

A Capability Perspective on Impairment, Disability and Special Needs: Towards Social Justice in Education

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Abstract

This paper presents elements of a capability perspective on impairment and disability and refers it to a multidimensional and relational understanding of disability.

It suggests how a capability perspective provides new and fundamental insights to the conceptualisation of impairment and disability as aspects of human diversity. This conceptualisation goes beyond the crucial divide between definitions based on natural or social causal factors used in current discussions on disability and in educational debates.

It argues that the capability approach is innovative with reference to the centrality of human diversity in assessing equality in the space of capability. The specific understanding of human diversity proposed, as well as the democratic decisional process promoted and, finally, the normative dimension entailed, all have the potential to take educational theory and policies -and specifically those concerning inclusive education - in fruitful directions.

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Introduction

Disability and Human Diversity: Nature, Society and Causality

What disability is and how it can be defined in relation to more general considerations of human diversity and personal heterogeneities is a theme common to different disciplines. In particular, recent perspectives in socio-medicine and disability studies, as well as in political philosophy, have all engaged at different levels with the complexity of disability, outlining some of its dimensions with reference to the focus of their internal debates. Socio-medical approaches and disability studies have mainly concentrated their analysis on the definition of disability and on its causal factors and have provided contrasting understandings of what disability is, how it relates to a concept of human diversity and, in turn, to social and political issues. For instance, in their political struggle for equal consideration and equal entitlements and against any reduction of the complexities of disability to biological notions of abnormality, disabled people's movements advocate for the 'celebration of difference', in other words for the positive recognition of disability as part of that inescapable human diversity that so enriches our life experience as well as our society. (See Corker, 1999, Morris, 1991, Shakespeare, 1997, Thomas, 1999, Wendell, 1996) Here the concept of disability as part of human diversity is articulated in terms of differences to be positively recognised, rather than stigmatised and discriminated against. In this sense the debate in disability studies is characterised by the interlocking of a theoretical, definitional level, with a political one, where the provided definition of disability not only subsumes a specific understanding of disability in terms of differences, but proposes also a political perspective based on such definition and on promoting the ideal of an inclusive society.

Conversely, the concept of human diversity, although differently conceived, plays a crucial role in contemporary theories of social justice and, more specifically, in the current debate on equality and distributive justice. Theories of social justice that are mainly concerned with fairness in the distribution of benefits and burdens in society, in fact, address the importance of considering personal heterogeneities in terms of different natural and social endowments. In other words, these theories engage with the questions of what traits constitute a personal advantage or disadvantage, whether it is naturally or socially determined, and how and why personal diversity does or does not have to be accounted for in theories of justice. Within such theories, moreover, human diversity is generally broadly configured in its elements of different age, sex, health and social class. In theories of social justice, disability issues are usually referred to as an individual disadvantage and considered as a further

'complexity' in the already complex framework of a just distribution of benefits and burdens, however defined. Aspects of this debate have also addressed the causal factors of disability, whether natural or social, and mainly so in connection to the evaluation of disability in terms of individual disadvantage within a metric of interpersonal comparison and in relation to concerns for social justice. (See Dworkin, 2000, Nagel, 2002, Rawls, 1971, 2001, Sen, 1992) What is a cause of celebration for disabled scholars and disabled people's movements, ultimately, becomes a matter of concern for political philosophers, and more so for liberal egalitarians.

Notwithstanding this contrasting picture and the diversity of approach to the issue, the debate raises three interrelated questions, which are important both to disability studies and to political theories of social justice. "What is disability and how can we think of it within a concept of human diversity?" "What relevance have the causal factors of disability for a theory of justice?" and "How disability ought to be evaluated and considered with reference to the design of social and political arrangements informed by equality?" are the key issues of the debate. These questions are, in turn, interlocked with two dimensions: a theoretical level of analysis, concerned with definitional and causal issues of disability, and a political level, where the previous considerations are translated into matters of equal entitlements and equal rights for disabled people. Not only, but these questions, and their respective answers, form a fundamental framework for rethinking of impairment, disability and different abilities or special needs within the context of education.

In Part I of the paper I shall address how current models of disability present an unsatisfactory understanding of the complexity of impairment and disability with reference to concepts of human diversity, both at the theoretical and the political level of analysis. Subsequently, in part II, I shall outline how the capability approach brings forward the theorisation of impairment and disability with reference to the elements outlined and to the two levels of analysis identified, in other words, with reference to definitional and causal issues as well as to political ones. Finally, in Part III of the paper I shall apply the capability perspective on impairment and disability to the context of education.

I. Human Diversity and 'Models' of Disability

The current debate on disability is mainly characterised by two contrasting conceptions, or 'models' of disability, each supporting a different understanding and definition of disability in relation to human diversity and each, ultimately, implying

different views on the design of social arrangements and policies aimed at including disabled people. (I have extensively critically analysed the social model of disability in my unpublished paper: “The Social Model of Disability: A Philosophical Critique”)

Biomedical and socio-medical approaches to disability underpin the definitions of the International Classification of Impairments, Disability and Handicaps (ICIDH, 1980, 1997) proposed by the World Health Organisation (WHO). This Classification, based on the distinction among impairment, disability and handicap, defines *impairment* as related to an

Abnormality in the structure of the functioning of the body” whether due to disease or trauma, *disability* as the “restriction in the ability to perform tasks” due to impairment, and *handicap* as the “social disadvantage that could be associated with either impairment and/or disability. (Bury in Barnes and Mercer, 1996, p.22)

This classification establishes a causal relation between individual impairment, seen as departure from human normality, and disability, seen as restriction in abilities to perform tasks. According to it, therefore, causes of disability are attributable primarily to biological individual conditions, conditions departing from normal human functionings and mostly determining the experience of handicap as disadvantage. These definitions, ultimately, not only promote an understanding of disability primarily as individual condition- hence the labelling of ‘individual model’ of disability to this view by disabled people’s movements- but also establish a natural cause related to disability and the associated disadvantage.

An example may clarify this view. According to this model, a visual impairment, being a departure from standard human repertoire, determines a restriction of activity and, consequently, causes disability, which then may result in handicap. Consider, for instance, some forms of congenital blindness. While being a clear departure from human average functioning, this condition determines a restriction in some activities, in that visually impaired people are, for instance, unable to drive, and this inability constitutes a disability, which, in turn, produces a social disadvantage. The latter take the form of the preclusion to perform certain tasks, from everyday ones, like driving the children to school on the way to work, to broader ones, like choosing an occupation, for instance any profession involving a driving activity.

The set of definitions presented by the WHO classification, ultimately, subsumes a conception of human diversity as polarised in the opposition between normality, or normal average human functioning, and abnormality as divergence from this standard. Moreover, normality as functional concept assumes wider connotation of non-normative superiority. Within this view, in fact, disability is referred to as caused

by an individual 'abnormality', linked to certain inabilities in performing tasks and, therefore, to disadvantages. Here, the relational aspect of disability, both to individual impairment and to handicap, is fundamentally grounded on the causal link established between natural impairment and disability, and the resulting disadvantage is attributed primarily to specific individual condition. Consequently, as disabled scholars have repeatedly outlined (Finkelstein, 1980 Oliver, 1990, Shakespeare 1997), disability is considered mainly a matter of treatment and rehabilitation to approximate as much as possible the standardised normality.

This view of disability as abnormality within a concept of normal average functioning has main implications, both at theoretical and at social policy level. At first, in fact, this view appears to yield pragmatic usefulness, in that it determines clearly what constitutes departure from normal functioning and, therefore, seems to provide guidance to social policies through non-problematic categories. Hence the application of the WHO classification for diagnostic purposes both in medical and social policies settings. At a further analysis, however, this approach presents at least three relevant theoretical limitations. First, in fact, in individualising disability, this view downplays social factors. Whether an inability to perform certain tasks does become a disability and, in turn, a handicap, is, in fact, also dependent upon the social structure and the environment in which people find themselves. Thus, the visually impaired person of my previous example would be badly disadvantaged in social arrangements where driving is paramount to achieving other goals and no alternative provision is available. She would, in fact, be unable to take her children to school and would have either to rely on the help and assistance of others or to find an alternative arrangement. On the other hand, the same person would not be as disadvantaged, could different provisions be made available, like accessible and reliable public transportation or a specifically designed service. Furthermore she would not be disadvantaged with respect to the specific activity of driving, in the hypothesis of a society entirely of non-drivers. Secondly, the concept of human diversity implied by this set of definitions *de facto* assumes away wider considerations of diversity in terms of age, sex, general intellectual and physical abilities, social circumstances, climatic differences (Sen, 1992, p.28) and leads to a monolithic assumption of disability as abnormality, in other words, as diversity from a normal condition. In this view, in other words, normality as normal functional concept determines the abnormality of different functionings and understates the other dimensions of human diversity. Thirdly, as sociologists and educationists have suggested, this view may end in a stark separation between normal individuals and

those defined as abnormal, with implications of perverse social and cultural exclusionary ends. In light of many such considerations, the WHO has recently revised the Classification and provided a more circumstantial perspective on Functions, Disability and Health (ICIDH-2 1998). However, since the original classification has had a considerable impact not only in medical settings and is still referred to primarily by disabled authors, this analysis is mainly based on the original Classification and the conception of disability it provides.

