

Governmentality versus choice in contemporary special education

Abstract

This article provides an understanding of childhood welfare from a radical perspective, showing how power within the special education system affects the discourse of 'choice' for parents. The analysis unmasks the disciplinary power operating within the special education system and explores the manner in which such power affects choice for parents. In turn, the analysis suggests that although disciplinary power offers little sites for resistance, the actions of some parents in the exercise of choice are seen as a growing challenge to that power. It remains to be seen just how resistant the system will become in the face of such opposition.

Key words: discourse analysis, Foucault, language, school choice, social exclusion

Governmentality and disciplinary power

Education is viewed as an aspect of the welfare state and therefore a valid area of social policy (Finch, 1984). The paradox in education lies in the debate between providing equitably for the needs of society (the economy and/or national interest) and providing for the individual needs of those who receive it. This is particularly problematic in the field of special education whose recipients often do not or cannot compete in a society which has been socially constructed to disable them (Oliver, 1996). This article explores the way in which school choice, as an area of social policy and practice, is inextricably linked to disciplinary power. Power within a discourse of 'choice' has the ability to socially exclude individuals or groups of people and may certainly be seen as a powerful mechanism within any institutional or personal context.

Foucault reasoned that the analysis of social welfare decisions should explore in detail how choices are made and how they are justified with regard to individuals' well-being (Foucault, 1988). In other words, the different constructions that influence decisions should be explored. It is suggested that the same argument applies to educational decisions, as Local Education Authority (LEA) administrators make decisions that ultimately have the power to include or exclude children. Just as individuals' well-being is of importance in social welfare decisions (Moffatt, 1999), so too is it important in educational decisions because, given the wrong decision on school placement, social exclusion may occur.

Foucault viewed certain knowledges (including those concerning education) and the practices that accompany them, as central to the normalization of social actions and social institutions (Ball, 1990). The creation of special education and the accompanying practice of segregation results in normalizing children's abilities and stigmatizing those who deviate from the norm (Ball, 1990). Special education also functions to objectify its subject (the child) through the processes of classification and division that are inherently involved in systems of governmentality (Ball, 1990).

As successive governments came to accept responsibility for the economy and to order the lives of individuals in every aspect of society in the 16th century, centralized administrative structures took on a will to knowledge (Kenway, 1990), creating archives of statistical details of individuals' lives. In this manner, a powerful means of surveillance and regulation was born. The human and social sciences were aided in this through the provision of methods, data collection and knowledge (Rose, 1989, 1998), the importance of which may be evident contemporarily in statements issued by government ministers. For example, David Blunkett, then Secretary of State for Education and Employment, stated in 2000 that social science research should provide the basis for policy making, to inform the most effective initiatives in education (DfEE, 2000).

The dawning of governmentality and subsequent objectification of the human body resulted in other forms of power such as disciplinary power enacted by disciplinary technologies (Foucault, 1977). Within the human and social sciences, experts, professionals and specialists produced and promoted certain regimes of truth and acted as judges of normality (Rose, 1989, 1998; Kenway, 1990). Within these centralized administrative structures, a certain bio-power emerged in

which the human body became subject to observation and regulation, practised in such institutions as prisons, hospitals and schools. Thus the aim of bio-power was to construct docile, obedient bodies to be subjected, used, transformed and thereby improved (McKinlay and Starkey, 1998). Disciplinary power is strongest and most efficient when it operates through administrative rules, its success stemming from the use of simple instruments: hierarchical observation, normalizing judgements, and their combination in a specific procedure – the examination (Foucault, 1977).

Foucault (1977: 184) stated that the examination combines:

The techniques of an observing hierarchy and those of a normalising judgement. It is a normalising gaze, a surveillance that makes it possible to qualify, to classify and to punish. It establishes over individuals a visibility through which one differentiates them and judges them.

The examination finds its counterpart within the special education system in the assessment and statementing process for children who cannot or do not adhere to the norm in an educational sense. This process inherently individualizes, differentiates and judges children and their (dis)abilities.

Contrary to Foucault's (1977) notion of sovereign power, by which power is hierarchical and plainly visible, disciplinary power is a form of power that is diffuse: it is all encompassing, acting on everyone, and its constantly operating nature means that its effects are limitless. It acts swiftly and lightly, in such a subtle manner as to make it efficient, invisible and almost impossible to resist. Disciplinary power affects all aspects of individual and societal life, subjecting each and every person to constant surveillance (Covaleskie, 1993). Society and its individuals are therefore visible to and controlled by an impersonal and invisible disciplinary gaze. In summarizing the totalizing effect of disciplinary power, Covaleskie (1993: 2) stated this lies 'precisely in its universal potentiality, combined with the impossibility of verifiability'. Since it is impossible to verify, resistance is substantially thwarted and its invisibility allows no sites at which to direct contestations.

Disciplinary power is all embracing yet intangible and may be viewed in direct relation to Foucault's (1977) conceptualization of the panopticon. The panopticon was an 18th century architectural structure designed by Jeremy Bentham in which the organization of space

and human beings within that space made explicit the deployment of disciplinary power (Foucault, 1977). The principle upon which the panopticon was constructed was that an outer ring was divided into discrete individual cells, encompassing a central watchtower. Each cell was inhabited by a single prisoner with a guard occupying the central watchtower, the structure enabling the constant observation of inmates. Carefully positioned windows and back-lighting enabled the guard to view the inmates uni-directionally and inmates could never ascertain the guard's presence. Over the course of time, the possibility of being constantly observed led individuals to internalize their surveillance and eventually police their own behaviour (McKinlay and Starkey, 1998).

