impact of the de-construction of the naturalized child and the re-construction of the child as an agent in the social world has been far reaching. In both UK national and international law (HMSO, 1989, UNCRC, 1989), children’s rights have been repeatedly asserted. And yet, while the idea of the child as a social construction has been largely accepted in relations to class, gender and ethnicity, disability is usually missing from the mix. While norms associated with class, gender and ethnicity are frequently troubled within childhood studies, a continued attachment to notions of ‘normal’ child development means that learning disability remains firmly within the realm of the ‘natural’ (Mallett and Runswick-Cole, 2014).

From the beginning of a baby’s life (and sometimes before) the “hunt” for learning disability (Baker, 2002:663) is on and, make no mistake, this is an urgent search. The practices of early identification promise rehabilitation and cure, but only if you intervene

early enough. Ever increasingly narrow definitions of the ‘normal’ child circulate as the number of labels for children who differ from the ‘norm’ increase including: Attention Deficit Hyperactivity Disorder (ADHD), Oppositional Defiance Disorder (ODD) and Deficits in Attention, Motor Control and Perception (DAMP) among many others (Goodley, 2010).

“Learning disability” maintains a very ‘real’ cultural presence which serves to mark out ab/normal childhoods. And, as we shall see, being marked as different from the norm has consequences for disabled children’s relationship to rights.

Slide 11 - Rights and dis/abled children

As I’m sure you all know the UN Convention on the Rights of the Child is an international treaty that has played a significant role in promoting the human rights of children. The Convention establishes the principle, in international law, that *all* children (including disabled children) must ‘benefit from special protection measures and assistance; have access to services such as education and health care; can develop their personalities, abilities and talents to the fullest potential; grow up in an environment of happiness, love and understanding; and are informed about and participate in, achieving their rights in an accessible and active manner’ (UNICEF, 1989:np). Article 23 of the Convention is specifically concerned with disabled children in recognition of the segregation and discrimination they face across the globe.

The UN Convention on the Rights of the Child not only describes the rights and protections to be offered to children under international law, but it also reflects the new sociology of childhood vision of ‘the child’. The Convention is underpinned by the view that children are subjects in their own right; they are to be seen neither as the property of their parents, nor simply the objects of charity. This is a humanist perspective, premised on an understanding of the individual as “a pre-constituted, rational individual entering autonomously into power relations”. McKenzie & MacCloud, (2012: 17).

The Convention sees the child as a member of a family and a community, but, crucially, as an individual with rights and responsibilities (UNICEF, 1989).

So far, so good? After all, all children have rights and disabled children's rights are marked as a specific concern to the UN. Well, I want to suggest that it is all a bit more complicated than may first seem.

Slide 12 – Relationships status ‘it’s complicated’: disability and childhood

So, the UN Convention reflects shifts in the ‘new’ sociology of childhood in the 1990s, in which children are constructed as active individuals, shaping their social worlds, rather than passive empty vessels to be filled as becoming adults. The new sociology of childhood values children as ‘beings’ rather than just as ‘becomings’. This shift has certainly contributed to children's voices being heard and their rights upheld inter/nationally.

The problem is that disability disrupts this seemingly progressive narrative. You see, childhood and disability are in a complicated relationship with one another. In her recent book, Karen Wells points out that there are only 71 mentions of disability since 1993 in the leading journal *Childhood*. Wells suggests the reason for this is that the presence of disabled children within childhood studies troubles some of the foundational principles of the new sociology of childhood (James, Jenks, and Prout, 1998). Children with learning disabilities disrupt the image of child as active social agent interacting with and shaping the world around them. In childhood studies, children's agency is constructed as bounded within the individual child, that is, as free, independent, rational and, well, *able*. So those children who cannot conform to this account of agency become a ‘problem’ for childhood studies, a problem which, all too often, is simply erased by excluding disabled children and young people from research inquiry (Wells, forthcoming).

