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Max-Planck-Institut zur Erforschung multireligiöser  
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ANNELIES KUSTERS, MAARTJE DE MEULDER,  
MICHELE FRIEDNER, STEVE EMERY

On “diversity” and “inclusion”: Exploring  
paradigms for achieving Sign Language  
Peoples’ rights



Annelies Kusters, Maartje De Meulder, Michele Friedner, Steve Emery  
*On “diversity” and “inclusion”: Exploring paradigms for achieving Sign Language Peoples’ rights*

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MMG Working Paper 15-02

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MPI zur Erforschung multireligiöser und multiethnischer Gesellschaften  
MPI for the Study of Religious and Ethnic Diversity, Göttingen  
Hermann-Föge-Weg 11, 37073 Göttingen, Germany  
Tel.: +49 (551) 4956 - 0  
Fax: +49 (551) 4956 - 170

[www.mmg.mpg.de](http://www.mmg.mpg.de)

[info@mmg.mpg.de](mailto:info@mmg.mpg.de)

## Abstract

The use of the concepts “diversity” and “inclusion” are analyzed with regard to deaf people, whom we call Sign Language Peoples (SLPs), specifically in policy discourses (as used by the World Federation of the Deaf and in the UN Convention on the Rights of Persons with Disabilities) and academic discourses (particularly the concept of Deaf Gain). Discussing such discourses, we evaluate the promises and perils of “diversity” and “inclusion” in policy positions and scholarly analysis. We argue that in order for these concepts to be useful for SLPs in the achievement of rights, we need to foreground a specific understanding of inclusion as *societal* inclusion, and diversity as needing a *group rights-based* foundation. As such, we explore different paradigms for understanding how SLPs are part of diversity and how they can be included. As such, we contribute to scholarship and debate on inclusion and diversity beyond the particular case of SLPs.

**Keywords:** CRPD, WFD, Citizenship, Group rights, Human rights, Human diversity, Deaf Gain, Disability.

## Authors

ANNELIES KUSTERS works as a postdoctoral researcher at the Max Planck Institute for the Study of Religious and Ethnic Diversity in Göttingen. She has Master’s degrees in Anthropology (University of Leuven) and Deaf Studies (University of Bristol), and a PhD in Deaf Studies (University of Bristol). She has research experience in Ghana, India and Surinam. She is particularly interested in deaf space and deaf geographies, deaf ontologies and epistemologies, mobilities, transnationalism, language practices and language ideologies.

Contact information: [annelieskusters@gmail.com](mailto:annelieskusters@gmail.com)

MAARTJE DE MEULDER obtained Master’s degrees in Disability Studies (University of Ghent) and Deaf Studies (University of Bristol). She is currently affiliated to the University of Jyväskylä (Finland) as a PhD researcher. Her research explores Sign Language Peoples’ aspirations for sign language recognition legislation. Previ-

ous to her research, she has done advocacy for the Flemish Deaf Association and she is still involved in deaf political activism in different contexts.

Contact information: [maartje.demeulder@verbeeld.be](mailto:maartje.demeulder@verbeeld.be)

MICHELE FRIEDNER is an assistant professor of health and rehabilitation sciences in the School of Health Technology and Management at Stony Brook University, USA. She is a medical anthropologist and her research focuses on the experiences of deaf and disabled Indians in urban India as they attempt to create inhabitable presents and futures.

Contact information: [michele.friedner@stonybrook.edu](mailto:michele.friedner@stonybrook.edu)

STEVE EMERY obtained his PhD on Citizenship and the Deaf Community at the University of Central Lancashire, his BA (hons) in Cultural Studies at Sheffield Hallam University and obtained an Advanced Diploma in Counselling at Manchester University. His main research interests are the citizenship and group rights of deaf people and the impact of genetic interventions in society. Steve has been involved in political activism for many years in both deaf and hearing communities.

Contact information: [tigerbee.steve@gmail.com](mailto:tigerbee.steve@gmail.com)

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## Introduction

Increasingly, deaf people are viewed through the framing of “diversity” and “inclusion” in policy and law, scholarly work, and in deaf peoples’ own discourses. In order to explore the stakes of this framing, we analyze the use of the concepts “diversity” and “inclusion” with regard to deaf people in academic and policy discourses. We discuss whether and how the concepts of diversity and inclusion are useful concepts for deaf people, scholars, and political organizations. In so doing, we engage with the question of how diversity and inclusion regarding the social, political, and economic situation of deaf people link to broader questions of diversity and inclusion regarding other categories of difference.

Going forward, we outline our understanding here of “deaf people” as “Sign Language Peoples”. We then discuss specific instances of the use of the concepts of diversity and inclusion. We analyze these firstly through an engagement with the history and evolution of the concept of diversity in both policy and academia, and secondly we discuss the same for inclusion, paying particular attention to inclusion in educational settings. This is followed by a discussion of how thinking of diversity and inclusion through a deaf perspective forces us to confront the limits of these concepts and to push for a broad(er) understanding of them.