The panopticon came to be seen as a solution to problems of social governance in society – a way of managing students, asylum inmates and workers (McKinlay and Starkey, 1998). Indeed, Foucault showed how schools, hospitals and factories all resemble prisons in their functioning (Foucault, 1977). He describes the aim of the panopticon thus:

To induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary; that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it; in short, that the inmates should be caught up in a power situation of which they are themselves the bearers. (Foucault, 1977: 201)

Just as Foucault argued that the penal system constructed the criminal in the 18th century (Foucault, 1977), so the social science disciplines have constructed the learning disabled child in the 20th century. Disabled children are viewed as dependent upon society to meet their needs. These children typically become dependent upon the state to provide support for their educational needs, and their parents must therefore be subjected to government surveillance and disciplinary techniques in order for this to happen. Dependent individuals are pathologized (Billington, 1996, 2000, 2002) and have been defined by some as an inherent flaw within contemporary western civil society (Fraser and Gordon, 1994). Because their children transgress the norms of independence and autonomy of society

and also, sometimes, because they challenge the governmental drive towards inclusion, parents of disabled children must be held accountable; they must be scrutinized; they must justify themselves and their choices. More importantly, they must enter the panoptic structure of the special education system.

So a relationship between disability and social deviance has been socially constructed (Barnes and Oliver, 1993) leading to social exclusion. Because contemporary society is founded upon ideals of individual responsibility, independence and freedom, such freedom from social responsibilities is to be discouraged. During the 19th and first half of the 20th centuries, people with disabilities were systematically excluded from the workplace and mainstream economic life, as they were unable to conform to the disciplinary power of the factory (Foucault, 1977), and subsequently incarcerated in institutions. Kitchen (1998) argued that the dominant group's practices have always been promoted as the norm and henceforth people with disabilities have been portrayed as deviant, have been taught to know their place and that they must accept their exploitation within spatially constructed exclusionary practices. Exclusion may also be perceived in the way some parents of children with special educational needs (SEN) are denied a placement at a school the parents believe is the right one for their child.

Rationale

Research and legislation concur that many parents want a 'powerful say in the way their child is educated' (DfEE, 1998: 11) and the 'right to express a preference for a placement in either a mainstream or a special school' (DfEE, 1998: 15). However, although parental choice and involvement in the statementing process suggest a consumer rights model of access to educational resources within a market force approach to education (Nightingale and Cromby, 1999), parents actually have fewer rights to exercise compared with LEAs whose decision-making powers are upheld by legislation (Paige-Smith, 1997).

For parents of children who have SEN, selection of the appropriate or preferred school is a highly contentious issue. Whilst more information concerning schools and their resources is available to parents than ever before (DfE, 1996; Bagley et al., 2001; DfES, 2001),

and notwithstanding political rhetoric on ideals of equity (Lee, 1996), the fact remains that not all parents are granted the school of their choosing. Neither non-maintained special schools nor independent schools are included in selection options for parents, which somewhat limits flexibility of choice. Previous findings have demonstrated that the denial of parental choice of conductive education at a non-maintained special school exemplifies such a lack of opportunity for children with motor disorders (Owens, 2000).

If societal progress depends upon the problem-solving skills of its population, then not many would deny that children must be nurtured by a caring society in order to develop to their fullest potential and to avoid social exclusion. Moreover, the government's latest strategy for SEN purports to 'remove barriers to achievement' (DfES, 2004). This being so, then institutions that offer alternative educational approaches that aim to enable children with SEN to solve problems in ways that work for them to the best of their ability should not be overlooked (Owens, 2000).

The research question therefore sought to understand how power within the British special education system affects the discourse of 'choice' for parents who seek an alternative educational placement than mainstream for their child with SEN. Since governmental policies purport to allow parents more choice in their children's education yet disciplinary power has the potential to socially exclude children whose parents have requested a particular school, a critical exploration of this paradox needs to be undertaken to shed light on the problem and create spaces in which possible alternative actions that both parents and administrators could take may be found.

Methodology

A Foucauldian discourse analysis offers an alternative vision of the world of education by attempting to make salient those more dominant discourses which, through their maintenance, result in the continued marginalization and social exclusion of groups of individuals through the perpetuation of inequalities within social power relationships (Hall, 1997). This perspective should enable previously taken-for-granted assumptions about educational administrative practices to be deconstructed; at the very least to engender a critical perspective of such practices.

Foucault argued that the site for any analysis must be the present (Marshall, 1990), and therefore any analysis must take into account contemporary forms of data in order to examine the present. Three types of data were used within this research: transcribed interviews with SEN administrators, observation notes and document analysis. Nine in-depth semi-structured interviews (Smith, 1995) were conducted with SEN administrators working in LEAs throughout four counties of the United Kingdom, and analysed using constructionist grounded theory¹ procedures (Charmaz, 1990, 1995, 2000). In this way, recurrent themes were co-constructed from the data, which were subsequently transformed into overarching concepts. The main concepts to arise were those of 'power' and 'choice'. In addition, observation notes were made during a single observation of one LEA (Marshall and Rossman, 1999), which was designed to provide a snapshot glimpse enabling a 'flavour' of the materiality² and embodiment of the working practices of education administrators. Lastly, document analysis utilized the *Special Educational Needs: Code of Practice* (DfES, 2001), as this document specifically addresses issues of school choice and parental participation in the statementing process, and refers specifically to governmental initiatives and prescriptive rules for administrators who are obliged to work to its principles.

