

**FROM INCLUSIVE LAWS TO SOCIAL PRACTICES WITHIN A SOCIETY FOR ALL**

***DAS LEIS INCLUSIVAS ÀS PRÁTICAS SOCIAIS NO ÂMBITO DE UMA SOCIEDADE PARA TODOS***

***DE LEYES INCLUSIVAS A PRÁCTICAS SOCIALES EN EL ÁMBITO DE UNA SOCIEDAD PARA TODOS***

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**ABSTRACT:** The present article attempts to present some factors that subsidize the construction of a society for all, in which less social inequality is observed and where people with disabilities can exercise their role as citizens, moving from a segregated life to an active, social, participative life. The Brazilian Law of Inclusion or Statute of Persons with Disabilities of 2016 gave legal and constitutional apparatus to such visions, making the struggle for inclusive social actions an ideological struggle, of attitudinal actions. Inclusion of all must overcome exclusion barriers. This struggle exists and persists so that people with disabilities, those suffering from racist, religious, sexual, linguistic, cultural or social prejudices may have the same opportunities for development and social practice as those who do not.

**KEYWORDS:** Inclusive laws. Social practices. Society for all.

**RESUMO:** *O presente artigo busca apresentar alguns fatores que subsidiam a construção de uma sociedade para todos, em que haja menos desigualdade social e que as pessoas com deficiências possam exercer seu papel de cidadão, passando de uma vida segregada a uma vida ativa, social, participativa. A Lei Brasileira de Inclusão ou Estatuto da Pessoa com Deficiência de 2016 deu aparato legal e constitucional a tais visões, fazendo com que a luta por ações sociais inclusivas sejam uma luta ideológica, de ações atitudinais. A inclusão de todos deve transpor as barreiras da exclusão. Essa luta existe e persiste para que as pessoas com deficiências, as que sofrem preconceitos de ordem racista, religiosa, sexual, linguística, cultural ou social possam ter as mesmas oportunidades de desenvolvimento e de prática social daqueles que não sofrem tais situações.*

**PALAVRAS-CHAVE:** *Leis inclusivas. Práticas sociais. Sociedade para todos.*

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**RESUMEN:** *El artículo busca presentar factores que ayudan la construcción de una sociedad para todos, en la que haya menos desigualdad social y que las personas con deficiencias puedan ejercer papel ciudadano. El estudio se estructuró en una investigación cualitativa documental, que proporcionó el apoyo científico para la profundización del estudio de la historia de personas con deficiencias físicas, su aceptación e inclusión social. La Ley Brasileña de Inclusión de 2016 dio aparato legal y constitucional a tales visiones, haciendo que la lucha por la inclusión persista para garantizar que las personas con deficiencias, que sufren diversos tipos de discriminación tengan las mismas oportunidades de elecciones y de práctica social de aquellos que no sufren tales situaciones.*

**PALABRAS CLAVE:** *Leyes inclusivas. Prácticas sociales. Sociedad para todos.*

## Introduction

Throughout history, Brazil has undergone changes in the economy and in politics that have directly or indirectly influenced culture, education, and life in society. These factors gradually came into the 21st century, building a new Brazilian political, economic, social and cultural lifestyle.

Within this social context, differences in social classes, excluding a certain part of the population, also increased. Due to such discrepancies that manage these differences, appeared social groups that do not accept the processes of exclusion that prevent them from exercising their role as citizens. Thus, the term social exclusion:

[...] it began to be used in France, in the 1960s, as a way of referring, in an imprecise way, to problems of poverty. Since the 1980s, European countries have seen an increase in the number of people who are in a precarious situation, a “new poverty” - the fourth world - or the third world within the first. This “new poverty” is characterized by structural unemployment, the concentration of the population on the outskirts of large cities, the lack of employment and, particularly for people, migratory problems, homelessness, etc. (RICHARDSON, 2009, p. 24, our translation).