Our<sup>1</sup> methodology involves discourse analysis of policy documents, academic texts, websites, YouTube videos, World Federation of the Deaf videos, and an exploration of relevant texts from the fields of anthropology, cultural studies, Deaf studies, and sociology<sup>2</sup>. Readers may perhaps note a tension in our writing: we write as both academics interested in exploring existing literature on diversity and inclusion in relation to deaf people and as activists who are concerned about the future of deaf

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1 Annelies Kusters is a deaf ethnographer who investigates deaf space, deaf-hearing relationships, mobility, and language ideologies, Maartje De Meulder is a deaf researcher in language policy and minority language rights and has been involved in deaf political activism in many contexts, Michele Friedner is a deaf medical anthropologist who conducts research with deaf and disabled people in urban areas of India and sign language interpreters in the United States, and Steve Emery is a deaf cultural studies and political studies scholar who has also been involved in political activism in many contexts.

2 The discourse analysis of these texts and videos took place in preparation for, and during a think tank organised at the Max Planck Institute for the Study of Ethnic and Religious Diversity in October 2014. Our discussions during this think tank were guided by three major aspects: the policy discourse as used by the World Federation of the Deaf, the language used in the UN Convention on the Rights of People with Disabilities (CRPD), and the Deaf studies concept of Deaf Gain.



people in the world, especially with the emergence of new genetic and medical interventions in the area of deafness. As such, we foreground particular ways of defining the concepts of diversity and inclusion, which we argue are necessary in order for deaf people to be able to benefit from this framing.

We suggest that current policy and academic discourses on diversity and inclusion need strengthening in order for these concepts to be useful for deaf people in the achievement of rights; we need to foreground a specific understanding of diversity as needing a *group rights-based* foundation and inclusion as a form of societal inclusion of Sign Language Peoples as *a group*. What underlies our conclusion is that we need a revised focus to make the concepts of diversity and inclusion work for Sign Language Peoples. With this work, we contribute to scholarship on inclusion and diversity beyond the case of SLPs. Indeed, our arguments and concerns resonate with scholars and activists in other fields.

## Deaf people as Sign Language Peoples

Deaf communities have for two centuries been conceptualized worldwide as “hearing-impaired”, “disabled” people, who require medical “cures” and management as charitable “cases” (Lane 1992). Since the 1970s, Deaf communities have begun to press for social and political self-determination (exemplified e.g. by the worldwide campaigns for the recognition of sign languages), and in recent years have begun to re-constitute themselves as global Sign Language Peoples (SLPs) (Batterbury, Ladd and Gulliver 2007). At the same time, research is increasingly identifying them as linguistic minorities (Krausneker 2003, Skutnabb-Kangas 2000), ethnic minorities (Lane 2005), as people with unique visual capacities (Bauman and Murray 2010) and as possessing their own social, cultural and linguistic practices and norms (Padden and Humphries 1988, Ladd 2003).

SLPs’ struggle for self-determination has parallels with other language minorities such as the Welsh, Catalan and Gaelic people, and with indigenous groups such as the Maori (Skutnabb-Kangas 2000, May 2012). Their quest, however, also has relevant parallels with that of disabled people (Barnartt and Scotch 2001). In fact, SLP communities are a ‘bricolage group’ (Ladd 2003) that does not entirely fit with other groups like language minorities, ethnic minorities, gender groups, indigenous peoples, women and disabled people, and yet, they contain elements of all of these groups.

In this paper, we understand deaf people as cultural and linguistic minority groups. While policy and legislation to date has merely seen SLPs as individuals or as a group consisting of individuals, we posit here that they are also collectivities, and they need to be recognized as culturo-linguistic minorities requiring legal protection akin to what is granted to other linguistic and cultural minorities. These ideas are represented by the concept of Sign Language Peoples (SLPs), which will be used throughout the text. The concept and the ideas that it embodies, are beginning to gain acceptance following their emergence in Deaf Studies literature (Batterbury, Ladd and Gulliver 2007).

Traditionally, SLPs have been represented internationally by the World Federation of the Deaf (WFD). The WFD is a non-governmental organization that was founded in 1951 and has since then represented approximately 70 million deaf people worldwide. The WFD’s function is to advocate for deaf peoples’ rights and equal opportunities worldwide. The WFD has made use of the concepts of “inclusion” and “diversity” in popular discourse and in policy documents, hence our attention to WFD strategies.

In addition, the WFD has consultative status within the UN and is a member of the International Disability Alliance (IDA), which enabled them to participate in Ad Hoc meetings and negotiations about the UN Convention on the Rights of People with Disabilities (CRPD), which has been described as the “human rights treaty of the 21<sup>st</sup> century” (Mégret 2008). As a result of the WFD’s involvement in the CRPD, several articles mention support for sign languages and deaf culture (see later). Given that 152 countries have currently ratified the Convention, it has become a tool for SLPs to use to try to force their national governments to support deaf people’s linguistic and cultural identity and rights. While we and many other activists have welcomed this development, we do not think that the Convention should be the only guiding document outlining the diversity and inclusion of SLPs in society. It is our contention that the CRPD does not go far enough in managing diversity and achieving inclusion, and throughout this article we will argue why.

## The concept of diversity and its use in deaf contexts

In this section on diversity in deaf contexts we explore the historical development of the term “diversity”, paying particular attention to Vertovec’s (2012) contention of

the way in which there has been a “diversity turn” in policy, corporate and academic contexts in recent times. We follow with a discussion of the benefits of the diversity concept – more generally and in a deaf context in particular – before exploring its criticisms. In the last part of this section we critically analyse how the diversity concept is used by the WFD.