Researchers advocate different methods of analysing discourse from a Foucauldian perspective (Parker, 1992; Kendall and Wickham, 1999; Willig, 1999; Carabine, 2001; Hall, 2001), but this inherently creates problems for analysts in terms of there being no definitive method. However, Taylor (2001) argued that analysts may adopt their own methodological procedures, those which are guided by the specific topic, research question and point of focus. Subsequently, Foucault's concepts of disciplinary power and panopticism enabled the construction of an analysis highly relevant to the SEN system in answering the research question.

It was not within the scope of the research to include the voices of parents and their children; this aspect of parental choice has hitherto been explored and explained (Owens, 2000). Notwithstanding, it would be interesting to compare and contrast the language used by administrators and parents through an analysis of conversations regarding school choice between the two parties. This may indeed point the way to future language-based research in this field of enquiry.

Analysis

SEN administrators within LEAs are tasked with managing children's educational experience and helping to control the efficient running of the education system. Children become the responsibility also of a large body of specialists, teachers, psychologists, doctors, and so forth, who have over the years developed a body of knowledge and accompanying discourses with which to explain children's (dis)abilities. These discourses have been constructed through the creation of technical categories of disabilities into which individual children must be allocated, for example, learning difficulties, autistic spectrum disorders or dyspraxia. However, allocation of children to technical categories may not be guided by the child's objective state. Rather the need for professionals to locate them is what drives the special education system. It follows that the construction and maintenance of technical categories of disabilities is perpetuated by the technical language employed by administrators. Such language distinguishes between the educationally 'normal' child and the child that does not conform to the norm. Language is seen to both construct and reflect our social worlds and the use of language to socially exclude is a particularly powerful mechanism.

This analysis therefore proposes that the British special education system, as with all institutional power relationships, is heavily influenced by 18th century reforms of punishment and control and may be directly compared with a panoptic system. The mechanism of surveillance is captured within the assessment and statementing process, which instills disciplinary techniques within children, their parents and education administrators. According to Foucault (1977), the panopticon is a mechanism that ensures the most efficient expression of power relations; and so it is with the special education system.

How does the panoptic system of SEN position individuals within its structure and process? There are two ways in which this may be viewed.

First, during the process of statementing a child is under constant surveillance from 'expert' decision-makers, so children and/or their parents are positioned within the periphery of the panopticon, with education administrators situated within the central watchtower. Vital to the special education system's panoptic function is that those in the

periphery are aware of continuous surveillance. Hence the continuous and constant reassessment of the child in the form of annual reviews in which further documentation is generated and archived. Teachers, educational psychologists and SEN coordinators watch over and monitor the child on a daily basis, and reports are compiled by those experts involved in the statementing process, sometimes invisible to or unnoticed by those the matter directly concerns.

Second, it can also be seen that special education administrators may also be positioned within the periphery of the panopticon, as they too are under surveillance by higher authorities, as data they collect and decisions they make are under constant review. These higher authorities include heads of SEN teams and Directors of Education who ultimately compile statistical data and reports on the efficiency of workers in league tables and performance indicators. Such higher authorities would, of necessity, be situated within the central watch-tower of the panopticon.

The notion of internalization, self-surveillance and self-control may be evidenced within education administrators, as there is constant pressure upon them to be mindful of performance indicators, league tables and outcomes in respect of OFSTED (Office for Standards in Education) inspections. The interview data strongly support this:

Performance indicators, best value, measurement of performance – the bane of my life.

I'm fed up with providing them figures for this, that and the other. Oh, can I have this year's figures for, you know, and I'm asked for figures for this, figures for that, do something on the performance review, do something on best value, I've got this performance assessment for the whole council. We've got OFSTED, we've got OFSTED action plan, we've got special needs development plan, we've got behaviour support plan, the education development plan. You name it, we've got it. We're now into investors in people, it's madness, and it's, most of my time now is spent on issues that I didn't even think were in my job description, let alone, you know, things that I should be working on, and that's the way it is. It's getting worse. And we are moving away from I think what the focus should be. The focus is, let's get the provision sorted, let's get the kids sorted.

Yes, performance is a major issue. Yes, we are monitored.

Working to demand is eventually internalized as administrators constantly modify their actions, interactions and negotiations with parents in order to maintain good scores within these performance indicators.

Situated within the periphery of the panoptic structure or system, both parents and administrators are therefore individualized and visible to the surveillance of an ever-watchful eye (parents visible to the administrators, and administrators visible to higher authorities). This form of surveillance is also illustrated by the way in which the SEN office has been designed, and observation notes describe how power operates spatially within the office.

Administrators within the observed SEN team were housed in the same small office, a means to ensure the efficient running of the team, and comprised five statementing officers, two clerical support workers, and the team manager. The manager was seated at the head of the room, the desk faced to maintain full visibility of the workers, exemplifying the surveillance inherent within the panopticon. The manager was described to the observer as being an intermediary between the administrators and the Head of SEN (who was located in a separate office in the building). The SEN manager worked at the desk at the head of the room, but administrators were not aware of the work being done, so they did not know whether they, themselves, were being observed.