To alleviate such situations, inclusion laws arise, through a lot of struggle from the population that suffers daily the consequences of social exclusion. Legal documents, decrees, among others, appeared in Brazil in slow and gradual steps. Until the arrival of the present day, there were many clashes that focused on building a society in which everyone could enjoy their rights and duties.

Law No. 13,146/2015 - Brazilian Law for the Inclusion of Persons with Disabilities (Statute for Persons with Disabilities) - was a milestone in the history of struggle and rise for the Brazilian people who suffer from exclusionary attitudes in society. This law aims to ensure

and promote, on equal terms, the exercise of fundamental rights and freedoms by people with disabilities, aiming at their social inclusion and the citizenship of all.

It is the first time that the country approves a law that, while complementing the previous ones, supports and details in its articles the rights and duties of people who feel excluded in society, being able to fight and seek for their autonomy as a Brazilian citizen.

What a certain portion of the Brazilian population still lives today runs through the time of a setback filled with dominant ideology, watered by hegemonic groups of national and international powers that did not emphasize the issues of inclusion, in building a society for all, compromising, above all, the lives of people with disabilities.

We are the fruits of the house called Brazil but germinated with international “ideologies” that make us prisoners. People with disabilities, who live excluded or segregated in society, under a view of abandonment, incapacity and intolerance must be able to fight with more property and within the law so that their rights are fulfilled.

The union between entities, social groups, NGOs strives for people who do not feel welcomed in society to have a better quality of life, with respect, dignity, and love for others. So, we can say that:

[...] the right emerges as something that needs to be built collectively, not only in terms of meeting basic needs, but of access to all levels of existence, including the most comprehensive, the role of man in the universe. However, there are countless subjects who remain excluded from citizenship, either in Brazil or in the world (SANTIAGO; RAMOS; RICHARDSON, 2009, p. 172, our translation).

Social movements, over the years, have been fighting for people to be included and this is an international issue, mobilizing events that, with one voice, aim at valuing these people in society. The Salamanca Declaration/1994 made it possible for more than 90 countries to express what they were feeling, how they were being treated in society and how they wanted changes to take place for a society for all.

In continuation of the broad vision presented, it is clear that we live under the ideological domination of a group of power that struggles to control the country's socio-political-economic organizational relationship. In order for the inclusion of all to happen, the construction of a less excluding society requires the active participation of social movements that fight against social exclusion, allowing an opening to other perspectives: the valorization of the human being's capacity to realize and relate with the social environment without undergoing discriminatory actions.

We know that the role of education enables a logic that is structured, in the formation of the popular strata, in a bias of possibilities and paths to be chosen, regardless of their limitations. Like this:

Education is a space for struggle and conciliation. It serves as a representative and as an arena for greater battles over what our institutions should do, who they should serve and who should make these decisions. And despite this, it is in itself one of the biggest arenas in which resources, power and ideology specific to politics, finance, curricula, pedagogy and evaluation in teaching are debated (APPLE, 2003, p. 42, our translation).

We live in a society under the proposals for changes that never left the paper. In which existing laws have never been complied with, making it difficult for people with disabilities to access and remain in society.

In order for Brazil to develop in a society for all, I highlight two fundamental points: education as a tool that enables respect for others to be achieved; the appreciation of each social group that feels excluded in society; and the second point would be the breaking, as a whole, the architectural barriers that surround the places where the citizen lives. That education be part of the scenario of a critical dialogue, open to the current socio-political-economic conjunctures that underlie our country.

We fight for a new nation, conscious, critical of the proposition that concerns the country, of the universal identity of efficiency, of the inclusion and participation of all. We can, at a certain point, be contradictory beings, but that, in this well of contradiction, we can also be subjects, offering mechanisms that enable the interaction of all.