Cultural and societal responses to childhood and disability are also complicated. At times, disability and childhood are constructed as being in direct opposition to one another. Childhood disability is undesirable and unwanted. And yet, at the same time, disability is made in childhood - as the consequence of experiencing childhood deficiency or neglect, as poor attachment in the early years signify mental health difficulties in later life. Disability is characterised as the end-product of deficient parenting practices. Disability and childhood are bound up together in the continued infantilization of disabled people as innocent, asexual, passive, but also leaky, unruly and, at times, as monstrous.

Discussion of the monstrous is inevitably bound up with discussion the human. Monsters provoke fear, but also fascination, as their ghostly presence, same but not quite, threatens to re-position or even to dissolve the boundaries of ‘normality’ (Shildrick, 1996). Shildrick (1996) describes monsters as ‘out of control, uncontained, unpredictable, leaky’: in other words, they are women (Shildrick, 1996: 2), children and disabled people (Goodley, Runswick-Cole and Liddiard, 2015).

Not surprisingly, given the conflation of disability and monstrosity, disability, too, is often invoked in discussions of the human (Kittay and Carlson, 2010). The words ‘person’ and ‘human’ are used interchangeably but being born human is not enough for an individual to achieve the status of person (Taylor, 2013). And being seen as ‘human but not quite’, means that the associated human entitlements to and protections from rights may also be denied (Taylor, 2013). Eva Feder Kittay (2011) describes the ways in which those with ‘severe cognitive impairments’ have often been consigned to the category of ‘human nonpersons’ excluded from discussions about social justice because they are deemed to lack (narrowly defined conceptions of) ‘capacity’ and ‘autonomy’.

If children labelled with learning disabilities fail to match up to the idealized image of the rational, autonomous child (re)produced in inter/national legislation, the question then becomes how can children with learning disabilities be served by the human rights agenda when the label attached to them implies that they are unable to make informed decisions for themselves (McKenzie and MacCloud, 2012)? The consequences are that children with learning disabilities are excluded from school, abused, bullied and socially excluded and that this is simply accepted.

Slide 13 What’s sayable?

At this point, you may want to disagree with me. You may agree that children with learning disabilities experience disadvantage but that *no one would say* that this acceptable. And this takes us into the realm of the ‘sayable’ (Titchkosky, 2008), what is sayable in public policy documents and international conventions is different from what is enacted in disabled children’s everyday worlds.

Think back to 2008, there was a government initiative to improve the lives of disabled children: *Aiming High for Disabled Children* (Reference). This was part of Ed Balls and Gordon Brown’s attempt to reduce child poverty and they recognized that to do this,

they must tackle the inequalities in the lives of disabled children. At the same time, the big disabled children's charities formed a consortium, Every Disabled Child Matters, which campaigned for the rights of disabled children. Its most notable success was perhaps some ring-fenced funding for disabled children to access short breaks so that they could exercise their rights to participate in their communities.

In 2010, the Coalition government decided that it would no longer ring fence those funds and they would be absorbed into a general early intervention grant. Since then short breaks for disabled children, which were widely agreed to have improved children and families' lives, have been cut year on year by local authorities. While it may still not be possible to *say* that the social exclusion of disabled children is acceptable, it is possible to act in ways that make this inevitable. Disabled children's rights to community life are being flagrantly violated.

And the response from the big charities? Well, they have formed another consortium, the Disabled Children's Partnership, to try to win back the gains made by the 'Every Disabled Child Matters' campaign – their chances of short term success seem slim, long term they seem impossible. Why? Because it doesn't seem possible for them to *say* that this is disablism: disabled children simply don't have the same rights as other children.

So, on the one hand, we can see ableism at work in the construction of children's rights based on narrow notions of typically developing, rational, individually bounded children and, on the other hand, disablism is revealed in the exclusions that disabled children continue to experience in their everyday worlds.

If we accept that children with learning disabilities occupy a precarious position in relation to the entitlements and protections afforded by human-rights based approaches, how, then, can we challenge this inequality?

Slide 14 - Re-assert and re-claim the rights of disabled children

Well, the first response we might give is simply to re-assert and re-claim rights in the lives of children with learning disabilities. We can remain optimistically attached to the promises of a human rights framework (Berlant, 2011). We can simply main re-state our attachment to the human species 'as if it were a matter of fact, a given' (Braidotti, 2013:1). We can argue children with learning disabilities should have the same entitlements and protections as other children because they are humans *too*.