### *Political and historical context and the “diversity turn”*

The concept of “diversity”, as it is often currently used in academia and policy discourses, generally refers to multiple categories of difference such as race, gender, ethnicity, culture, social class, religious belief, sexual orientation, mental ability, physical ability, psychological ability, nationality, experience, age, education level, viewpoints, opinions, and so on (Vertovec 2015). Diversity, thus, can refer to practically anything, but diversity discourses generally centre on “the differences that matter”. For example, eye color generally has no impact within the social organisation of differences, but deafness does.

The roots of the discourses around diversity are in the United States, more particularly the Civil Rights Movement from the 1960s onwards, in which first Black people and then other groups such as women and disabled people campaigned for rights and against discrimination (Vertovec 2012). SLPs’ political movements became more visible from the 1980s onwards, as for example in the ‘Deaf President Now’ protest at Gallaudet University in Washington DC, the world’s only university for SLPs (Jankowski 1997, Shapiro 1994).

A central concern in early diversity discourses (first in affirmative action and later in “diversity management”) was anti-discrimination and the statistical proportionality of certain groups in employment, education, and political representation. By the 1990s, the “business case for diversity” was popular: difference was seen not as source of deficiency but of creativity, productivity and competitiveness; indeed, businesses could harness diversity for profitable ends (Ahmed 2012).

Now, the concept is used worldwide, not just in the USA. We can speak of a “diversity turn” in governance and management (Vertovec 2012). In Europe there are diversity policies at all levels of government and administration as well as in the corporate sphere. “Diversity” functions as a new “normative meta-narrative” (Isar 2006). In the USA, “diversity” is mainly associated with race and gender, in Europe with migration and gender, although it can encompass all kinds of difference (Vertovec 2012). Within academia, the concept is in vogue in cultural anthropology,

micro-economics, biogenetics, in socio-political and economic realms and migration (Faist 2009).

### *Benefits of the diversity concept*

Vertovec (2015) lists a number of benefits and criticisms of the concept of “diversity”. Benefits include that it is still to be shaped, that it spreads awareness of multiple axes of difference in society, that it provides a new lens on culture/humanity, that it brings together different kinds of differentiation, that it recognises multiplicity and intersectionality and that it avoids over-specification and essentialism. We think that diversity is a useful concept to recognise SLPs’ presence in society, and to argue that SLPs are not just “different” but that this difference also has positive meanings such as contributing new ways of communicating and being in the world, and community generation. These positive meanings of deafness are discussed in the concept of “Deaf Gain” which has become very popular within Deaf Studies and beyond<sup>3</sup>.

By Deaf Gain, Bauman and Murray mean: “. . . the notion that the unique sensory orientation of Deaf people leads to a sophisticated form of visual-spatial language that provides opportunities for the exploration of the human character” (2010: 216). According to the authors, SLPs have unique perspectives and knowledge to share with the world, ranging from their use of sign languages and their social practices to their art and architecture forms. In examining how deafness and SLPs contribute to human diversity, “Deaf Gain” exists as an alternative and allusion to the medical term “hearing loss.” In an article in the innovative *Deaf Studies Digital Journal* (an example of Deaf Gain in its promotion of signed scholarship), Bauman and Murray (2009) conclude by stating: “A deaf baby is value added to a family, but the contribution benefits not only the family but general society as well. Every deaf baby born on this planet is a gift to humankind.” In 2014, a widely awaited volume on Deaf Gain was published with the subtitle: “raising the stakes for human diversity”, with 27 chapters by well-respected Deaf Studies scholars (Bauman and Murray 2014).

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3 There is a blog on the Psychology Today website about Deaf Gain, for example. This can be accessed at <http://www.psychologytoday.com/blog/deaf-gain/201411/introduction-deaf-gain>

### *Criticisms of the diversity concept, and multiculturalism*

There are also criticisms or pitfalls of the use of the diversity concept (Vertovec 2015). It labels people who fall outside societal norms as “diverse” and in doing so reinforces the binary of normal/abnormal. It obfuscates social, political and economic exclusion, and it has been criticised for dissipating politics, especially of group-based movements (also see Ahmed 2012). Vertovec (ibid) mentions another criticism of “diversity”: “It shifts attention from inequality, placing emphasis on esteem and ‘feel-good’ measures rather than real improvement of structural conditions” (ibid). A good example of this are deaf workers in India (and elsewhere in the world) who are hired to work in the new outsourcing economy and the growing hospitality sector. Corporations in India have embraced deafness and disability as a source of productive labor, a source of inspiration, and a way of making the corporation look good to others. Deaf workers are said to be excellent workers who (for example) make better coffee and are better able to focus, which could be interpreted as Deaf Gain.

However an uncritical focus on Deaf Gain covers up class issues, and the unhappiness and oppression of workers. Indeed, in this instance we see deaf and other disabled workers as ideal and idealized diverse neo-liberal “workers with disability” (Friedner 2013, 2015; also see Cooper forthcoming; Hoffman-Dilloway 2011). Perhaps the space for “deaf as feel good diversity” is a narrow space that is dependent on deaf people not making claims or engaging in contentious politics and instead performing “productivity” and “contributing to society” (Friedner 2013, 2015). In fact, it comes down to these workers contributing to hearing society and hearing society gaining from them (because they “feel good”), while deaf people are not necessarily benefiting. This is an example of how the use of the concept of diversity takes attention away from rights and inequality (as also argued by Faist 2009)<sup>4</sup>. In the employment context, Shamir (2008) argues that diversity initiatives actually serve to “recode” business decisions to make them look better, although, they are still decisions made in the best interest of the corporation.