### **Inclusive laws in the 21st century social context**

We have fought for centuries until the arrival of a law that in fact contemplated, in detail, the rights of people with disabilities. We fight so that the laws can be complied with and that the power of politics does not influence the form of structure of a society for all. The text of the Federal Constitution 1988, in response to the concerns of civil society, ensured, in Articles 205 and 206, that:

Art. 205. Education, the right of all and the duty of the State and the family, will be promoted and encouraged with the collaboration of society, aiming at the full development of the person, their preparation for the exercise of citizenship and their qualification for work.

Art. 206. Education will be given based on the following principles:

I - equal conditions for access and permanence at school;

- II - freedom to learn, teach, research and disseminate thought, art and knowledge;
- III - pluralism of ideas and pedagogical concepts, and the coexistence of public and private educational institutions;
- IV - free public education in official establishments (BRASIL, 1988, our translation).

The text brings education as a social right, as a right of all and as a duty of the State and the family. Allied to this, there was also a discussion about the need for teacher formation in multiple dimensions, personal, historical, political and social, so that it will serve society as a whole.

The society of the 21st century is experiencing a new phase of changes and growth, and the laws conquered over the years in Brazil stand out for a society in which differences are less inhuman. In the text of the 1988 Constitution, in article 205, an education that contemplates the right of all is addressed and the State must propose such rights. This fact happened due to the desire of civil society, which called for more comprehensive proposals, which envisioned education as a social right, allowing more strength to the movements in favor of inclusion. But after all, what would inclusion be?

For a better understanding of the issue, we will try to analyze and decipher the term “inclusion” as being an action, an attitude, the beginning of an acceptance of others as they present themselves, act, relate, express themselves. Inclusion is accepting the other as he is, without objection:

Regarding the daily practices of freedom, we are both authorized and constrained. At one level, we are taught that there are types of desires that the group considers acceptable and achievable. Appropriate ways of acting, speaking, dressing and behaving in general provide the necessary guidance for the ease in the lives of the groups of which we are a part. So, we judge ourselves according to expectations and our self-esteem is established according to that judgment. These advantages, however, are easily transformed into problems, when we venture beyond those expectations and are in an environment in which different desires are promoted (BAUMAN, 2010, p. 37, our translation).

A look, a gesture, an attitude, an action, the existence of a dilemma between inclusion or exclusion. Such facts suffice to cause an embarrassment, a humiliation, an attitude that pejoratively differentiates the human being, which leads to exclusion. Exclusion comes into existence when we start to separate people due to any fact that deviates from the standards determined by a certain society. Given this perspective, in a democratic society there should be no such precepts.

The struggle for inclusion exists because exclusion first existed, the suffering that in many cases led to someone's death, illness and sadness. This struggle will exist as long as there are people in society trying to excel at the expense of others, planting disrespect, dishonesty, attitudes that favor the sufferings of the subordinate classes, of marginalized people. So, we can say that:

The practice of social inclusion rests on principles hitherto considered unusual, such as: the acceptance of individual differences, the appreciation of each person, the coexistence within human diversity, learning through cooperation (SASSAKI, 2010, p. 40, our translation).

It is in face of this social context that the current society is anchored, formed. But the struggle for inclusion has been gaining ground and enabling the creation and implementation of laws that favor the inclusion of all, breaking with rejection attitudes and allowing the construction of new looks, new perspectives on life in society.

It is within this dichotomy between acceptance and rejection, existing in 21st century society, that the Brazilian Inclusion Law/2016 aimed to de-characterize this type of society, addressing themes and reinforcing the inclusion of everyone as rights to be fulfilled and exercised by all in society.

### **The struggle for inclusive social actions**

The social context of the 21st century permeates the structure of a society whose citizens struggle for their space and more severe, more comprehensive inclusion laws. The 2016 Brazilian Inclusion Law or Statute for Persons with Disabilities presents a legal and constitutional framework for such visions, making the struggle for inclusive social actions an ideological struggle of attitudinal actions. Thus,

inclusion is a process that aims, primarily, at independence, autonomy and empowerment of individuals, understanding empowerment as the use of personal power to make choices and make decisions (RODRIGUES, 2016, p. 113, our translation).