Species membership as the justification for rights has proved to be an insufficient argument for some commentators, most notably, perhaps, Peter Singer (1996) who has argued that some 'higher order' apes have greater moral worth than some people with severe cognitive impairments.

While many of us might disagree with Singer, when we make the claim that children with learning disabilities are *human too* there is a risk that we are contributing to the view their human status could be in doubt. *Human too* implies there might be another possibility for some children. There is a danger that more we chase 'the human' in the lives of disabled children the further away the human becomes.

Simply claiming the rights of disabled children can be a frustrating task. In 2009, well before the publication of the Children and Families Act 2014 which documented changes to provision for children with special educational needs and disabilities in England, Nick Hodge and I proposed that we should move from a discourse of 'educational needs' to one of 'educational rights'. We drew from Reggio schools in Italy where children have 'special rights', not needs and where a 'Declaration of Intent' describes ideas and materials to be used for learning as well as suggestions for how the work is to be carried out. Crucially, individualized targets are set without reference to normative standards in the early years (Philips, 2001). The 2014 Children and Families Act merely repeated the language of needs, not rights.

Slide 14 Abandon human rights?

If disabled children have been excluded from the protections of entitlements of human rights then a further response might be to suggest that we abandon a rights-based framework.

Post-colonial thinkers have criticized the UN Convention on the Rights of Persons with Disabilities imposing an individualised global North model on a more collectivist global South. Grech (2010:91) argues that "the notion of individual rights is a global North idea or construct founded on Western values" and the discourse of individual rights sits uncomfortably within cultures where individual rights are subsumed by obligation to the community (Grech, 2010). There is, then, perhaps, a need for a different approach that avoids universalism:

“the basic approach is to start where people live, with their concerns and resources and the particular political ecology in which they are interacting. What is disabling for them there?” (Whyte and Ingstad, 2007:3)

Another approach might be to turn to posthumanism. Braidotti (2013) is critical of traditional liberal models of rights which she argues are informed by an understanding of social relations that valorizes male power and capitalism. Braidotti challenges this model of rights and argues for a *relational notion of rights* which takes into account our relationships with other citizens, and, indeed, animals. Braidotti (2013) has become disillusioned with narrow versions of the ‘human norm that stands for normality, normalcy and normativity’ (p. 26). This leads her to describe herself as an ‘anti-humanist’ (p. 16).

However, in the political context of the global North where human rights-based discourse is often invoked to assert disabled people’s entitlements and protections (eg: HMSO, 2010; United Nations, 2007) there is an understandable reluctance to give up human rights discourse in the lives of disabled children, young people and adults. In the work we’ve done with disabled children, young people, adults and their families, we have found that they are strongly attached to their rights. They use this language in their everyday lives. Activists, like Disabled People Against the Cuts, used the UN Convention to challenge the cumulative impact of austerity in disabled people’s lives. In 2015, The Mathieson family used the Human Rights Act to challenge the rule which suspends payment of disability benefits to sick disabled children once they have been in hospital for 84 days. The rule affects hundreds of families every year.

Many self-advocacy organisations here and globally choose the title People First to emphasise their humanity. They are not ready to give up on the human, rather they desire the human, and are attached to a humanist politics.

Slide 16 Having our cake and eating it too?

As neither simply reclaiming or rejecting rights in the lives of disabled children seems a satisfactory strategy to address the injustices in their lives, perhaps, we need another approach. Perhaps it is possible to remain *critical of* the individualizing tendencies of human rights, at the same time as we *claim* human rights in the lives of disabled children.

Perhaps disability has the radical potential to ‘trouble the normative, rational, independent, autonomous, subject that is so often imagined when the human is evoked’ (Goodley and Runswick-Cole, 2014: 3). Can we simultaneously contest and claim the (normative) human at the same time as we celebrate diversity, difference and potentiality of disability (Goodley and Runswick-Cole, 2014)? We find ourselves disavowing the human (we desire it but also resist its narrow confines) whilst re-centering disability as the space through which to rethink what it means to be human (acknowledge disability as the frame through which to think again). This leads me to the developing theory of DisHuman studies.