It is useful to consider what paradigms preceded diversity. Faist (2009) discusses how the diversity paradigm differs from the prior (and still widely used) paradigm for situating and managing (ethnic) differences in societies: *multiculturalism*. One of the most important scholars in theorizing multiculturalism is Kymlicka (1995), whose concept of multicultural citizenship is based on the liberal values of autonomy and equality, and on the recognition and accommodation of cultural groups by “group-

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4 Note too that the concept of Deaf Gain does not include a focus on rights and equality.

differentiated rights”. Multiculturalism has been criticised for perpetuating exclusion and being divisive by accentuating differences through representation and mobilization of different (ethnic) *groups*. However, the strength of the multiculturalism paradigm is its rights-based foundation (with emphasis on participation and equal citizenship), which is not the case for “diversity”. Faist argues that in order to become politically legitimate, the diversity paradigm should be grounded in citizenship rights, like multiculturalism.

In political contexts, SLPs are usually not categorized as a separate *group* and deafness is not recognised as a separate axis of difference; it is usually subsumed under disability whilst SLPs’ demands are sometimes contradict those of disability communities (i.e., in the case of education, to be discussed below). Therefore, it appears that it is easier to include SLPs in the diversity paradigm, which recognises more axes of difference than the multiculturalism paradigm. However, Kymlicka (1998) argues that whilst gay/lesbians and deaf people are usually not included *as an (ethnic) group* in the multiculturalism paradigm, their experiences, and the obstacles they encounter, are in fact similar to those of ethnic groups. Following Kymlicka, we argue that multiculturalism’s emphasis on the political participation of *groups* is important for SLPs, and that, for the concept of “diversity” to be politically useful for SLPs’ rights activists, we need to understand “diversity” as an *extension* of multiculturalism rather than opposed to it, as argued by Faist (2009). With Ladd (2003), we argue that (strategic) essentialism in SLP-related politics (but not necessarily in academic discourses) might be precisely what SLPs need at this point in time in order to obtain (group) rights.

### *Diversity and the WFD*

We argue that the term “diversity”, as used in this (apolitical) sense, does not provide a strong foundation for the equal rights and equality of SLPs. However, the World Federation of the Deaf (WFD) uses the term in this respect. The WFD’s theme for the 2014 International Week of the Deaf and the 2015 quadrennial conference is “strengthening human diversity”. The WFD vision for 2011-2015 is: “Deaf people have full human rights in an equal world where they and their sign languages are recognized and included as part of human diversity” (WFD 2011). The WFD’s definition of the term “diversity” is not clear, but striking is its use of the term *human diversity*. The editors of the Deaf Gain volume also write *human diversity*, making an explicit connection with the loss of *bio-diversity*; they mainly regard human diversity



as *bodily* diversity. They also explicitly state that deaf people (actively) *contribute to* human diversity, whilst the WFD states that deaf people are (passively) *part of* human diversity.

A second striking element in the WFD’s discourse is the strong ideological connection that they make between human diversity and human *rights*. This seems to imply that SLPs are not only part of a diverse humanity, but that it is because they are human that they have human rights. This ideological construction of human rights is based upon an individual without a nation-state, community, or group; an individual that is entitled to rights based entirely on the fact that she/he is *human* (see Agamben 1998 for more on this).<sup>5</sup> In contrast we argue that the addition of *group rights* in order to accommodate diversity would provide a much stronger basis for protection than the mere argument that SLPs are part of (and contribute to) human diversity and the emphasis on human rights (which are usually *individual* rights).

Furthermore, the WFD puts emphasis on diversity within the deaf world: children, youth, senior citizens, women, Lesbian, Gay, Bisexual and Transgender (LGBT) people, deaf people with disabilities, deafblind people and children of deaf adults, whether in developed or developing countries. With this they seem to imply that diversity amongst signing deaf people (thus deaf people who are SLPs) is important to recognize and manage.<sup>6</sup> While we recognize the relevance of the WFD’s arguments (indeed, SLPs need human rights and it is important to recognize the diversity within deaf worlds), we argue that the WFD (as well as those working on the academic concept of Deaf Gain) have not gone far enough in their consideration of diversity, nor have they considered the important critiques of the concept as outlined earlier.

## The concept of inclusion and its use in deaf contexts

The spread of the concept of “inclusion” has been another recent phenomenon in the academic and policy context and we begin this section with a critical exploration of its general usage. The use of the concept of inclusion in relation to deaf educa-

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5 Note that the UN Convention on the Rights of Persons with Disabilities (CRPD) uses the term “human diversity” in the same sense, and that the WFD’s use of the term might be derived from it.

6 Others have used the concept “diversity” in the context of global deaf networks to point at diversity regarding hearing status, the use of sign language or not, and the use of technology to enhance hearing (Solvang and Haualand 2014).

tion is particularly contentious, so in this section we will outline the intense debates surrounding this issue before outlining firstly, how the CRPD has conceptualized the concept, and secondly, how it is understood by the WFD. In these two cases we once again offer a critical analysis.

*Political and historical context, benefits, and critiques, of the concept “inclusion”*

The concept of “(social) inclusion” as it is now generally understood in policy discourses, originated in France in the 1970s, where its use was closely related to the concept of “social exclusion”. This term is used to point to a lack of opportunities (due to factors such as disability and poverty) to participate in social, economic and political life in mainstream society due to the absence of resources, rights, goods and services. *Inclusion* policies by governments and institutions to improve the health, employment and housing opportunities of people affected by social exclusion (Buckmaster 2009) were schemes to tackle social exclusion.