The desks of the administrative workers were arranged around the periphery of the office, facing inwards towards each other. There was little space in which to move between the desks. The office was equipped with the necessary paraphernalia to carry out their administrative duties: personal computers with printers, telephones, filing cabinets and footstools to ensure their physical comfort. This enabled them to access information on their clients at a glance. Pot plants and colourful posters adorned free space. However, the architectural design and facilities afforded the administrators were viewed in stark contrast to those afforded parents who (if necessary) would be interviewed in a separate room.

The interview room was designed to maintain limited contact between the two parties, being very small in relation to the administrators' office, with sufficient space only to house a desk and three chairs, one chair for the interviewer and the other two for the parent(s). The desk separated the two parties, the distribution of bodies defining the principle of power. The walls were bare of

adornment. Crucially, parents would have no access to information. Parents are therefore seen but do not see; they are the objects of data collection but are not active subjects of decision-making. This room created space wherein the administrator–parent dyad may exhibit a power imbalance, the administrator being the more powerful by being the questioner, the parents exercising less power by answering these questions and, presumably, having to justify their answers.

The result of this power imbalance may be evidenced in the exasperation and frustration experienced by some parents who cannot seem to grasp the fundamental meaning behind certain administrative practices and decisions. Education administrators stated:

Very often they have a story to tell particularly about parents, based on frustration.

We're used to disgraces in education in this country you know and people just put up with it.

Inadvertently, however, by 'just putting up with it', parents have become engaged in the power relationship so that they exercise their own subjection (Foucault, 1977).

There is one main feature of this panoptic system, a feature that illustrates clearly how the special education system works. On the one hand, children are individualized within the statementing process. Children are, in effect, decontextualized and ahistorical; they are taken (metaphorically) from the context of their family, surrounded by a host of professionals and authorities, and positioned as an objectified subject for analysis in terms of assessment and examination. This creates an effect that minimizes the interests of the child. Yet on the other hand, contemporary educational decision-making purports to aim for equity in resource allocation, and to treat all children equally. Paradoxically, children are both individualized and totalized.

Within local government practice, children's details are collected and centralized from birth and taken forward to aid in the establishment of appropriate school placement as determined by education authorities. More specifically, the statementing process for children with SEN incorporates a huge element of data collection during which the child is heavily scrutinized. The statementing process, like any examination, creates an archive of knowledge and documentation about a child (McIntosh, 2002), and places the child within a field of surveillance and as an object within that network of documentation. Assessment reports, a statement of SEN, individual education plans,

annual assessments, therapy programmes, medical consultation notes, and video and photographic evidence all combine to create a network of documentation that fixes the child as an object of surveillance. This is highly illustrative of the power–knowledge relationship, described by Foucault thus:

Power and knowledge directly imply one another; . . . there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations. (Foucault, 1977: 27)

The knowledge gained aids in constructing a network of power relations. The child identified as having SEN is therefore placed in a perpetual state of examination within this field of power, and objectification and domination of the child may result. Domination also extends to the placing of children in a (mainstream) school that is in keeping with the dictates and mechanism of the disciplinary power operating within the special education panopticon, rather than a school of the parents' choosing.

Within this system, education administrators take on the role of expert and manoeuvre parents, steering them in the direction of particular educational settings, usually mainstream schools. This is because administrators have subjected themselves more to the wishes of their political superiors, rather than to hearing and acting upon parents' opinions and preferences. This, it could be argued, serves once more to socially exclude some children who might be more suited to an educational environment in which children with similar needs (their developmental peers) are educated.

Judges of normality may be evidenced in the privilege afforded educational psychologists' reports during the statementing process, but they inherently make value judgements of what resources the child may require. Although the ultimate decision rests with the administrators, it has been evidenced that many decisions rest upon the report of the educational psychologist, that report being inherently more influential than others. The data showed evidence of this:

We will have a quick look through the advice. We'll normally look at the bottom line of the ed psych report.

Yes, I would say that out of everybody's report, probably the educational psychologist's report is the one that people take most notice of.

Parents are able (indeed they are encouraged) to provide input in the statementing process, but ultimately their 'choices' fade in the light of professionals' input, because: 'We've always argued that we can complete an assessment without parental advice'. In this respect, parental involvement is a moot point with hierarchical power here being incorporated into disciplinary power. Power is derived from disallowing parents a voice in the assessment process.

Further on during the statementing process, parents are given the opportunity to state their preference for the school placement they would prefer for their child. Part four of the statement refers to the school placement deemed appropriate to fulfil the child's educational needs, and it is here that parents are included in the process by being explicitly required to state their preference. This 'choice' of school placement is an illusion however, and parents are allowed only to state their preference. The *Code of Practice* (DfES, 2001) shows that the notice issued to parents accompanying a proposed statement contains the following information pertaining to school choice:

We have left part 4 blank so that you can tell us where you think [child's name] should be educated. You can tell us which maintained [local education authority] school, including an LEA-maintained special school, you would like [child's name] to go to and tell us the reasons. To help you decide, a list of all the maintained [primary/secondary] schools in the area is attached. (DfES, 2001: 179)

The proposed school should then be named on the final statement. Of central importance in this statement is the reference to maintained schools, and parents are asked to state their preference for such. The image of the panopticon is clear to see here. If individuals are made to "want" what the system needs in order to perform well' (Lyotard, 1986: 62), then the disciplinary power illustrated within this notice is at its best. LEAs need parents to opt for a school under their own management – this saves time, effort, expense and the possible ensuing legal battle resulting from a choice of a non-maintained or independent school. In stating their preference for a school, the concept of governmentality or disciplinary power involves the active consent and subjugation of parents rather than their oppression or domination per se. But in steering parents in the direction of mainstream schools, the ultimate effect is oppression. In other words, what appears to be a liberal act whereby the government promotes 'parental choice' is really an illusion.