In this sense, the fight for inclusive social actions fosters discourse based on contemplating the laws and practices of civil society as a confrontation permeated with attitudes that favor the acceptance of everyone in society. But, unfortunately, this is not what happens:

In practice, it appears that many of these people are coldly eliminated from the possibility of an active participation in society, due to material obstacles that, by the way, should have already been eliminated under the terms of arts.

227, §2, of the CF/1988, art. 2, V, 'a', of Law No. 7,853, of 24 October 1989, as well as Law 10,098, of 19 December 2000, which establishes general rules and basic criteria for the promotion of accessibility for people with disabilities with reduced mobility, determining the overcoming of barriers and obstacles in public roads and spaces, urban furniture, construction, renovation of buildings, means of transport and communication (RAMOS; RICHARDSON, 2009, p. 156, our translation).

In a way, there is no point fighting for laws or formal documents that favor inclusion. We fight for the construction of a “new” society that has inclusive attitudes, and these first inclusive actions are a learned attitude. We learn to have inclusive attitudes in personal and interpersonal relationships, in dealing, in accepting what is believed to be different. It is through the inclusive actions of these people that we will build a society for all.

The expressions, the look, the social relations can exclude directly or indirectly. Each social organization has a socio-political-economic-cultural pattern that shapes it, either directly or indirectly. When a person runs away from this pattern, in some cases, he becomes excluded and that needs to change, even because there are already laws that do not allow discriminatory, disrespectful, inhumane attitudes.

When a society has a standard and deviates from that standard, it needs to include. Thus, we can say that exclusionary attitudes make inclusion an attitude that enables collaborative actions for the continuous learning of living with differences within 21st century society.

Life in society is complex, demanding and exhaustive, making it necessary, in the relationships that exist in this way to live, for a balance between respect to the being and to the desire to make both seek to walk in the same harmony, in one rhythm, for one ideal.

## **Final considerations**

The relevance of this theme allows us to reflect more closely on the behavioral attitudes that cause social exclusion for many people. This social exclusion refers not only to people with disabilities, but to any people who escape the standards set by society. In this construction, the religious, family, cultural values that form the identity of a people are included.

The debate regarding the Brazilian Inclusion Law/2016 raises the discussion of the importance of working on social values that make it possible for everyone to be included.

We are experiencing, in the society of the 21st century, and witnessing prejudice attitudes that generate physical aggressions, even causing death. At the same time that there is an advance in technology, in the world of information technology, robotics, there is also a negative advance from the point of view of human presence in the world.



It is important to realize that if we remain in inertia, stagnant, without fighting for a more just and egalitarian society, we will not be able to minimize the differences, remaining in an uneven society. To do this, dealing with difference in a respectful and democratic manner is the best way forward. All of us, in some way, have something different, but that does not allow my difference to become a strong opposition of ideas, systems or rivalry.

What is needed, however, is to seek balance, universalizing a climate that, in order to be created and maintained, demands direction towards the same point, making a convergence of any number of factors. In this perspective, we will build a society for all, in which there are conditions of free choice, decent wages, schools for all and the streamlining of bureaucratic measures that are essential for the smooth functioning of life in society.

Inclusion of all must overcome the barriers of exclusion. So that people with disabilities, who suffer prejudices of a racist, religious, sexual, linguistic, cultural or social nature, can have the same opportunities for development and practice as those who do not suffer from such situations.

21st century society has transgressed the view that we are unique beings. Although it claims the same participation rights, it considers important the participation of being included and being in the world and with the world, overcoming the existing differences.

The article then sought to bring to the debate the differences within society that mark life, the relationships with the other of people who feel excluded, marginalized. Because a person is different, in its broadest aspect, their relationship with the environment has not been easy, but this needs to be overcome in order to become subjects of their own history and achievements.

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