Contrasting this conception is the 'social model of disability', which has emerged from the political activism of disabled people's movements and the reflection of disabled scholars on their own experience. Mainly theorised by the disabled scholar Michael Oliver, the social model plays a major role in Disability Studies and is fundamental in informing current positions of disabled people's movements. In Oliver's account the social model "does not deny the problem of disability but locates it squarely within society." (Oliver, 1996, p.32) Basically, Oliver sees disability as something imposed to disabled people on top of their impairment by oppressive and discriminating social and institutional structures. Thus, according to the social model,

Impairment is defined as "lacking part or all of a limb, or having a defective limb, organ or mechanism of the body; and *disability* is the disadvantage or restriction of activity caused by a contemporary social organisation which takes no or little account of people with impairments and thus excludes them from participation in the mainstream of social activities. (Oliver, 1996, p.22)

Disability, therefore, "is all that imposes restrictions on disabled people" and, as such, "disablement is nothing to do with the body" (Oliver, 1996, p.35) but is instead caused by the oppression of social and economic structures on impaired individuals.

Aim of the social model of disability is to redress both, sources and causes of disability, from individual, natural differences, to social arrangements, and to deny any theoretical legitimacy to the notions of normality and abnormality. According to this view, in fact, disability is caused by social structures, which, modelled on the concept of human average functioning, take no account of impaired people, thus ultimately causing disability. Here, therefore, the causal link established directly connects society to disability, the latter seen as an imposed restriction added to existing impairments. Moreover, normality, in Oliver's words, "is a construct imposed on a reality where there is only difference", (Oliver, 1996, p.88) or, in other words, social model theorists oppose any idea of normality, which they consider ideologically constructed with the aim of controlling and excluding disabled people from the mainstream of social institutions.

Let's reconsider now the example of visual impairment according to the social model framework. The visually impaired person experiences disability as related to the restrictions imposed by economic and social structures, which, in providing only for sighted people do exclude visually impaired people from the mainstream of social activities. Thus, according to this understanding, the disability experienced by the visually impaired person, would be caused by the fact that society is designed on the basis of an average – consequently restricted – idea of normal human functioning, which, in fact, actually does not provide for visually impaired people, preventing them from undertaking a wide range of activities, from very basic to more complex and fulfilling ones.

The social model of disability has set the foundations of the debate in Disability Studies. The debate initiated by Oliver, in fact, has developed into a multifaceted and critical analysis of the concept of human diversity and of disability by disabled authors. Against concepts of normality and abnormality, in fact, recent positions by disabled scholars (Morris, 1991, Wendell, 1996, Thomas, 1999) have presented disability in terms of difference and have promoted the celebration of disability as difference, in other words, as an aspect of human diversity. Disabled feminist scholars like Wendell and Morris, for instance, while acknowledging the cultural and social aspects in the constructions of ideas of normality and abnormality, nevertheless reintroduce to the debate on disability considerations related to the individual condition of impairment, with its biological dimension and its effects in terms of restrictions of activity, pain and illness. Thus Wendell “appears to accept that there are some biological differences which really do set some bodies apart from others” (Thomas, 1999, p.105) and Morris argues,

(w)e are different. We reject the meanings that non-disabled world attach to disability but we do not reject the differences that are such an important part of our identities. (Morris, 1991, p.17)

In asserting the importance of disability as part of human experience, both these authors, and with them others (Corker, 1999, French 1993), reclaim the value of disability as difference and advocate for the social and cultural celebration of differences. The latter, in turn, implies advocating for an inclusive society with no social, economic or cultural barriers to participation, a society characterised by policies promoting the value of difference.

This view of disability as difference within a broad concept of human diversity “where there is only difference”, and where normality is seen as an ideological construct, has the political force and the legitimacy of being the expressions of disabled people's reflection, experience and political aims, thus of representing primarily their voice.

However, beyond the political appeal and the constant reminder of the moral importance of this debate, the social model of disability presents evident theoretical limits, which ultimately end in problematic conclusions. There are three main implications that suggest the inappropriateness of the social model both theoretically and in promoting the value of an inclusive society. Firstly, there is an aspect of over-socialisation of sources and causes of disability. In stating that disability is indeed a restriction of activity caused by discriminating economic and social structures, the model over-socialises the reality of disability. It is difficult to see, in fact, how the inability of a blind person to read non-verbal cues can be ascribed to a social condition. Secondly, in so doing the model overlooks the complex dimension of impairment and its effects on activities and abilities, thus on disability. There are, in fact, aspects of pain, fatigue and sometimes illness related to certain impairments, and these aspects play a role in the lives of disabled people, which are not accounted for by the social model. Finally, while promoting the celebration of disability as difference and in denying any legitimacy to the idea of average human functioning, the social model reaches untenable conclusions. In fact, if we reject the idea of normality as guiding concept, how would we evaluate impairment and disability? Would any functioning or non-functioning be considered equally in a social model of disability? And in that case, what would then constitute impairment and what disability? Moreover, in promoting the celebration of difference in the absence of a clear definition of what difference means and how it has to be evaluated, the social model loses sight of the specific dimension of impairment and disability. Ultimately, the category of difference appears theoretically ambiguous and presents limits to its use as guiding principle informing social policies. Consequently, the social model fails to address disability in a theoretically coherent way and in a politically feasible approach.

It appears therefore evident that both, individual and social models of disability present theoretical limits which act as constraints on the appropriateness of these models to inform policies aiming at equal entitlement and equal consideration for disabled people. I maintain that the individual model of disability, in locating causes of disability as inherent to natural individual factors, and in establishing a causal relation between the latter and disability, downplays the relational character of disability with respect to its social dimension. Moreover, in considering human diversity through the polarised concepts of normality and abnormality, the individual model misses out more complex and relevant dimensions of human diversity. This model, ultimately, suggests social policies aimed more at the adjustment of the

individual person than oriented at social changes and may lead to policies unilaterally informed by concepts of assistance rather than principles of equal entitlement. Conversely, the social model, in seeing disability as caused solely by social arrangements ends up over socialising causes and misplacing responsibilities of impairment and disablement. Furthermore, in proposing disability as an aspect of difference within human diversity, the social model under-specifies what difference is and leads to a proposal that is more rhetorical than substantial. Finally, both models, in agreeing on a definition of disability as generic restriction of activity, fail to provide a workable definition of disability, and specifically a definition apt to inform the principles on which to design inclusive, thus more just, institutional and social schemes.

These limits point in the direction of a different approach to conceptualising the complexity of impairment and disability, namely towards an approach which considers disability as a specific variable of human diversity and evaluates its impact on the reciprocal positions of individuals within institutional and social arrangements. The capability approach, developed by Amartya Sen and Martha Nussbaum, offers a theoretical framework for rethinking impairment and disability as aspects of human diversity and within which to assess their relevance and their weight in designing just, thus inclusive institutional and social arrangements. In part II of this paper I shall address what the capability approach has to offer to our understanding of impairment and disability.

II. A Capability Perspective on Impairment and Disability

Sen's Capability Approach: Human Diversity and Disability

Sen has developed his capability approach throughout his work and mainly by engaging with two different debates. On the one hand, his priority in theorising the capability approach is to provide a more accurate and alternative framework for the conceptualisation of human development and for the analysis and assessment of poverty, than the ones commonly used in welfare economics and unilaterally based, for instance, on income generation or income distribution.