We agree with Goodin (1996: 348), who argues that the uncritical use of the concept of “inclusion” is in fact counterproductive: “couching the argument in terms of ‘inclusion of the excluded’ constitutes an argument for pushing them ‘just over’ the line. They remain borderline. But as long as they are on the ‘right side’ of the line there is nothing in this language, or in the logic standing behind it, that would help us address our larger concerns about social marginality”. Goodin thus argues that the concept relegates attention to boundaries and margins instead of focusing on participation. Buckmaster (2009) made a similar comment: inclusion is a top-down concept, it is something done to passive, excluded people.

Particularly over the last 15 years, the concept of “inclusion” has often been used with regard to inclusion of disabled people in society or in spaces such as work places and educational institutions; this is particularly the case as nation-states have passed disability legislation. In the early 2000’s, inclusion was described as a concept that was opposed to or stood in contrast to “integration”. Often, integration means as much as assimilation: *eradicating or minimizing* difference (or diversity), whilst inclusion generally means that society or an institution must *accommodate* difference (or diversity). A very important target area of inclusion for disabled people is *education*; indeed, education has become a key area in which multiple ideologies around inclusion have been negotiated.



### *Inclusion and deaf education*

Deaf education has been the site of tense debates around multiple educational ideologies and whether deaf education should foster inclusion or not. With regard to deaf education, the concept of inclusion has multiple meanings (Foster et al. 2003, Powers 2002). Foster et al. (2003) describe how definitions of “inclusion” of deaf people vary from one country to another, reflecting characteristics of particular societies and cultures. In many contexts, it is interpreted as a synonym for integration into mainstream education, with or without a sign language interpreter. The result is that deaf students feel isolated and “different” from their peers in school, they cannot enjoy direct education when an interpreter is used, they have less learning opportunities, they often have to do individual work as opposed to group work, they cannot participate in group discourse and they suffer from effects on their mental health and social-emotional development (Brennan 2003, Doherty 2012, Humphries et al. 2013, Jokinen 2000, McKee 2008, Vermeerbergen et al. 2012).

In other contexts “inclusion” means a combination of regular education and “special education”. Yet another position is that real inclusion in society is only possible when SLPs receive sign bilingual education in sign language and written and/or spoken language. In such educational settings they build up the necessary tools and self-confidence to navigate society as a deaf person (such as in Sweden, see Doherty 2012, Foster et al. 2003). Similarly, Powers (2002) puts emphasis on *societal inclusion*, and writes that deaf children should have equal rights to attend a deaf school rather than to be integrated into mainstream education, combining an individual’s needs with community aims. He means that in an inclusive *society*, deaf children, for example, could go to a deaf school and then meet hearing children in other activities/contexts; inclusion could be achieved in multiple ways (such as organising a deaf peer group in a regular school). We agree with this perspective on inclusion in society *as a whole*, as it means that SLPs’ own spaces can be part of an inclusive society.

### *Inclusion and the CRPD*

The adoption of the CRPD in December 2006 has led to an upsurge of discourses around inclusion in relation to disability. The CRPD is an international legally binding Convention with currently 152 ratifying States<sup>7</sup>. As a result of the CRPD, disabil-

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<sup>7</sup> See <http://www.un.org/disabilities/> for an update on the latest number of ratifying States. Accessed 4 March 2015.

ity has been increasingly mainstreamed in human rights and development discourses. The central objective of the CRPD is the “full and effective participation and inclusion in society” of “persons with disabilities” (Art. 3(c), General Principles). The CRPD does not include a definition of “inclusion”, but nevertheless describes it as a human right. (Note the ideological connection between inclusion and human rights, analogous to the abovementioned ideological connection between human diversity and human rights). In the CRPD, education is regarded as the cornerstone of inclusion; since the CRPD, the right to educational inclusion has a legal basis (De Beco 2014). The concept of ‘inclusive education’ in the CRPD is based on 4 basic concepts: reasonable accommodations, individual support measures, universal design, and accessibility (Article 24).

Article 24 on education is one of the most contentious articles of the CRPD, both concerning legislative history and content. The CRPD Ad Hoc Committee, which included representatives from all disability groups, did not reach an agreement as to whether separate special education should continue to exist or not (Arnardóttir 2011, Kauppinen and Jokinen 2013, De Beco 2014, Shaw 2014). During CRPD negotiations, the WFD sided with the blind and deafblind representative organisations and took a unique position (which was not understood by all the other negotiation parties see e.g. Shaw 2014): they questioned whether the general education system should in all situations be considered preferable to ‘special education’, and stated that there should be attention for the diverse needs of diverse groups of disabled people (Kauppinen and Jokinen 2013). With this argument they differed from the majority of the disability community representatives on the Ad Hoc Committee that were advocating for educational inclusion.

Indeed, the differences between SLPs and disabled people<sup>8</sup> come to the fore most clearly in the domain of education. Deaf education is a particularly contentious domain as traditionally, deaf schools are the spaces in which deaf children can learn sign language and become members of SLPs communities, and are also spaces where horizontal peer socialization can take place. The concept of “inclusion”, while a priority for the disability movement and enshrined as a core principle of the CRPD, has been perceived with much caution and criticism by SLPs because, in practice, it often leads to educational mainstreaming policies, which have isolated deaf chil-

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8 The UNCRPD uses the term “persons with disabilities”, but this is not uncontested. Some people within the larger disability movement and Disability Studies prefer to use “disabled people” (Meekosha and Soldatic 2011). Also, the UN uses “DPOs” (Disabled People’s Organisations), which seems to contradict with the language use in the UNCRPD.

dren from each other and from their adult communities (Brennan 2003, Ladd 2003). This gravely interrupts the horizontal and vertical transmission of Deaf culture and threatens the community’s wellbeing and survival.