Although education administrators sometimes coerce parents into choosing a locally managed mainstream school, they do not have overall and final control in deciding on school placement, as contestations may be directed towards the SEN tribunal. Indeed, resistance to the disciplinary power of the panopticon does exist from different quarters.

Resistance

In some cases, parents demonstrate a preference for a school that does not lie within LEA control. In such cases, the notice accompanying the proposed statement goes on to state that:

If you think that [child's name] should attend a non-maintained special school or an independent school you can suggest the name of a school and tell us why you think that school should be named in [child's name] statement. A list of non-maintained special schools and independent schools approved by the Secretary of State [and if such a list is produced by the National Assembly of Wales] and the National Assembly of Wales is attached to help you. (DfES, 2001: 180)

Such a statement captures the disciplinary power of the panopticon. A list of schools approved by the Secretary of State is provided to parents who are then allowed to choose from these schools. However, such a list presupposes both its adequacy and that of the schools therein, and power necessarily resides with those who compiled the list. The disciplinary power of the special education panopticon is perpetuated when parents subject themselves to its control. But when there is evidence of dissent or resistance to such control, that is the point at which power may shift, becoming sovereign or hierarchical power rather than disciplinary power, and the point at which real 'choice' becomes an issue for both parties. In choosing an independent school, such a placement would result in a loss of state control. The result of this is sometimes an entrenched battle between parents and LEAs:

'The position we're in all the time is battling, battling for things, battling for services for parents, battling with the school, you know, with the LEA, battling with other services'.

Within a discourse of school 'choice', many types of people are spoken about and, within each constructed subject position, certain ways of being, ways of talking, ways of acting and rights associated

with these features are made available for individuals to accept, contest or reject. Many subject positions may be found, for example, in Schedule 27 of the 1996 Education Act (DfE, 1996). The Schedule is here set out in full and the available subject positions appear in bold:

Parents may express a preference for the maintained school they wish **their child** to attend, or make representations for a placement in any other school. LEAs must comply with a parental preference unless the school is unsuitable to the child's age, ability, aptitude or special educational needs, or the placement would be incompatible with the efficient education of the **other children** with whom the child would be educated, or with the efficient use of resources. LEAs must consider parental representations and arrange any meeting(s) with **LEA advisers or officers** the parents seek, before issuing the final statement. (DfES, 2001: 107)

Within this documented text, there is evidence of subject positions of 'parents', 'their child', 'other children' and 'LEA advisers or officers'. So the discourse of school 'choice' makes available subject positions, each subject depending upon other subjects to maintain their position. The subject position of 'their child' is constructed and maintained only in relation to adults, in this case their 'parents' and 'LEA advisers or officers'. The subject position of 'other children' exists only in relation to 'their child'. Similarly, 'parents' as subjects are so positioned only in relation to 'their child'. More importantly, 'LEA advisers or officers' exist as subject positions strictly in relation to all three other subject positions, 'parents', 'their child' and 'other children'. If the latter three subject positions did not exist, then neither would the former – there would be no reason for their existence.

However, when other data are examined, there is evidence of a multiplicity of subject positions within discourses of 'power' and 'choice', primarily those individuals who have a closer involvement with the child, all deemed to be superior to the (weaker) subject positions:

Educational psychologist and three members of staff, the SENCo, the head of year, the form tutor, who is also a special needs teacher as well, a learning mentor.

Not just educational professionals, but other professionals, the health visitor.

Educational psychologists, educational welfare officers, the SENSS team which is special educational needs support service.

Headteachers, psychologists, medical professionals, educational welfare . . . child and adolescent from the health service.

Physiotherapists, specialist teachers, educational psychologists.

Notably amongst these individuals are 'educational psychologists', once more demonstrating the privileging effect of their status as professionals.

The recent discourse of a market force approach to education (Nightingale and Cromby, 1999) has constructed a new identity for parents, that of consumer or purchaser of goods and/or services. In this new identity, parents are expected to take responsibility for their child with SEN and understand that mainstream inclusion is the best way forward, as inclusion is one of the most dominant discourses in contemporary educational policies and practices (Bines, 2000).

At the point of communicating their school preference, by the very act of 'choosing' parents are made to act as individuals in the expression of their preferences. This statement of preference then fixes parents' locations for future reference. If they choose a mainstream school or a school that has been recommended by the LEA, they are defined as individuals who conform to the establishment. Alternatively, parents are constructed as a force to be reckoned with if they have stated their preference for a school outside state control. Those who fail to adhere to the rules are disciplined. The statement is not finalized and parents must enter the process of arbitration or appeal to the SEN tribunal. For many parents, this is fraught with conflict, frustration, expense, and of course the possibility of losing their case. Importantly, in the act of choosing, parents are now highly visible within the panoptic SEN system.