On the other hand, in examining poverty, inequality and their relation to social arrangements, Sen's work critically engages with the philosophical debate on equality, and, more precisely, with the liberal egalitarian debate, and offers a specific perspective on how to think of equality in its distributive meaning. In his monograph *Inequality Reexamined*, Sen maintains that while equal concern for individuals in

social arrangements is central and common to various egalitarian views (1992, p. IX), the differentiating elements within these views consist in the kind of equality each position is trying to promote.

The capability approach is a complex and compelling answer to the question 'equality of what' (1992, p.1), and in developing his perspective on equality Sen provides a framework of thought which, I argue, offers also new and important elements for a reconsideration of impairment, disability and inclusion. This has implications, both theoretically, for redefining impairment and disability, and operationally, for the design of social policies where issues of inclusion are fundamental moral issues. Since this understanding is not a straightforward reading of Sen's approach, however, in what follows I shall selectively present some concepts of the capability approach and then subsequently critically engage with them by showing how they can inform a capability perspective on impairment and disability. Let's now proceed, first, with some key concepts of the capability approach, which can inform a perspective on disability, namely: the space of capability, the informational basis of the metric used in interpersonal comparisons and, finally, the democratic decision process entailed by the approach.

Sen develops his capability approach as a framework in which to reconsider what social arrangements should aim to equalize, therefore in which to reconsider the 'equality of what' question, and he maintains that closely linked to this central question are two fundamental issues: firstly, the choice of the evaluative space in which to assess equality and secondly, the metric that should be used in comparing people's relative advantages and disadvantages.

Sen's approach identifies the evaluative space for the assessment of inequality and, conversely, for determining what equality we should seek, in the space of the freedoms to achieve valuable objectives that people have, that is, in the space of capability. Rather than aiming at equalizing resources or welfare, Sen argues that equality should be defined and aimed at in terms of the capability each individual has to pursue and to achieve well-being, i.e. to pursue and enjoy states and objectives constitutive of her or his well-being, and therefore valuable. Thus, the capability approach delimitates a space for the assessment of individual well-being and the freedom to achieve it.

Within this space, Sen distinguishes functionings and capabilities. Functionings are defined as 'beings and doings constitutive of a person's being', such as being adequately nourished, being in good health, being happy and having self-respect, or

taking part in the life of the community. (1992, p.39) Achieved functionings are the specific functionings that a person has accomplished and realised at any given time. (Alkire, 2002, p.6) Since functionings are constitutive of a person's being, according to Sen, "an evaluation of a person's well-being has to take the form of an assessment of these constitutive elements." (1992, p.39)

Capabilities, on the other hands, are capabilities to function and represent a person's freedoms to achieve valuable functionings, or, in other words, they represent

Various combinations of functionings (beings and doings) that the person can achieve. Capability is, thus, a set of vectors of functionings, reflecting the person's freedom to lead one type of life or another. (1992, p. 40)

Sen provides a useful example to understand the meaning of capability. He considers the situation of a starving person as compared to that of someone fasting. Clearly the starving person is deprived of the capability to choose whether to eat or not. On the other hand, the person fasting is in the position to choose whether to eat or not, thus she has the relevant capability. Capabilities emphasise the substantive freedoms a person has, thus identifying the 'real alternatives' available to the person herself to achieve well-being. In that respect, capability is related to well-being both instrumentally, in allowing for judgments on the relative advantage a person has and on her place in society (1992, p.41), and intrinsically, since achieved well-being itself depends on the capability to function. (1992, p.41) Here Sen distinguishes between well-being freedom and well-being achievement and maintains that it is the former which refers more directly to the capability set. Given, in fact, the exercise of choice and its value as part of our living, the realised level of well-being, that is well-being achievement, 'need not be the only guide to the opportunities that a person values most'. (1992, p.62)

Having so delimited the space of the capability approach, which seeks equality of capabilities and asserts the fundamental importance of capabilities and functionings as value-objects for the assessment of individual well-being (1992, p. 46), it is now important to address the basis for interpersonal comparisons implied by the space of capability.

The space of capability encompasses in fact the use of a 'metric' (Pogge, 2003) to evaluate people's relative advantages and disadvantages. In other words, the capability approach theorises a space where considerations of personal heterogeneities are relevant for the assessment of equality. Sen maintains, in fact, that the idea of equality is confronted by the "basic heterogeneities of human beings"

(p.1) or, in other words, he maintains that the 'empirical fact' of human diversity is crucial in assessing the demands of equality. In Sen's words,

Human diversity is no secondary complication (to be ignored, or to be introduced 'later on'); it is a fundamental aspect of our interest in equality. (p. XI)

Sen addresses human diversity as the interrelation of personal and circumstantial factors. According to his view, human beings are diverse in three fundamental ways. Firstly, they are different with respect to their personal, internal characteristics, such as gender, age, physical and mental abilities, talents, proneness to illness, and so forth. Secondly, different individuals are different with respect to external circumstances, like inherited wealth and assets, environmental factors, including climatic differences and social and cultural arrangements. (1992, p. 1, p.20. pp. 27-28) Thirdly, a further and important diversity, defined as inter-individual variation, refers instead to differences in the conversion of resources into freedoms or, in other words, to different individual abilities to convert commodities and resources in order to achieve valued objectives. (1992, p.85) To illustrate this last point, Sen provides the example of a lactating woman, who, due to her specific condition, needs a higher intake of food for her functionings than a similar but non-lactating woman.

But human beings are diverse, Sen maintains, in another fundamental way as well. Different individuals, in fact, have different and often contrasting conceptions of the good and therefore aim at different ends and objectives. They have, in other words, different conceptions of individual well-being, a diversity that Sen names inter-end variation and that leads his approach to envisage capability as the overall freedoms that people have 'to achieve actual livings that one can have a reason to value' (1992, p.85 and 1999, p.18), without further specifying a complete list or set of capabilities. (More on this later on)

Within this view of human diversity as central, therefore, according to the capability approach, it makes a difference whether someone is a man or a woman and if he or she has physical and mental prowess or weaknesses; if someone lives in a temperate physical environment or in more adverse climatic zones, and in certain social and cultural arrangements rather than in others. And the difference entailed by these variations has to be accounted for, when addressing the demands of equality. Moreover, Sen maintains that the actual differences in conceptions of valuable ends and objectives that people may have and their conversion factors have to be considered, too. Thus, ultimately, the metric used to make interpersonal comparisons includes the four central aspects to human diversity identified in personal and external circumstances, inter-individual variations in conversion factors and inter-end

variations related to the pluralistic domain of conceptions of the good. One example taken directly from Sen's work may help illustrate the use of this metric and to introduce considerations on disability that will be expanded later on.

Consider two persons 1 and 2, with 2 disadvantaged in some respect (e.g. physical disability, mental handicap, greater disease proneness). They do *not* have the same ends or objectives, or the same conception of the good. Person 1 values A more than B, while 2 has the opposite valuation. Each values 2A more than A and 2B more than B. With the given set of primary goods (*resources and opportunities*) person 1 can achieve 2A or 2B, also – though there may be no great merit in this – A or B. On the other hand, given 2's disadvantage, ... she can achieve only A and B. (1992, p.83)

It is evident here that person 2 finds herself in a situation of inequality even given the same amount of resources or opportunities to achieve her valued goals, and that this situation is due to her personal characteristics and to how she converts resources into functionings. Thus, according to Sen, while evaluating equality or inequality and in comparing individual shares, neglecting person 2's disadvantage would fall short of some very substantive demands of equality. (Note here that disability in this example is considered a substantial disadvantage per se – but more on this later on.)

It is this set of considerations on human diversity and its centrality in the metric used to compare individual advantages and disadvantages that have ultimately led Sen to conceptualise the space of capabilities and functionings as the relevant space for equality. Sen, nevertheless, has not provided a full set or a list of relevant functionings referred to capabilities. He maintains, in fact, that the capability approach is a framework of thought, a general approach to the assessment of individual advantage or disadvantage in social schemes. Selecting relevant functionings would imply, on the one hand, endorsing a specific view of the good life and of human nature, and, on the other, enacting processes of choice and reasoning. And if the first dimension would require providing a comprehensive doctrine of the good, something that contradicted the very scope of the capability approach and its consideration for human diversity, the second dimension, according to Sen, should be left to democratic procedures and social policies designs. Hence the deliberately under-specified character of the capability approach. (See Robeyns, 2001, p.15 – 2003(2), p.6))

Although intentionally under-specified, Sen's approach nevertheless does distinguish basic capabilities within capabilities. According to Robeyns,

Basic capabilities are a subset of all capabilities: they refer to the freedom to do some basic things that are necessary for physical survival and to avoid and to escape poverty. (2001, p.11)

Sen himself has specified that the distinction between basic capabilities and capabilities is context-relevant and useful in order to separate out “the ability to satisfy certain crucially important functionings up to certain minimally adequate levels.” (1992, p.11) Thus, for instance, in evaluating poverty in developing countries, thinking of basic capabilities as distinct from capabilities is of heuristic value, value which can be neglected would the same evaluation be made in developed countries.