### *Inclusion and the WFD*

The WFD’s understanding of “inclusion” for deaf people in society means giving them the opportunity to achieve full potential, and to not encounter barriers (Allen 2014). Similar to Powers (2002), the WFD argues that societal and educational inclusion is reached through sign bilingual education. This is not “special education” as the disability movement understands it, but bilingual education in sign language and the native language of a particular country. The WFD submitted several comments on the draft CRPD articles on education: one proposed to add: “Deaf children have the right to receive education *in their own groups* and to become bilingual in sign language and their national spoken and written language [...]” (Kauppinen and Jokinen 2013: 137, our emphasis). The WFD’s proposals did not make it into the final text of the CRPD because the negotiating parties saw their demands as exceptional to the general principle of educational ‘inclusion’ (Batterbury 2012).

Additionally, as WFD representatives pointed out, their arguments (related to SLPs specific needs) were probably not understood by all disability groups and the legal language of the CRPD required that all the needs of disabled people be stipulated in general phrases (Kauppinen and Jokinen 2013). Instead, a compromise was suggested: that education of blind, deaf or deafblind children needs to be delivered in “the most appropriate languages and modes and means of communication for the individual”, in environments “which maximize academic and social development” (Article 24.3(c)). In the final text of the CRPD, general education is thus the normative goal, and special education the exception (De Beco 2014).

Whilst acknowledging in writing (ie Kauppinen and Jokinen 2013) that they had wished to see a stronger provision for sign bilingual education in the CRPD, the WFD very much emphasizes the importance of the CRPD in their advocacy work. Indeed, the CRPD is the first international human rights Convention to include sign languages as languages and urges governments to recognize them in their national legislation. It is also the first international Convention to make explicit reference to sign languages and Deaf culture, mentioning them in 5 different articles (Article 2, 9, 21, 24 and 30). No group is mentioned as explicitly and as often in the CRPD as the deaf/deafblind group. Batterbury (2012) for the UK context, even states that despite

the disability framework, the CRPD comes closest to delivering SLP communities' culturo-linguistic agenda than any other minority language legal instrument.

## Do diversity and inclusion go hand in hand?

As illustrated above, diversity and inclusion are both widely used concepts in a variety of domains. It seems that the concept of inclusion is nowadays used often in relation to disabled people, while diversity is mainly associated with parameters such as migration, gender, sexuality, ethnicity and race. Indeed, Davis 2011 argues that diversity initiatives fail to include disability.

The concepts of inclusion and diversity have both been used in opposition to each other, as well as in combination with each other. Faist (2009: 187) described inclusion and diversity as diverging concepts: “In a multicultural society ‘incorporation is not celebrated as inclusion, but as the achievement of diversity’ (Alexander 2006, p. 452). This then makes possible a politics of difference in place of the previous goal of a unified and homogeneous core.” However, many sources use the terms as if they go hand in hand. We noted that in academic texts on diversity, the concept “inclusion” is not often used, but in works on “inclusion”, the term “diversity” is increasingly used, as if the two concepts work in tandem (see Ahmed 2012).

Kymlicka, for example, writes with regard to gay/lesbians and disabled people, that it is a challenge “to find models of *inclusiveness* and tolerance that recognize and affirm these diverse forms of group identities and cultural differences” (1998: 91, our emphasis). Infante and Matus (2009) illustrate how the Chilean government has used *diversity* discourses to support the *inclusion* of children with disabilities in mainstream education. Doherty (2012: 793, our emphasis), writing on deaf education, argues that whilst she regards integration as assimilation, “*Inclusion* on the other hand, implies a transformation of schools to respond to *diversity*”. Powers, also writing on deaf education, suggests that “*inclusive* education is best conceived as a response to student *diversity* based on principles of equity and acceptance that aim to give all children equal rights to *participation*...” (2002: 237, our emphasis). These examples confirm Thomas' remark that “the rhetoric of full citizenship and *inclusion* of disabled people (...) [is] increasingly accompanied by *diversity* and equality policy agendas”<sup>9</sup> (2015, our emphasis).

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9 Emery (2011) has written about citizenship and SLPs, addressing the social exclusion of deaf people within parameters set by existing social policy. He explores how citizenship,

In such accounts, inclusion is regarded as a policy tool or mechanism to accommodate diversity. Inclusion is thus used as an action word that mobilizes and diversity as a descriptive term of the recognition of differences, the reality that needs to be accommodated or managed or responded to by this action. Diversity is then a term often used to focus on *deficiencies* rather than on added *value*. For example De Beco writes that “it is necessary that schools promote respect for *diversity* in order to combat stereotypes and prejudices against children with disabilities. They should give a positive image of children with disabilities and ensure that these children are valued among their peers” (De Beco 2014: 21, our emphasis). Positive acceptance, in addition to anti-discrimination, is one of the central purposes of current diversity initiatives; it thus implies a moral imperative (Vertovec 2012).