Education administrators are also visible in this process and they are constrained in their subjectivities by perpetual surveillance. They are required by law to seek parental school preference and are therefore made to act in a certain way in perpetuating disciplinary mechanisms and strategies of oppression by pushing towards mainstream school. On occasion of parental dissent, administrators attempt to enforce the dictates of their superiors and require that parents justify their decisions, without, in essence, any prerequisite to accede to their requests.

Alternative subjectivities are always possible. For example, administrators need not necessarily act as puppets of governmental control. Instead, they may take on other positions from which to act, but essentially, there are two subject positions or ways of being from which education administrators may speak. First, the position of spokesperson for central government, and second the position of rebel or mutineer, when they are seen to challenge the disciplinary power of the SEN panopticon from within its own periphery.

Foucault (1977) asserted that power is automatic within the panopticon and that anyone may be placed anywhere within the system without affecting its mechanism of power. However, Moffatt's (1999) analysis showed how some workers within the social welfare office sometimes made concerted attempts to disrupt or counterbalance the effects of the panopticon by developing their own strategies of power. This shows how personal judgements in decision-making may contribute to counterbalancing the power effects of a panoptic system, the function of which may be to fundamentally offset any sites of tension or conflict within everyday work.

Power is always dynamic and its relations appear to shift within SEN teams. Tasks are often uncertain and ambiguous as each child is essentially different from others with particular learning needs to be addressed. Sometimes agreement of problem definitions (and particularly their solutions) requires extensive, active communication and negotiation between administrators. In addition to this, the client/service-provider relationship takes on a special significance to administrators; solutions to problems need to be accepted by parents in order to achieve a satisfactory course of action and expeditious conclusion. In this respect, power may shift hierarchically from the authority's management of its employees to the SEN administrators themselves. Education administrators are therefore able to construct (to a large extent) their own work methods in order to achieve the desired end. Managerial control is focused more on the outcome of decisions, rather than on the work process itself, which is left to the workers.

One example of the ways in which administrators are seen to determine their own methods may be evidenced in the following extracts of an interview with an administrator talking about the construction of a statement and the notice that is issued to parents with the statement:

If you look at the new regulations, at the wording of the letter that we're supposed to send out with a proposed statement, I'm horrified at having to write my letters like that. Horrified.

It doesn't mean to say it's got to be exactly like that, but 'prescribed by regulations' means it's got to be pretty close to it, and it's the same with your letters and your notices. You issue a notice and the notice is that which is prescribed by regulations in appendix 2 or schedule or whatever, and we look at that and think this is what we've got to do, right, and the first time we did that with the '93 Act, I took a copy of it and I cannibalised it. I messed about with it, I took chunks out, I put chunks in, I changed the wording, and said I'm not saying it like that. I'll say the same thing but I'm not saying it like that. I'm not saying, 'this authority hereby issues a notice under section so-and-so, so-and-so and so-and-so', but I'm not saying that. We say the right things, but we say it in a different way.

Whatever the legislation says, and I still believe this, whatever the legislation says, you can do what the hell you like, as long as the parents are with you.

This respondent spoke passionately and at length about the way in which regulations must or should be followed, and the subsequent outrage and defiance is clearly evident in the use of 'horrified' and the often repeated 'I'm not saying'. The regulations have been accepted only in principle, with this individual constructing a different version of a letter that would be more acceptable, to both the administrator and parents alike. This is seen as a self-developed strategy of power integral to resisting or counterbalancing the effect of the panopticon. One further succinct example of how administrators explain their resistance to authority is shown in the following: 'Well certainly I'm not a one to follow legislation'.

This analysis has therefore provided evidence that education administrators and parents alike may resist the disciplinary power of the SEN panopticon, either overtly or covertly. Such resistance may be seen to constitute a powerful challenge to the system itself.

Foucault warned against an analysis that equates power with repression, and argued that power itself may be positive and creative (Foucault, 1977). Hence the effects of the SEN panopticon can also be useful and effective. Some determined parents who may be particularly politically minded, articulate, middle class and who are therefore able to exercise strength in their argument can, within this

system, overcome, or at the very least match the power exercised by the administrator.

In effect, they have created the possibility for a new subject position from which parents may actively challenge the panoptic system of SEN administration. This subject position is seen to spearhead the challenge in such a way as to foster contestations from many cells of the periphery of the panopticon, with branches that spread out in many directions to many sites of resistance. Parents may challenge decisions unilaterally or collectively, at a local level or national level, but each separate dispute creates a controversy within the system that permeates through all areas of the panopticon. The data confirm this: 'Now the ones who are winning are likely to be the most articulate, pushier parents'.

From a Foucauldian standpoint, meaning is never fixed and a process of 'transcoding' (Hall, 2001) might serve to reverse the negative stereotype of the more articulate, middle-class, pushier parent, transforming it instead into an enlightening, liberating, empowering subject position.

In such scenarios, parents are seen to actively challenge the panoptic structure/system of special education by explicitly contesting its mechanism of power and it is here that other subjectivities of both parties may be possible. For example, it is possible that the subject positions of administrators become less powerful against the weight of parental subject positions that become more powerful:

Whatever the contribution made by philanthropy and philosophy, the substantial administrative changes . . . [to education and special education will] . . . be enacted by the Government only when the scales . . . [are] . . . tipped into necessity by the weight of social, economic and political pressure. (Ford et al., 1982: 22)

The analysis here suggests that substantial administrative changes may not be too distant, due to the upsurge of parental pressure groups which may certainly be seen to tip the social and political scales in their favour. Economic change is, however, harder to effect and is currently seen to maintain the status quo regarding school choice. Special education provision in this country is undergoing very many rapid changes, and increased parental involvement in the system should encourage more and more parents to actively seek the best for their child.