Not only are capabilities context-relevant, in that they are sensitive to social and cultural arrangements, but also their selection, according to Sen’s approach, should be the result of a democratic process of deliberation including forms of public consultations. This implies that, in considering a person’s capability set, attention should be given to individual conceptions of well-being, in other words to the objectives and ends that a person has a reason to value, but also to the interlocking of this reason with political, social and cultural settings, thus, ultimately, with conditions that may influence choice and reasoning. Some authors (Alkire 2002, Robeyns, 2003) have expanded this aspect of the capability approach, envisaging different perspectives on what forms this process of social deliberation and democratic participation may take with regard, for instance, to the analysis of gender inequality or with the operationalisation of capability in poverty reduction. However, a systematic analysis of this issue goes beyond the immediate focus of this paper and shall therefore be left to further research. Nevertheless, what is important to assert here, is the consideration on reflection and public democratic debate that informs the capability approach and that is related to its intentional under-specified character.

Let us now resume the main points addressed. I have so far outlined three fundamental components of the capability approach, namely, first, the choice of space for the assessment and comparison of people’s well-being, identified in the space of capability and functionings; second, the choice of the metric for interpersonal comparisons, entailing a specific understanding of human diversity, and, finally, the process encompassed by the capability approach in terms of democratic decision and participation in the selection of relevant capabilities. In other words, the capability approach identifies capability in the overall freedom people have to choose the life they have reasons to value, and identifies functionings in the achieved freedoms. Sen’s approach specifies this particular space as the space where to evaluate equality and theorises equality not in terms of the means to freedom, but of the extent of freedom. Considerations of human diversity in terms of personal and circumstantial factors, as well as differences in the conversion of resources and income into functionings and in terms of different conceptions of the

good play a substantive role in the informational basis for the metric used to evaluate individual advantages and disadvantages. Finally, democratic participation and extensive public consultations are envisaged as part of the process to select the relevant capabilities.

Where does Sen's approach leave us with respect to what impairment and disability are and what their weight is in interpersonal comparisons, hence in the determination of the equal status and equal entitlements of disabled people in social arrangements? In other words, what does the capability approach offer to our understanding of impairment and disability and to our moral quest for an inclusive society? In what follows I shall outline how aspects of the capability approach can provide a new framework for thinking of impairment and disability as multidimensional and relational and how this framework can inform issues of distributive justice and policies of inclusion.

A very first reading of Sen's perspective tends to point in the direction of identifying disability, in an assumed non-problematic way, as personal disadvantage tout court. Different examples throughout his work, in fact, account for disability as disadvantage. So, for instance, in addressing personal heterogeneities, Sen maintains

People have disparate physical characteristics connected with disability, illness, age or gender, and these make their needs diverse. For example ... A disabled person may need some prosthesis, an older person more support and help, a pregnant woman more nutritional intake, and so on. The 'compensation' needed for disadvantages will vary, and furthermore some disadvantages may not be fully 'correctable' even with income transfer. (1999, p.70)

And furthermore

Equal income can still leave much inequality in our ability to do what we would value doing. A disabled person cannot function in the way an able-bodied person can, even if both have exactly the same income. (1992, p.20)

And

The extent of comparative deprivation of a physically handicapped person vis-à-vis others cannot be adequately judged by looking at his or her income, since the person may be greatly disadvantaged in converting income into the achievements he or she would value. (1992, p.28)

These examples outline how disability, defined as individual condition, impacts on individual functionings, as these are differently correlated to various personal characteristics and to diverse individual conversion factors. Here, therefore, disability is equated to an individual disadvantage that should be taken into consideration in interpersonal comparisons. And if, on the one hand, this position could be read as an

endorsement of the WHO's definition of disability as individual limitation causally linked to biological impairment, this seems to be too simplistic a reading of Sen's approach.

There are two new main insights that Sen's capability approach offers to our understanding of impairment and disability in relation to human diversity and to their assessment in interpersonal comparisons when aiming at equal considerations and equal freedoms for disabled people. The first insight relates to how we can think of impairment and disability as aspects of human diversity, or, in other words, it relates to the specific understanding of personal heterogeneities provided by Sen's approach and to its informing the metric for assessing individuals' relative positions in social arrangements. The second insight brings about considerations on democratic participation and the possibility to think of the capability approach as exercising the role of an impartial observer in adjudicating what the relevant capabilities are when thinking about disability. This latter element entails the active participation of disabled people and disabled people's movements in the process of determining relevant capability and of evaluating how social policies should be designed when aiming at inclusion. These two main insights that the capability approach has to offer to the debate on disability are directly referred to the two levels of analysis identified as inherent to the debate itself, namely a theoretical level concerned with definitions and issues of causality and a political level, concerned with issues of inclusion and equal entitlement. (See above my introductory notes, p.2) But let us now proceed to substantiate these claims.

The first reason for considering the capability approach as innovative with respect to current understandings and models of impairment and disability relates both to the centrality of human diversity in assessing equality in the space of capability and to the specific understanding of human diversity proposed by Sen. Firstly, Sen's capability approach, in fact, in repositioning human diversity as central to the evaluation of individual advantages and disadvantages, promotes an egalitarian perspective, which deals at its core with the complexities of disability than other egalitarian perspectives. Secondly, Sen's concept of human diversity, in encompassing personal and external factors as well as an individual conversion factor of resources into valuable functionings, implies an interrelation between individual and circumstantial factors of human diversity. This fundamentally allows overcoming current understandings of impairment and disability as unilaterally

biologically or socially determined², in that the capability approach allows a concept of disability as one of the aspects of individuals emerging from this interlocking of personal and external factors. Moreover, the capability approach implies the irrelevance of the causal element of a presumed disadvantage, either natural or social, as a determinant of entitlement; rather, the approach goes in the direction of overcoming causality tout court in the evaluation of relative disadvantage. Thus, it does not matter, in capability terms, whether a disability is biologically or socially caused as such, what matters is the relative weight disability has in terms of the full set of capabilities one person can choose from. And this relative weight is assessed in terms of capability and functionings, therefore, in a space where differences are not just rhetorically celebrated (as in the social model of disability), but substantially evaluated. Furthermore, the capability framework opens the way to considerations of impairment and disability as multidimensional and relational (a conception that will be discussed further on), in that it sees disability as one aspect of the complexity of human heterogeneities, therefore as one aspect of the complexity of individuals in their interaction with their physical, economic, social and cultural environment. In this respect, the capability approach goes also in the direction of promoting a conception of disability as one aspect of human diversity, like age or genders are, without suggesting monolithic and direct notions of diversity as abnormality. And this appears to be fundamental in overcoming the discrimination and oppression denounced by disabled people's movements as inherent to current notions of normality, abnormality and diversity. Finally, the capability approach provides an egalitarian framework where disability is evaluated in the distributive pattern of relevant capability.

Thus, rethinking impairment and disability within the capability approach would entail asking in the space of capability what is the full set of capability one person can choose from and assessing the value an impairment has on this set of freedoms. Some examples may be of help at this stage. Walking is a functioning, and so is moving about from one space to another, and it is a functioning that enables other functionings, like taking one's children to school, or going to work, or acting as a state president. In this sense moving about may be seen as a basic functioning enabling more complex functionings to take place. Now let's think of an impaired person, a wheel-chair user, for instance. In determining the full set of capabilities that a wheelchair user has to achieve her valued ends, the capability approach looks at

² Thanks to discussions with Harry Brighouse for this implication.

how this specific physical aspect (moving about by wheelchair) intertwines with circumstantial factors, like the physical environment where the person lives and the presence of wheelchair accesses to buildings, and how it intertwines with personal conversion factors, like general strength or health as well as attitudinal aspects. It intertwines, finally, with one's most valuable ends, one of which could be, for example, having an interest in politics and aspiring to act as state president. The capability approach does not account for the natural versus social causes of the physical difference that implies moving about by wheelchair rather than by walking; rather, it considers this as an aspect of personal heterogeneities, which has to be accounted for in interpersonal comparisons. Moreover, the capability approach accounts for this personal aspect of human diversity to be evaluated in its interlocking with circumstantial factors, thus permitting to say that moving about by wheelchair relates evidently, for instance, to the design of physical environment. In other words, the capability perspective allows us to say that being a wheelchair user may be considered a disadvantage when the wheelchair is not provided or the physical environment is not designed appropriately. In the same way many persons would be disadvantaged would stairs or lift not be fitted between flights in buildings, since very few people would be able to move from floor to floor. (Perry, 1998, p.2) Hence the provision of a wheel chair becomes a matter of justice.