The concept of diversity is also used in the CRPD (which, as stated before, has *inclusion* as one of its central aims), Article 3 (d): “Respect for difference and acceptance of persons with disabilities as part of human *diversity* and humanity.” (analogous to the WFD’s earlier mentioned use of human diversity and human rights as tandem concepts). The assumption is that despite diversity between disabled people, there are common needs, which resulted in the CRPD (Thomas 2015).<sup>10</sup>

The WFD strategically used the concept “diversity” in their negotiations during the CRPD drafting stages: “The social and cultural aspect of *diversity* was also stressed as it allows persons with disabilities to carry out their lives without a social requirement to assimilate” (Kauppinen and Jokinen 2013: 134, our emphasis). In CRPD meetings, the WFD promoted the “right to be different”, and aimed at ensuring two things: (1) a positive affirmation of differences, not only a passive respect or an abstract value of diversity (i.e. attempts to correct disabled people should be halted) and (2) the requirement that states provide for the appropriate accommodation of measures for such diversity (Kauppinen and Jokinen 2013). In this sense, the WFD advocated for the “right to be different” from both disability groups and from the wider society as well.

In addition, for the WFD, the “right to be different” meant an entitlement to recognition and support of SLPs’ specific cultural and linguistic identities (ibid). The

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or the knowledge of how to exercise of legal and political rights within the context of the nation-state, can be used as a conceptual tool to work towards a society in which deaf people are not disadvantaged in spheres of citizenship and civic participation. He argues for a process of renegotiation in policy arenas in order to adequately reflect deaf peoples’ experience as citizens.

10 This is analogous to the WFD’s emphasis on diversity within SLP communities.

“right to be different” was accepted as a fundamental principle of the CRPD (Art. 3 General Principles), however, the ultimate goal of the CRPD, as we have discussed, is participation and *inclusion* in society. The CRPD’s framework defines *how different* we can be: within this framework, difference (and thus diversity) has to be harmonized with the goals of the CRPD. These limitations of the “right to be different” can actually work against the very accommodation of diversity. This framework, places limits on activists working to enable SLPs’ language rights, cultural heritage and transmission, and community formation. Thus, we argue for a broader focus, enabling a politics that acknowledges that SLPs have a different (language and culture-focused) ‘center’ in their struggle to achieve diversity and inclusion, and a powerful route to achieve this are enabling SLPs to make claims to group rights.

## The need to claim group rights

While we acknowledge that the CRPD supports the right to sign bilingual education and the right to acquire and use sign language, it frames this right as an individual human right, a choice a child (or his/her parents) with a disability can make. The human rights framework has been criticised for this individualist focus (Merry 2009): human rights are designed to ensure individual rights, and human rights legislation (such as the CRPD) regards communities as groups of *individual* rights holders. We argue that for diversity and inclusion as concepts to have salience for SLPs, to really accommodate SLPs as part of (human) diversity and to truly achieve their societal inclusion, SLPs need to make vigorous claims towards *group* rights.

By group rights we mean rights held by a group and not the rights of individual members of a group (as is the case with human rights legislation) (Jones 1999). The key way to understand group rights is that they are self-determining: it is the “peoples” (in this case SLPs), *as a group*, who exercise such rights. The CRPD, however, does not insist that SLPs as a group have the right to self-determination. Nor does it allow for a more liberal form of group rights such as “group-differentiated rights” of the type exemplified by Kymlicka (1995). According to Kymlicka a group-differentiated right can consist of several forms, one being the granting of a special group right due to the smaller group’s vulnerability in terms of their form of life within majority society.



A special group right to ensure deaf children’s education is protected by enabling deaf children to be taught in groups, or in separate schools, through the medium of sign bilingualism. This right is critical to their way of life. So if SLPs would be given protection in the form of a differentiated group right, such legislation would enable national SLPs to demand that their governments ensure the protection of the education of deaf children, and that educational policies reflect and incorporate SLPs’ histories, epistemologies and value systems.

This issue is particularly critical because the situation of deaf children is in complete contrast and opposition to that of the wider disabled people’s movement that the WFD is working with; they seek the *elimination* of separate, or group-focused, education. However, we argue that precisely because the framework is individualistic, it would be hard to secure a group-differentiated right. We acknowledge and appreciate that CRPD drafters were working within existing policy contexts and legal frameworks that heavily focused on individual rights. This placed them in a double bind that was not really of their own making. The comments the WFD made on the drafts of Article 24 also demonstrate a sense of understanding of the need for group rights.

In respect to group rights, the CRPD’s silence on bioethical issues is problematic, particularly with regard to Pre-Implantation Genetic Diagnosis (PGD) and genetic interventions. According to Kayess and French, this may “come to be regarded as its greatest failing” (2008: 29). This silence is all the more striking given that one of the nine general principles of the CRPD is “Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity” (Article 3 (d)) (De Meulder 2014).

SLPs have encountered a long history of eugenics: preventing them from marrying<sup>11</sup>, sterilizing them (pre and post WW2), eliminating them physically (under the Nazi regime), aborting deaf fetuses, screening them out via IVF (liberal governments), and, more recently, introducing gene therapy to ‘cure’ deafness (Thomson 2014). Liberal eugenics advocates enabling parents the free choice to use technologies to ensure their children are born free of ‘disability’ (Harris 2007, Savulescu 2001). We argue that genetic interventions to remove the “deaf gene” actually means “loss of diversity”, and that there is a need for recognising SLPs’ “right to be born” (Bryan and Emery 2014). This right should not be muddied with debates on the “right to life” of the unborn (CRPD Article 10); since deaf people make up a collective minority

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11 Examples are A.G. Bell in the USA (in the past), and Adamorobe, Ghana (in the present) (see Kusters 2012).

group, genetic practices to eliminate deafness are, in effect, moves towards the ultimate elimination *of the group*.