Slide 7 A Dishuman Manifesto

Disability has always contravened the traditional classical humanist conception of what it means to be human. Our response has been to start to develop a theory of DisHuman Studies (see Goodley et al. 2014; Goodley, Runswick-Cole and Liddiard, 2016) which, we contend, simultaneously acknowledges the possibilities offered by disability to trouble, reshape and re-fashion the human while at the same time asserting disabled people’s humanity.

We propose a DisHuman manifesto that:

- Unpacks and troubles dominant notions of what it means to be human;
- Celebrates the disruptive potential of disability to trouble these dominant notions;
- Acknowledges that being recognised as a regular normal human being is desirable, especially for those people who been denied access to the category of the human;
- Recognises disability’s intersectional relationship with other identities that have been considered less than human (associated with class, gender, sexuality, ethnicity, age);
- Aims to develop theory, research, art and activism that push at the boundaries of what it means to be human and disabled;
- Keeps in mind the pernicious and stifling impacts of ableism, which we define as a discriminatory processes that idealize a narrow version of humanness and reject more diverse forms of humanity;
- Seeks to promote transdisciplinary forms of empirical and theoretical enquiry that breaks disciplinary orthodoxies, dominances and boundaries;
- Foregrounds dis/ability as the complex for interrogating oppression and furthering a politics of affirmation. (Online at dishuman.com)

Slide 18 A way forward?

A DisHuman manifesto asks us to develop theory that pushes at the boundaries of what it means to be human. It demands us to expose and challenge the cognitive ableism that denies people with learning disabilities their right to rights. It demands that we try to find ways of challenging notions of the 'autonomous self' as *the* precondition of access to rights. And to do this, as Tobin Siebers (2007: 183) argues, we need to accept disability as the defining feature of humanity:

Accepting human fragility, vulnerability, and disability as the standard of inclusion for rights-bearing status generates a minimum, thin standard as the common denominator for humanity, one that would be difficult to use for exclusionary purposes.... [I]t locates the activation of human rights at the point of greatest need, requiring the recognition of humanity in those people at the greatest risk of losing their place in the world. (2007, p.183)

So my questions to you are:

- Do you agree that there is a cognitive ableism at the heart of the way that rights discourses are constructed and enacted that has harms disabled children?
- Do you agree that there is a tacit acceptance of disablism in the lives of disabled children?
- Can we sustain an approach that seeks simultaneously to claim and to trouble the category of the human?

References

Ariès, P. (1962) *Centuries of Childhood*, London: Cape Baker 2002

Baker, B. (2002) The hunt for disability: Eugenics and the normalization of school children, *Teachers College Record*, 104, 4, pp. 663-703.

Berlant, L. (2006) Cruel Optimism, *Journal of Feminist Cultural Studies*, 17, 3, 20-36.

Bogdan and Taylor (1982) *Inside Out: the social meaning of retardation*, Toronto: University of Toronto Press

Braidotti, R. (2013) *The Posthuman*. London: Polity.

Campbell, F. K. (2009) *Contours of Ableism*, Basingstoke: Palgrave Macmillan.

Campbell, F. K. (2012) 'Stalking ableism: Using disability to expose "abled" narcissism', in Goodley, D., Hughes, B. and Davis, L. J. (eds) *Disability and Social Theory: New Developments and Directions*, Basingstoke: Palgrave Macmillan, pp. 142–163.

Chapell, A.L. (1998) Still out in the cold: people with learning difficulties and the social model of disability, in T. SHAKESPEARE (Ed.) *The Disability Reader: social science perspectives* (London: Cassell).

HM Treasury and DfES. 2007. Aiming high for disabled children: Better support for families.
<http://www.everychildmatters.gov.uk/socialcare/disabledchildren>.