Conclusion

This article has explored the way in which school choice, as a crucial area of social policy and practice, is inextricably linked to disciplinary power. Missing from the analysis is a discussion of the constraints imposed by a lack of resources on administrative outcomes. This was intentional, given that the most frequent justification for refusal of school placement was the 'inappropriate use of resources', or 'such a placement is too expensive', or 'a diversion of resources away from other needy children'. In other words, from a discourse of 'fiscal justification', it was clear that underlying institutional financial planning was a deeper, more all-embracing discourse of power which needed to be explored and explained. Lack of resources on the ability of frontline workers to adequately perform their duties may be found in any educational, health or administrative journal and it was the intention throughout this analysis to avoid a discourse of 'fiscal justification' and to explore instead issues of power and 'choice' in depth.

A Foucauldian analysis has therefore shown how the SEN system is tantamount to a panoptic structure of disciplinary power. In answering the research question, the analysis has provided an alternative understanding of how power affects the discourse of 'choice' for parents of children with SEN by demonstrating that choice is merely an illusion. It is hoped that such an understanding, particularly an understanding of how language is used to construct powerful/powerless subject positions, might enable administrators to take an alternative approach to decision-making, to view each child as an unpathologized individual, to assess, statement and review in a more meaningful manner to the family concerned, thereby avoiding, resisting or contesting disciplinary practices. Within the statementing process, education administrators might be more able to clearly understand the child's appropriate educational, psychological and social needs, thus leading to a school placement considered by the child's parent(s) to be the most suitable. In turn, the balance of power would shift more than ever before in favour of parents and the discourse of 'choice' might then be constructed as more of a reality for parents.

To conclude, this article has suggested that education administrators are enmeshed within a system of disciplinary power, being so

positioned as to discourage absolute parental choice. However, the multiplicity of parental voices opposed to such power relations challenges the panoptic system of SEN and may yet be seen to break the system. In addition, by adopting alternative working practices and by reframing bureaucratic jargon into user-friendly, understandable language, education administrators may further challenge the system. It is in this vein that the foregoing analysis aims to create in parents, administrators and all in the field of educational and child welfare a desire to forge links in the chain that will ultimately lead to breaking the disciplinary power of the SEN panopticon. Discursive power becomes visible once one knows what to look for, and, once this happens, equality of power within a discourse of 'choice' might then be seen to contribute to social inclusion. It remains to be seen just how resistant the SEN panopticon will become in the face of such opposition.

Notes

1. A social constructionist version of grounded theory essentially posits that, since language is the foremost medium of communication, then language has the power to construct objects, people and events. Data from the interviews were viewed as co-constructed by the interviewer and the respondent at the point of interaction.
2. Materiality in this sense pertains to the tangible artefacts made available to education administrators in the context of their working space and practices. For example, the space they occupy and the furniture and equipment at their disposal.

References

- Bagley, C., Woods, P.A. and Woods, G. (2001) 'Implementation of School Choice Policy: Interpretation and Response by Parents of Students with Special Educational Needs', *British Educational Research Journal* 27(3): 287–311.
- Ball, S.J. (1990) 'Introducing Monsieur Foucault', pp. 1–8 in S.J. Ball (ed.) *Foucault and Education: Disciplines and Knowledge*. London: Routledge.
- Barnes, C. and Oliver, M. (1993) *Disability: A Sociological Phenomenon Ignored by Sociologists* [<http://www.leeds.ac.uk/disability-studies/archiveuk/Barnes/socphenomenon.pdf>]. Accessed 20 May 2001.

- Billington, T. (1996) 'Pathologising Children: Psychology in Education and Acts of Government', pp. 37–54 in E. Burman, G. Aitken, P. Alldred, R. Allwood, T. Billington, B. Goldberg, A.G. Lopez, C. Heenan, D. Marks and S. Warner (eds) *Psychology Discourse Practice: From Regulation to Resistance*. Exeter: SRP Ltd.
- Billington, T. (2000) *Separating, Losing and Excluding Children: Narratives of Difference*. London: RoutledgeFalmer.
- Billington, T. (2002) 'Children, Psychologists and Knowledge: a Discourse-analytic Narrative', *Educational and Child Psychology* 19(3): 32–41.
- Bines, H. (2000) 'Inclusive Standards? Current Developments in Policy for Special Educational Needs in England and Wales', *Oxford Review of Education* 26(1): 21–33.
- Carabine, J. (2001) 'Unmarried Motherhood 1830–1990: a Genealogical Analysis', pp. 267–310 in M. Wetherell, S. Taylor and S.J. Yates (eds) *Discourse as Data: A Guide for Analysis*. London: SAGE.
- Charmaz, K. (1990) "'Discovering" Chronic Illness: Using Grounded Theory', *Social Science and Medicine* 30(11): 1161–72.
- Charmaz, K. (1995) 'Grounded Theory', pp. 27–49 in J.A. Smith, R. Harre and L. Van Langenhove (eds) *Rethinking Methods in Psychology*. London: SAGE.
- Charmaz, K. (2000) 'Grounded Theory: Objectivist and Constructivist Methods', pp. 509–35 in N.K. Denzin and Y.S. Lincoln (eds) *Handbook of Qualitative Research*. Thousand Oaks, CA: SAGE.
- Covaleskie, J.F. (1993) *Power Goes to School: Teachers, Students and Discipline*. Northern Michigan University [http://www.ed.uiuc.edu/EPS/PES-Yearbook/93_docs/COVALESK.HTM]. Accessed 24 November 2003.
- DfE (1996) *Education Act*. London: HMSO.
- DfEE (1998) *SEN: Excellence for All Children: Meeting Special Educational Needs*. Suffolk: Department for Education and Employment.
- DfEE (2000) *Educational Psychology Services (England): Current Role, Good Practice and Future Directions*, Report of the Working Group. London: Department for Education and Employment.
- DfES (2001) *Special Educational Needs: Code of Practice*. London: Department for Education and Skills.
- DfES (2004) *Removing Barriers to Achievement: The Government's Strategy for SEN* [<http://www.teachernet.gov.uk/wholeschool/sen/strategy/>]. Accessed 26 February 2004.
- Finch, J. (1984) *Education as Social Policy*. New York: Longman.
- Ford, J., Mongon, D. and Whelan, M. (1982) *Special Education and Social Control*. London: Routledge.
- Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.