But let's now relate this example to the achievement of more complex functionings, like acting as a state president. Let us suppose that acting in one's political capacity is fundamental to the achievement of well-being for the physically impaired person considered in this example. And let us also assume that the physical environment is designed so as to prevent her from moving about, thus ultimately preventing her from the achievement of some basic functionings. This person, although potentially able to exercise her political role, is prevented from her valued end by the interrelation of some of her personal features with some of the characteristics of her physical environment. In this case, not only well-being achievement, but also well-being freedom appears to be restricted in some fundamental ways, hence the full set of capabilities available to this person is diminished, since being a politician is highly constitutive of this person's well-being.

The second main insight provided by the capability approach to considerations on impairment and disability relates to democratic decisions and participation in determining relevant capabilities. Here the approach ties in with the demands of disabled people's movements on one hand, and with questions of the design of social schemes and policies on the other. Disabled people's organisations have long

denounced the factual marginalisation from active participation in society they are subject to and have reclaimed their role in society as a matter of right. The capability approach, through its reconsideration of human diversity and by advocating to itself the role of 'neutral observer', seems to provide a substantive framework to fulfil disabled people's demands. Moreover, in promoting some forms of public consultations on the choice of relevant capabilities, Sen's approach allows for a democratic process that avoids exclusion and discrimination in principle and by practicing active participation. The role accorded to democratic decision, however, if extremely relevant on issues of democratic empowerment of disabled people, becomes more problematic at a normative level. On the one hand, it allows for the social and political empowerment of disabled people through their movements. But on the other, it leaves open the question of adjudicating the demands of disabled people with respect, for instance, to the demands of those who are not disabled people. Sen's approach, ultimately, appears to promote collective self-determination of disabled people without providing a normative criterion for adjudicating competing demands among different groups, thus opening considerations of democratic participation with respect to liberal constitutional principles³.

These considerations on what Sen's capability approach has to offer to our understanding of impairment and disability, although still in an initial formulation in this paper, provide the basis for a multidimensional and relational concept of impairment and disability that will be outlined in the next section.

Before that, however, let's now turn to Martha Nussbaum's approach to capabilities with the aim of analysing her contribution to our understanding of how issues related to impairment and disability have a fundamental dimension of justice.

Nussbaum's Capability Approach, Disability and Justice

Nussbaum has presented her own account of the capabilities approach through a philosophical perspective on issues of international development aimed specifically at reconsidering and addressing the unjust conditions of women in developing countries (Nussbaum, 2000). She has then further and more recently extended her account of the capabilities approach in connection with issues of justice. In her *Tanner Lectures in Human Values* (2002) the capabilities approach is applied to important and previously unexplored dimensions of justice, like: justice considered globally, beyond

³ Thanks to discussions with Eamonn Callan for this insight.

national boundaries; justice for mentally disabled citizens; and, finally, justice for non-human animals.

In what follows I shall selectively present some aspects of Nussbaum's capabilities approach that constitute important new insights for a perspective on impairment and disability. In doing so, I shall shift the focus of my analysis from questions of definitions and causal factors of impairment and disability, hence from considerations on how disability can be re-defined within a concept of human diversity, to issues of entitlements and justice for disabled people. These, I maintain, are Nussbaum's main contributions to a capability perspective on impairment and disability. Let's see why.

Nussbaum's rendering of the capability approach, while endorsing Sen's concept of capability as the space for comparisons of freedom and quality of life, expands this dimension of comparability in some important ways. In particular, Nussbaum articulates a universal and normative dimension to her approach through a list of central human capabilities and by setting a threshold level for these capabilities, both elements, which provide the basis for central constitutional principles that should be applied by the governments of all nations. (2000, p.12) The universal and normative dimension of Nussbaum's approach is grounded in her concept of central human capabilities and in the theoretical process that generates and informs this concept and relates it to a political dimension and to issues of justice.

Nussbaum's focus on central human capabilities, or, in other words, on a core of capabilities fundamental to people's actual beings and doings, subsumes and is in turn related to the intuitive idea of the moral worth and the dignity of each and every human being (2000, p.5). Nussbaum maintains that when we ask the question central to the capabilities approach, "What is this person actually able to do and to be?" (2000, p.71) we imply a set of considerations related to evaluating the position of the person in interpersonal comparisons whilst, at the same time, referring to some core human capabilities, the absence of which, would determine the absence of the possibility to lead a truly human life. In posing that central question we are evaluating what this individual person is actually in a position to be and to do, what her liberties and opportunities are, and how the resources she can use allow her to function in a human way (2000, p.71). The comparison entailed by this central question, in other words, relates individual to universal considerations. In fact, the question outlines the centrality of the individual in the capabilities approach in referring to each person's capabilities, or to the capabilities available to each and every person considered as an individual, thus as an end in herself (2000, p.74) and worth of the dignity of human beings. At the same time, however, in relating to a list of central human capabilities,

which are central as fundamental to all human beings, the question outlines the universal dimension of the capabilities approach. Not only, but Nussbaum maintains that central human capabilities are to be sought at a certain threshold level, below which any life loses its human connotation. Here again the principle of each person's capabilities, connected to the worth and dignity of human beings finds application in the idea of a threshold level of functioning and capabilities below which the individual human life loses its humanness.

The central human capabilities listed and endorsed by Nussbaum include 'life', 'bodily health', 'bodily integrity', 'senses, imagination and thought', 'emotions', 'practical reason' and 'affiliation' as well as 'play' and 'other species', and 'control over the environment' intended both as political and as material control. Among these, practical reason and affiliation are particularly important capabilities in that they relate to all other capabilities making their pursuit really human. In fact, on the one hand, practical reason, intended in its Aristotelian sense of being able to form one's conception of the good and to engage in the planning of one's life, and, on the other hand, affiliation, or being able to engage in meaningful relationships and having the social bases of self respect and dignity, are fundamental capabilities without which a life loses its characteristically human features (Nussbaum, 2000, p. 82). Moreover, Nussbaum maintains that the list represents 'combined capabilities', or "internal capabilities combined with suitable external conditions for the exercise of functioning". (2000, p. 84) In her approach, in fact, she distinguishes basic capabilities, generally intended as the basic innate equipment of individuals, from internal capabilities, seen as "developed states of the person that are sufficient conditions for the exercise of the requisite function" (2000, p.84). Each capability on the list is therefore the actual combination of innate and internal capabilities and external conditions.

The universality of the list of capabilities provided by Nussbaum's approach grounds and is respectively grounded on its political purpose, in other words on the recognition that the elements on the list can be considered crucial to human functioning by people who otherwise endorse very different conceptions of the good. It is furthermore grounded on it being the result of an overlapping consensus, that is, on its political nature, rather than comprehensive or metaphysical content, and on it being endorsed and recognised by people of different religions, beliefs, culture and understandings of what constitutes a good life. Therefore, the fundamental importance of central human capabilities in leading lives with human dignity and the universality of capabilities are the reasons whereby the list of central human

capabilities, ultimately, constitutes the “underpinnings of basic political principles that can be embodied in constitutional guarantees” (2000, p. 74) as “they can convincingly argued to be of central importance in any human life, whatever else the person pursues or chooses.” (2000, p. 74) Moreover, Nussbaum maintains that by providing a list of central human capabilities and by setting a threshold level below which a life cannot be deemed truly human, the capabilities approach sets the basis for a decent social minimum that governments have to deliver in a variety of areas (2000, p. 71), thus setting a political normative dimension to the approach. Governments, ultimately, are to provide the social bases for central human capabilities and if, quoting Nussbaum, for instance, they “cannot make all women emotionally healthy, (they)...can do quite a lot to influence emotional health through suitable policies.” (2000, p.82)