In this respect, we think that group rights (in addition to individual human rights) can offer the legal protection SLP communities need. Group rights are designed to ensure that groups are protected from practices that are detrimental to their culture and wellbeing and enable them to protect and develop their own cultural characteristics (Sanders 1991). Deaf communities seek more than the equal participation of their individual members in society; merely recognizing the rights of individuals (e.g. to sign bilingual education or to use sign language) will not protect the group's survival.

The aim of group rights is not to control people's movements by imposing “internal restrictions” but to ensure their survival through “external protections” (Kymlicka 2002). SLP activists campaigning for minority group rights, for example, could seek: the protection of SLP communities through state funding of sign bilingual schools *that they themselves should run*, the state-sponsored promotion of sign language and deaf culture throughout society *that is run and led by SLPs*, and the putting into place of a moratorium on genetic interventions on deafness that threaten their right to be born. So far, SLP communities have not sought protections of these kinds, nor have they suggested similar alternative laws. Doing so would enable the citizenship and participation of deaf people as individuals and as a group.

There are several other potential avenues though, that the WFD, academics, and SLP activists could explore. For example, there are some UNESCO Conventions that could be relevant for SLPs: the UNESCO Convention against Discrimination in Education (1960) provides for the establishment of separate schools and recognizes the right of minorities to carry on their own educational activities; the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003) emphasizes the importance of intangible cultural heritage as a mainspring of cultural diversity; the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) creates the conditions for cultures to flourish and protects and promotes the diversity of cultural expressions.

There are also several UN Conventions/Declarations/Frameworks which could be of use for SLPs: the UN International Convention on the Prevention and Punishment of the Crime of Genocide (1948) in which 2 of the 6 definitions of genocide provided may fit to today's indigenous and minority assimilationist education (Skutnabb-Kangas 2000 and Jokinen 2000); the UN International Covenant on Civil and Political Rights (1966) of which Article 27 grants linguistic and cultural rights



to ‘persons belonging to minorities’. Campaigners can work at regional levels too; for example, there are regional instruments such as the European Charter for Regional or Minority Languages (1992) or the Framework Convention for the Protection of National Minorities (1995), which can deliver SLPs claims to cultural and linguistic rights.

With regards to genetic interventions there is a widespread movement that expresses deep concern that our society is headed toward an acceptance of genetics under a liberal guise. SLPs and disabled people can come together to resist such moves (Emery and Ladd, forthcoming). We suggest that the case for group rights can include a strategy to resist the elimination of SLPs through genetic technology. This is increasingly a concern for people with disabilities as well (Garland Thomson 2012).

To date, SLP communities have not yet sought protections of these kinds and we recognize that there are many obstacles to overcome: some states have not yet ratified relevant legislation, no instruments (except for the CRPD) explicitly mention sign languages or SLPs and some even explicitly exclude them (e.g. the European Charter), nation-states have to agree that legislation is applicable to them and there is a tendency among policy makers to classify SLPs’ issues only as disability issues. However, SLP communities must also take some responsibility: most of them are not yet clearly profiling themselves as national linguistic minorities; there is a lack of knowledge of relevant legislation within national deaf associations; their efforts, energies and resources are directed to implementing the CRPD; and, above all, they do not explicitly set out to achieve self-determination or a form of it. Most legislation which *is* sought by SLPs is legislation recognizing national sign languages, but even this legislation often lacks any enforceable rights and does not feature demands that it be SLP-run (De Meulder forthcoming 2015).

One group’s legal framework, which could very well serve as an example for the legal framework SLPs seek, is that of the rights granted to indigenous peoples. Examples of such legal frameworks are the ILO Indigenous and Tribal Peoples Convention (1989) and the UN Declaration on the Rights of Indigenous Peoples (2007). In this respect, it is useful to think about devising the content of a ‘Sign Language Peoples Convention’. Such a Convention would go beyond individual human rights to also entail cultural recognition as well as group rights. We argue that such a Convention would be a means towards more substantial diversity and inclusion.

## Conclusion

Ultimately, we argue that for effective inclusion of SLPs as part of (human) diversity, which is how the WFD frames it, there is a need for a *broader definition of societal inclusion* that promotes sign bilingual education *in a group setting* and ensures both individual *and* collective rights. We suggest using the concept “diversity” as a notion that can allow for a politics that goes beyond “inclusion” as it is often understood. We pointed out a use of diversity that is inherently political, and it is here where we contribute to the existing literature on diversity, which often is criticized for using diversity in ways that lack political significance or quality, as opposed to the multiculturalism paradigm with its rights-based foundation.

While we are appreciative of the work done by Deaf studies scholars in relation to the concept of Deaf Gain and the efforts of the WFD and those involved in the drafting of the CRPD, we want to stress that we see the ways they consider diversity and inclusion as not going far enough. We are attempting to carve out a new paradigm for understanding how SLPs are part of diversity and how they should be included. Again, the end goal is not only to contribute to society but to critically interrogate the assumptions underlying understandings of diversity and inclusion. Indeed, we argue that diversity and inclusion for SLPs cannot occur without recognizing SLPs as a collective worthy of self-determination and able to exercise group rights.

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