- Foucault, M. (1988) 'Social Security', pp. 159–77 in L.D. Kritzman (ed.) *Michel Foucault: Politics, Philosophy, Culture, Interviews and Other Writings, 1977–1984*. New York: Routledge.
- Fraser, N. and Gordon, L. (1994) 'A Genealogy of Dependency: Tracing a Keyword of the US Welfare State', *Signs: Journal of Women in Culture and Society* 19(2): 309–36.
- Hall, S. (1997) 'The Work of Representation', pp. 13–64 in S. Hall (ed.) *Representation: Cultural Representations and Signifying Practices*. London: SAGE.
- Hall, S. (2001) 'Foucault: Power, Knowledge and Discourse', pp. 72–81 in M. Wetherell, S. Taylor and S.J. Yates (eds) *Discourse Theory and Practice: A Reader*. London: SAGE.
- Kendall, G. and Wickham, G. (1999) *Using Foucault's Methods*. London: SAGE.
- Kenway, J. (1990) 'Education and the Right's Discursive Politics: Private versus State Schooling', pp. 167–206 in S.J. Ball (ed.) *Foucault and Education: Disciplines and Knowledge*. London: Routledge.
- Kitchen, R. (1998) "'Out of Place", "Knowing One's Place": Space, Power and the Exclusion of Disabled People', *Disability and Society* 13(3): 343–56.
- Lee, T. (1996) *The Search for Equity: The Funding of Additional Educational Needs Under LMS*. Aldershot: Avebury.
- Liotard, J.F. (1986) *The Postmodern Condition*. Manchester: Manchester University Press.
- McIntosh, P. (2002) 'An Archi-Texture of Learning Disability Services: the Use of Michel Foucault', *Disability and Society* 17(1): 65–79.
- McKinlay, A. and Starkey, K. (1998) 'Managing Foucault: Management and Organisation Theory', pp. 1–13 in A. McKinlay and K. Starkey (eds) *Foucault, Management and Organisation Theory: From Panopticon to Technologies of the Self*. London: SAGE.
- Marshall, C. and Rossman, G.B. (1999) *Designing Qualitative Research*. London: SAGE.
- Marshall, J.D. (1990) 'Foucault and Educational Research', pp. 11–28 in S.J. Ball (ed.) *Foucault and Education: Disciplines and Knowledge*. London: Routledge.
- Moffatt, K. (1999) 'Surveillance and Government of the Welfare Recipient', pp. 219–45 in A.S. Chambon, A. Irving and L. Epstein (eds) *Reading Foucault: For Social Work*. New York: Columbia University Press.
- Nightingale, D. and Cromby, J. (1999) *Social Constructionist Psychology: A Critical Analysis of Theory and Practice*. Buckingham: Open University Press.
- Oliver, M. (1996) *Understanding Disability: From Theory to Practice*. London: Macmillan.

- Owens, M. (2000) 'Parents of Children with Cerebral Palsy: Their Experiences and Perspectives of Conductive Education', unpublished doctoral thesis, University of Wolverhampton.
- Paige-Smith, A. (1997) 'The Rise and Impact of the Parental Lobby: Including Voluntary Groups and the Education of Children with Learning Difficulties or Disabilities', pp. 41–54 in S. Wolfendale (ed.) *Working with Parents of SEN Children after the Code of Practice*. London: David Fulton.
- Parker, I. (1992) *Discourse Dynamics: Critical Analysis for Social and Individual Psychology*. London: Routledge.
- Rose, N. (1989) *Governing the Soul: The Shaping of the Private Self*. London: Routledge.
- Rose, N. (1998) *Inventing Ourselves: Psychology, Power and Personhood*. Cambridge: Cambridge University Press.
- Smith, J.A. (1995) 'Semi-structured Interviewing and Qualitative Analysis', pp. 9–26 in J.A. Smith, R. Harre and L. Van Langenhove (eds) *Rethinking Methods in Psychology*. London: SAGE.
- Taylor, S. (2001) 'Locating and Conducting Discourse Analytic Work', pp. 5–48 in M. Wetherell, S. Taylor and S.J. Yates (eds) *Discourse as Data: A Guide for Analysis*. London: SAGE.
- Willig, C. (1999) *Applied Discourse Analysis*. Buckingham: Open University Press.

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