Nussbaum further articulates her position on the normative aspect of the capabilities by relating them to human rights, understood both as political and civil liberties and as economic and social rights. (2000, p.97) She maintains, in fact, that the political dimension of capabilities provides the philosophical underpinning for basic constitutional principles, thus exercising a role similar to that of human rights. But she maintains, furthermore, that the capabilities approach in some ways goes further than the language of rights, and that for two reasons. First, in fact, “thinking in terms of capability gives us a benchmark as we think about what it is to secure a right to someone.” (2000, p. 98) Second, as a capabilities analysis considers what people are actually able to be and to do, how they are enabled to live,

Analysing economic and material rights in terms of capabilities thus enables us to set forth clearly a rationale we have for spending unequal amounts of money on the disadvantaged, or creating special programmes to assist their transition to full capabilities. (2000, p.99)

For these reasons, the normative and political dimension of the capabilities approach relates to considerations of equality, both in terms of political liberties and in terms of resource distribution. From a capabilities perspective, in fact, discriminations, for instance, are seen as “failure of associational capability, a type of indignity or humiliation” (2000, p.86), whereas the demands associated with the delivery of the threshold level of capabilities imply policies aimed at redistribution. Consequently, even if the capabilities approach does not constitute a theory of justice, it does provide elements for a framework where justice has a central and fundamental role.

Let us now resume the main points addressed so far. Nussbaum’s capabilities approach outlines a universal and normative dimension entailed by a core of central human capabilities and by the intuitive concept of the dignity of the human life.

Fundamental within this universal dimension, however, is the principle of each person's capabilities, thus the consideration of the actual conditions and possibilities that enable the individual to lead the life she values.

What does this approach to capability offer to a perspective on impairment and disability? I suggest there are three main insights at a political and normative level that can be drawn from Nussbaum's approach and that are significant for a capability perspective on disability. First, there is the centrality and universality of human capabilities, thus the idea of its 'applicability' to all individuals, irrespective of differences due, for instance, to impairments. The concept informing this aspect of Nussbaum's position, in fact, opens up to the idea of the capabilities as fully inclusive, although in ways that need to be critically identified and addressed. Second, there is the principle of each person's capabilities, which can precisely inform and guide the interpersonal comparisons for situations of impairment and disability when evaluating the respective positions of individuals in social arrangements. Finally, there is the normative element of capabilities, a dimension that relates to capabilities as the underpinnings of basic constitutional guarantees, thus posing an inescapable demand on governments for their intervention in the delivery of policies aimed at ensuring the social bases of capabilities. None of these insights appears to be theoretically clearly cut with respect to impairment and disability, hence their significance to a capability perspective on impairment and disability needs to be critically worked out and addressed.

The centrality and universality of human capabilities and the emphasis Nussbaum places on using the same list for all people -an emphasis found also in her Tanner Lecture on Capabilities and Disability, where she addresses justice for mentally impaired people- implies a fully inclusive project. In other words, the universality of central human capabilities and their being sought for each and every person implies not only including all individuals under this framework, irrespective of their differences and the causes of their differences, but entails also considerations on the dignity of each person, as the principle underlying the centrality and universality of the elements of the list refers to the moral worth of each individual. In this sense the capabilities approach theorised by Nussbaum presents an evident appeal for a perspective on disability whose ultimate aim is that of providing the bases for a principled political project of inclusion.

However, things become more complex when Nussbaum sets a threshold level of capabilities for a life to be lived with human dignity and more so when she maintains that practical reason, together with affiliation, are fundamental capabilities, infusing

the others with what constitutes a truly human life as different from that of animals. Here the problem for a perspective on disability is two fold. (For discussion of these and the following points I have greatly benefited from Kittay's response to Nussbaum's Tanner Lecture on Justice and Disability) On the one hand, in fact, the threshold may be read as a divide between those whose life has the character of dignity and those who don't, in that setting a threshold level, - even if mainly for political purposes and to urge governments' political action, as in this case, - necessarily yields implications of separating out, with possible negative repercussions on universal applications. In other words, in fact, how would we consider the life of physically impaired people when their health and bodily integrity does not allow them to reach the threshold level, due to impairments effects? Certainly we cannot disregard their life as not truly human, as an immediate reading of Nussbaum's position seems to suggest to some extent. Moreover, how can we account for the primary role of practical reason among the other capabilities when considering the life of mentally impaired people?

Nussbaum has provided a compelling and interesting account of the last point in her Tanner Lecture on Justice for Mentally Impaired Citizens. There she introduces a fundamental dimension of justice, which is an element of each capability, and consists in the care and love that are the response of a decent society to our condition of humanity. We, human beings, are a combination of reason and sociability, and needs and dependency are aspects of this sociability. Hence a decent society would provide care and respect for our needs in times of dependency and would therefore extend this care and respect to mentally impaired people and would do so for love of justice. Further considerations on this interesting account of justice for mentally impaired citizens is beyond the immediate scope of this essay, but the dimension opened up by Nussbaum in her Lecture represents here a clarification on how to address the possible limitations for a perspective on impairment and disability introduced by the idea of a threshold level in her capabilities approach. Moreover, the dimension of care and respect and the full consideration for mentally impaired people as citizens have important implications for a perspective on impairment and disability and relates to the two further insights provided by Nussbaum's approach to such a perspective.

The second insight relates to considering each person's capabilities in the evaluation of the respective positions people hold in social arrangements. Here the contribution to a perspective on impairment and disability seems intuitively evident. The question central to the capabilities approach, in fact, can be re-contextualised with regard to

impairment and disability. Thus asking, “what is this person able to be and to do?” and thinking of the person as physically or mentally impaired allows for a reconsideration of the actual condition related to impairments and their effects and to disability and its consequences, and allows therefore for these elements to be fully adjudicated in evaluating each person’s capabilities.

Finally, the third dimension that Nussbaum’s capabilities approach offers to a perspective on disability is a normative and political dimension, which ties in completely with disabled people’s movements’ claims for the overcoming of the discrimination and the oppression of disabled people in society and the recognition of their entitlements as citizens. Nussbaum’s approach, in fact, in setting a normative dimension to the central human capabilities as requirements that governments should meet through their policies, and in outlining the central capabilities as having a role similar to those of human rights, provides a framework where the demands of disabled people acquire full constitutional legitimacy.

Consequently, what Nussbaum’s approach to capability offers to a perspective on impairment and disability is a political and normative dimension, which allows for the full consideration of disabled people’s entitlements as a matter of justice.

Let us now recap the main elements of the capability approach with respect to what disability is and how it can be defined within a concept of human diversity, what its causal factors are and what their relevance is both for definitions and for considerations of justice, and how disability has to be evaluated and considered with reference to the design of social and political arrangements informed by equality. Sen’s approach offers a fundamental and important framework for redefining disability within human diversity and for evaluating its impact on the reciprocal positions of individuals in society. I have outlined how the centrality of human diversity and its specific articulation in Sen’s work allows overcoming natural versus social definitions of impairment and disability and overrides considerations on the causal origin of impairment and disability. Moreover, I have pointed out how in his work disability may be seen as one aspect of the complexity of human heterogeneity, in other words as one aspect of the complexity of individuals in their interaction with their environment. Furthermore, I have suggested that Sen’s capability approach, in promoting some forms of public consultation on the choice of the relevant capabilities, allows for a democratic decisional process long advocated for by disabled people’s movements.

I have subsequently analysed Nussbaum's rendering of the capability approach and have outlined how her view offers fundamental normative and political insights to a perspective on impairment and disability, thus bringing broader considerations of justice in the debate.

It is within this framework that I suggest considering a multidimensional and relational view of impairment and disability, a view both concerned with issues of definition and considerations on the relation with the social and physical environment as well as with fundamental issues of justice. Next section presents elements of this perspective.

A Capability Perspective on Impairment and Disability

The perspective on disability I am suggesting and defending, both allowed by and stemming from the context of the capability framework, sees disability as inherently relational and presenting multiple dimensions, and is articulated into definitional aspects in their interlocking with considerations of justice.

To clarify what this means, let's start off with the definitional aspect, which implies drawing some distinctions and presenting some definitions as well as contextualising these definitions within the capability framework. Thus it is important to distinguish impairment from disability and, subsequently, to see how and why disability is inherently relational and circumstantial, or, in other words, directly referred to the interfacing between personal characters of the individual and the specific design of the social and environmental arrangements one finds oneself in, and why it is multidimensional, too. Some authors, like Allen Buchanan (2000) and John Perry, (1998 (a), (b)) have presented various accounts of disability in its relational aspect, and this analysis draws also from their contributions to the debate.