Department for Education & Department for Health (2014) Special educational needs and disability code of practice: 0 to 25 years Statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities online at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342440/SEND_Code_of_Practice_approved_by_Parliament_29.07.14.pdf

Kittay, E.F. (2011) The ethics of care, dependence and disability, *An International Journal of Jurisprudence and Philosophy of the Law*, 24 (1): 49-58

Goodley D.A. (2001) 'Learning Difficulties', the Social Model of Disability and Impairment: Challenging Epistemologies' *Disability & Society*, vol.16 no.2, pp.207-231

Goodley, D. (2010) *Disability Studies: An Interdisciplinary Introduction*, London: Sage.

Goodley, D. (2016) *Disability Studies: An Interdisciplinary Introduction* (2nd Edition), London: Sage.

Goodley, D., Lawthom, R. and Runswick-Cole, K. (2014) Dis/ability and austerity: beyond work and slow death, *Disability & Society*, 29 (6): 980-984
Goodley, D. and Runswick-Cole, K. (2014) Becoming dis/human: Thinking about the human through disability, *Discourse: Studies in the Cultural Politics of Education*, 37 (1): 1-15.

Goodley, D., Runswick-Cole, K. and Liddiard, K. (2015) The DisHuman Child in *Discourse: The Cultural Politics of Education* DOI: 10.1080/01596306.2015.1075731#.Vh-V2844RDE.

Grech, S. (2010) 'Recolonising debates or perpetuated coloniality? Decentring the spaces of disability, development and community in the global South', *International Journal of Inclusive Education*, 15, 1, pp. 87–100.

HMSO (1989) *The Children Act*, London: HMSO

HMSO 2014 *The Children and Families Act*, London: HMSO

James, A. and Prout, J. (2001) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, London: Routledge.

Kittay, E.F. and Carlson, L. (2010) Introduction: Rethinking Philosophical Presumptions in the Light of Cognitive Disability in Kittay, E.F. and Carlson, L. (Eds) (2010) *Cognitive Disability and its Challenge to Moral Philosophy*, Chichester, West Sussex: Wiley-Blackwell

Mallett, R. and Runswick-Cole, K. (2014) *Approaching Disability: critical issues and perspectives*, Abingdon: Routledge.

Mckenzie, J. M. & Macleod, C. I. (2012) Rights discourses in relation to education of people with intellectual disability: towards an ethics of care that enables participation, *Disability & Society*, 27:1, 15-29, DOI: 10.1080/09687599.2012.631795

Oliver, M. (1990) *The Politics of Disablement*, Basingstoke: The Macmillan Press.

Philips, S. (2001) 'Special needs or special rights?' in L. Abbott and C. Nutbrown (2001) *Experiencing Reggio Emilia: implications for pre-school provision*. Buckingham: Open University Press.

Rapley, M. (2004). *The social construction of intellectual disability*. Cambridge: Cambridge University Press

Runswick-Cole, K. and Hodge, N. (2009) Needs or rights? A challenge to the discourse of special education, *British Journal of Special Education*, 36 (4): 198-203.

Runswick-Cole, K. and Goodley, D. (2015) 'The Learning Disabled Child'. In Newness, C. (ed) *Children and Society: Politics, Policies & Interventions*, London: PCCS Books.

Shildrick, M. (2002) *Embodying the Monster: Encounters with the Vulnerable Self*. London: Sage.

Singer, Peter. 1996. *Rethinking Life and Death: The Collapse of Our Traditional Ethics*. New York: Macmillan.

Taylor, A. (2013) "Lives Worth Living": Theorizing Moral Status and Expressions of Human Life, *Disability Studies Quarterly*, 33 (4) Online at: <http://dsq-sds.org/article/view/3875>

Titchkosky, T. (2008) To pee or not to pee? Ordinary talk about extraordinary exclusions in university environments, *Canadian Journal of Sociology*, 33 (1): 37-60.

Thomas, C. (2007) *Contested Ideas in Disability Studies and Medical Sociology* (2007) Basingstoke: Palgrave Macmillan

UN (United Nations) (1989) Convention on the Rights of the Child [online at www.unicef.org/crc].

UN (United Nations) (2006) Convention on the Rights of Persons with Disabilities [online at www.un.org/disabilities/convention/].

Wells, K. (forthcoming, 2017) *Childhood Studies: Making Young Subjects*, Cambridge: Polity Press