Impairment, therefore, either physical or mental, relates to the loss of some aspects of functionings for our species. For instance, a lesion of the spinal cord that results in restricted movements – whether caused by a genetic condition or trauma - is an impairment of average movement functioning. (See Buchanan, 2000, p.285) In this sense Perry defines impairment as “a physiological disorder or injury.” (Perry, 1998, (a), p.3) *Disability*, on the other hand, is the inability to perform some significant class of functionings that individuals in someone's reference group (i.e. children or adults) are on average and ordinarily able to do under favourable conditions, or in other words, as Buchanan points out, “where the inability is not due to simple and easily

corrigible ignorance or to a lack of the tools or means ordinarily available for performing such task.” (Buchanan, 2000, p.286)

In this sense, according to Buchanan, in defining disability we are referring to a reference group, and where no members of the reference group is actually able to function in a specific way, we do not speak of disability. So, for instance, as he points out, “because no infants are able to drive cars, we do not say that any infant is disabled in this regard.” (Buchanan, 2000, p.286) Deciding on the average group is in itself a problematic issue, one that can be broadly, although not completely, addressed by referring to statistical means. Furthermore, disabilities are inabilities that cannot be overcome by simply supplying relevant information or providing tools and are, therefore, different matters from being unable to perform a certain activity, like playing Monopoly, because one does not know the rules of the game or because one does not have the actual table game available. On the other hand, if someone cannot perform certain functionings that, on average, people in the reference group are able to, and if this is connected to certain impairment, then the person is disabled with respect to that specific functioning. So, for example, if a blind adult person is unable to drive, whereas on average and under favourable conditions an adult is able to do so, then the blind person is disabled with respect to driving.

Disability, as defined above, is distinct from either a physical or a mental impairment, and the latter do not always result in a disability. Buchanan provides a very convincing example to illustrate this last point. He suggests, in fact, considering the case of a hearing impaired person who has lost the hearing function with regard to a certain range of frequencies of sounds, range that is detected on average by individuals. If the range of sounds undetectable by the impaired person is irrelevant to the functionings in that person’s social environment, then the person in question is not a disabled individual. (Buchanan, 2000, p.287) Consequently, whether impairment does or does not result in disability depends on the possible overcoming of the impairment itself and on the design of the physical and social arrangement one is in. For example, if through specific tools we could provide cars whereby being sighted is not relevant as the functions connected to seeing are played, say, by a computerised monitor, a blind adult person may be able to overcome her inability to drive, hence, her disability with respect to that functioning. Thus, in this sense, disability can be seen as inherently relational, with respect both to impairment and to social arrangements, something I am going to address further on. Other dimensions, moreover, are added to the relational aspect of disability.

Disability involves impairment (but the opposite does not hold necessarily) and involves also other dimensions. There are, in fact, different impairment effects, which may or may not impinge specifically on physical disability, like possible health conditions associated to certain traumas or indeed illnesses, or the pain and the fatigue associated to back injuries and to arthritis. In this case, impairment effects may result in compromising health functioning as well as other functionings, like walking. There is also a temporal dimension to disability, as the inability to function in a certain way can be temporary, for instance when one is unable to see after an eye operation, or more permanent, when the actual impairment and the external, environmental and social conditions of an individual, do not allow for the inability to be overcome, like in the blindness resulting from the loss of the optical nerve function. There is, finally, a dimension of dependency, either on tools or on other people, to help with carrying out functions that, on average, are done more or less independently by people in the reference group. So, for instance, a quadriplegic person may require a personal assistant not necessary to an average individual of the reference group, or a severely cognitively impaired child, different forms of consistent support in order to achieve some basic functionings. These various dimensions of impairment and the relation between them and disability, and, more importantly, the relation between impairment and disability does not appear to be a straightforward causality, but rather seem to stand relationally both with respect to individual features and to the design of the environmental and social arrangement.

Impairments, in this sense, affect functionings and become disabilities in certain social arrangements but not in others. (Buchanan, 2000, p.287) The design of physical infrastructures and social schemes, in fact, plays a substantial role in the relation between impairment and disability. Circumstantial elements such as wheel chair accessible buildings and public transportation, as well as the provision of different tools, all allow for the interfacing between the individual and her environment. It appears, moreover, that the higher the interfacing is, the lower is the possibility for an impairment to result in disability. So, for instance, blindness becomes a disability with respect to the functioning of reading text messages on computer screens to obtain information, when, and if, no use of Braille displays and speech-output screen readers is provided. (Perry, 1998, (b) p. 4) Moreover, society's attitude and the dispositions towards severely cognitive disabled people, although more problematic to outline, have a considerable influence on how mental impairment results in limitations of functionings and in disability. In this sense, Kittay has described how people's indifference to her daughter Sesha's and to her attempts

to communicate via the affection and the love she is capable of, has the effect to narrow down the range of interactions she can enjoy and to amplify her disability. (Kittay, 2003) In a capability perspective, therefore, impairment may affect functionings and when it does, then it becomes a disability, and results in restricted functionings. And impairment becomes restricted functionings within the complex interrelation between the individual's characters, her conversion factors and her environment. The higher the interfacing between the individuals' functionings and the social and physical environment she inhabits, the lower the possibility of an impairment to result in disability.

Since functionings are constitutive of a person's being and capability represents the various combinations of functionings that the person can achieve (Sen, 1992, pp.39-40), hence her freedom to choose one type of life or another, a restriction in functioning results in a restriction of the set of functionings a person can choose from, therefore, in a narrower range of capability. When impairment restricts basic functionings, in fact, or when the interaction of the individual with her environment does not allow for an overcoming of the restriction in functionings and more complex functionings are compromised, then the whole capability of the person in achieving her valued ends seems compromised, too.

This last point relates distinctively disability to dimensions of justice and, more precisely, to how and why the capability approach provides new and important answers to my initial questions. What is disability and how can we think of it within a concept of human diversity; how ought disability be evaluated with respect to the design of social arrangements and what relevance, if any, do causal factors of disability have in thinking of justice? The capability framework allows us to think of disability as inherently relational and multidimensional, as one aspect of human diversity that has to be considered when evaluating the reciprocal positions of individuals and the distribution of benefits and burdens in social arrangements. In determining that disability is one of the aspects of individuals emerging from the interlocking of personal and external factors, the capability approach brings the focal point of the discussions from natural or causal factors of disability more on the actual disability and on how it has to be accounted for in interpersonal comparisons based on functionings and capability. In this sense the capability approach provides a criterion of justice, which is sensitive to disabled people's interests. In this sense, furthermore, a capability perspective on impairment and disability offers new insights to conceptualisations of impairment and disability. The definitional aspect of the perspective seems to have some similarity with the revised WHO classification of

Functions and Disability (ICIDH) and with its circumstantial elements. Nevertheless, the capability perspective on impairment and disability provides us with a framework informed by considerations of justice and equal entitlements for impaired and disabled people, aspect, which is missing from the WHO classification. Two elements, ultimately, appear crucial in positioning a capability perspective on disability with respect to dimensions of justice: the metric chosen in evaluating people reciprocal positions in social arrangements and what position disability has in the metric itself, and the choice of design of the social framework, too.

The capability approach invokes a metric where taking into account the personal characteristics that regulates the conversion of resources and goods into valuable ends should define individual shares. Thus, according to capability theorists, physical and mental disabilities should receive attention under a just institutional order and the distribution of resources and goods should correlate with the distribution of natural features. No difference appears to be accorded to natural or socially caused disabilities, since in evaluating what a person is actually able to be and to do with respect to some typical capabilities, this approach is concerned with the resulting distributive pattern of capabilities. (Pogge, 2003, p.40) Thus, for instance, the interest of a wheel chair user - independently from whether her inability to walking as average moving functioning is related to a congenital condition or to a trauma - has to be accounted for in comparisons made in the space of capabilities and, consequently, a wheel chair provided as a matter of justice. Not only, but considerations should be extended to the full set of capabilities available to the person using the wheel chair and when environmental or indeed social barriers were to be of hindrance to her choice of relevant capability, than these should be removed as a matter of justice, too.

Seeking equality in the space of capability, ultimately, implies using a metric where disability as a difference in the broader concept of human diversity and as limitation on relevant capability has to be addressed within the distributive pattern of functionings and capabilities— therefore implying added provision for disabled people as a matter of justice. This provision, moreover, does not appear to be a straightforward 'compensation' for some natural individual deficits, as disability is considered in its relational aspect, where the design of social frameworks is as fundamental as the 'design' of natural features. Before addressing how the choice of the social framework relates to disability and to questions of just institutional orders, one crucial point has to be addressed.

When evaluating the redistribution pattern in the space of capability, with specific reference to disability, determining the relevant capability is intertwined with determining also the level at which redistribution has to be levered, as it were, in order to avoid the problem of 'infinite demand' or 'infinite redistribution'. (Veatch, 1986, p.159) In this sense, addressing inequalities with reference to, say, poverty issues appears at least intuitively less complex. There seems to be, in fact, a cut-off point whereby individuals' capability is such that individuals are not considered poor anymore. More complex is the dimension implied by disability. There, the choice of relevant functionings and capability is as important as the determination of a certain standard of functionings that has to be assured. With respect to the choice of capabilities, two considerations seem important here. First, capability theorists often speak of each individual's capability, but the reference is always to the *relevant* capability, in other words to the ability to promote typical or standard ends (Pogge, 2003, p.34). This aspect is combined to Sen's distinctions of basic capabilities as satisfying certain important functionings to minimally adequate levels (1992, p.11) and to Nussbaum's introduction of a threshold level for the core central capabilities. Secondly, these considerations open also the perspective to evaluating what constitutes a minimal adequate level of functioning and whether it is appropriate or not to envisage such a level. Here the problem relates specifically to the claim of disabled people's movements that often threshold levels are used for discriminatory purposes, thus ending in socially perverse mechanisms. However, a closer look at the problem of 'infinite demand' might suggest that a certain level of functionings, somehow equivalent to a threshold level, has to be introduced as one of the demands of justice. Let us see why.

Consider, for instance, the situation of certain severe forms of multiple impairments, where both physical and mental impairments constrain relevant functionings in substantial ways and therefore result in severe disability and in less capability. Here, in trying to promote full capability having as reference average functionings may imply an infinite redistribution, where more and more resources are provided with the aim of approximating this referred average. The problem is not only linked to a bottomless distribution, but also to the relation of this redistribution to the conditions of justice, hence to scarcity of resources. If, in fact, redistributing resources and goods in order to answer the legitimate demand of severely impaired people implies redistributing indefinitely and if this, in turn, means diverting resources from those not in the position of demanding infinite redistribution, thus lowering their opportunities to functionings and capabilities, then the importance of a minimal adequate level of

functionings for severely disabled people appears crucial. Consequently, the introduction of a certain adequate level of functionings and, therefore, of capability as reference point for just distributive framework appears fundamental. This point leads to reconsidering Nussbaum's approach to capabilities and, specifically, its threshold level of capabilities as minimum adequate level that governments have to secure to citizens. In this sense, in fact, it appears that a threshold level, when used for adjudicating distributive criteria, is not only necessary, but also fundamental as a condition of justice.

The second fundamental element of a capability perspective on disability specifically related to determining the demands of disability on a criterion of social justice refers to the choice and the design of social arrangements. If we agree, in fact, that the choice of the dominant social framework and its design substantially determines who is competent and who is incompetent (Buchanan, 2000, p. 290), who is included and who is excluded, and if we agree on the crucial role played by physical and social arrangements with respect to whether impairment becomes disability, hence a limitation of capability, then this last point appears in its relevance.

Buchanan defines the dominant cooperative framework as 'institutional infrastructure of social interaction' (2000, p.288) and describes the framework of most advanced industrialized societies as extremely complex, and involving institutional structures as well as economics ones, highly specified symbolic languages and the dominance of competitive markets in the private sectors. The demands on individuals in order to be competent – or able – in this society are very high and require complex arrays of skills and abilities. This specification of the dominant social framework, therefore, in placing certain demands on individuals already implies who is excluded and who is included. It is, according to Buchanan, like choosing which game a group of people is going to play. If the game chosen is, say, bridge, then young children will be necessarily excluded from the game. Conversely, if the game chosen is 'family', then participation by children is certainly possible. The point, in this case, is that in setting the choice of the framework, the level of inclusion is determined and it is determined in a way that involves competing interests, namely the interest of those efficiently participating in the scheme and those excluded from it. Choosing a dominant cooperative social framework and designing it, consequently, is a matter of justice in that it determines who are disabled persons. But since being disabled has profound consequences in terms of status in society, opportunities and well-being, then there is a legitimate interest for disabled people in inclusion, thus in the choice and design of arrangements geared at participation. How this has to be traded with the interests

of those effectively participating in the framework relates in turn to a criterion of social justice. Thus, the slogan of disabled people's movement, 'change society, not the individual', needs to be evaluated with respect to these considerations, too.

There are, however, two compelling reasons for inclusion, hence for distributive patterns aimed at promoting full capability with reference to disability. The first relates to the devastating consequences of exclusion on the lives and well-being of those excluded and the second relates to the balancing of interests that such a criterion can purport.

The capability perspective on disability can provide such a criterion for social justice in evaluating the demands of disability within the space of capability, in considering disability as having a specific place in the metric used to assess individual shares and in reinstating the importance of the social framework both in influencing disability and in determining inclusion.

Furthermore, conceptualising disability within a capability framework has important implications in the context of education. The role of next section of this paper is to address some of these implications.

III. The Capability Perspective on Disability, Special Needs and Education

Some educationists have recently explored the potentially fruitful relationship between the capability approach and education and have analysed its implications with respect to the education of children. (Saito, 2003, Unterhalter, 2003) Drawing from these contributions, this section of my paper presents, briefly, some central aspects of this relationship. Subsequently, it outlines what the capability approach on disability offers to theories and policies of special and inclusive education. In particular, it argues that this perspective on disability provides a framework for reconsidering the provision of education while aiming at equal entitlements for disabled children and children with special needs.

Let's start by exploring some central aspects of the relationship between the capability approach and education. Contextualising capability in education entails two dimensions, the first connected to bringing into focus the value of education and the second related to the expansion of capability. (Saito, 2003, p.18) With respect to the value of education, the role Sen ascribes to capability, in other words their direct relevance to people's well-being and substantive freedom, relates to both the intrinsic and instrumental value of education. There are two ways in which education is

valuable, and in which, therefore, it contributes to personal well-being. (Brighouse, 2000, Saito, 2003, Unterhalter, 2003) Education is instrumentally good in that it yields other benefits, like better life prospects and career opportunities. In this sense being educated improves one's opportunities in life. On the other hand, education is good in itself, in that being educated, other things being equal, enhances the possibility to engage in a wider range of activities and to fully participate in social life. Thus being educated relates to a more fulfilling life. Therefore, according to Unterhalter

The capabilities approach helps us understand the nature of the intrinsic good of education, because it helps distinguish those aspects of education that are linked to schooling and intertwined with achieved functionings, for example skills to undertake a certain kind of work (...), and those aspect of education that are part of a wider concern with substantive freedoms. (2003, p.8)

In this sense, Unterhalter maintains that the capability approach, more than other perspectives, highlights both values of education and places a specific emphasis on its intrinsic value.

This first aspect of the relationship between education and capability relates substantially to the second and more relevant one, that is, to the role education plays in expanding capabilities. Education, in fact, expands capabilities in terms of capacity or ability as well as in terms of opportunity, hence in terms of capability sets available to individuals. (Saito, 2003, p.27) For example, learning maths not only expands individuals' various capacities connected to mathematical reasoning and problem solving, but also widens the individuals' set of opportunities and capabilities with respect, for instance, to choices of occupation. Furthermore, the broadening in capability entailed by education extends to the advancement of complex capabilities. In fact, while promoting reflection, understanding, information and awareness of one's capacity, education promotes at the same time the capacity to formulate exactly the valued beings and doings the individual has reasons to value. In this sense, ultimately, education enhances capability in terms of achieved functionings, hence well-being achievements, as well as in terms of well-being freedom.

The capability approach, furthermore, outlines the importance of developing the conditions, entailed by education, for the expansions of capability in terms of well-being freedoms and well-being achievements. In other words, it alerts us to the importance of educational provision for children and adults alike. As Unterhalter maintains,

This seems to indicate the importance of attending to aspect of developing freedoms in relation to curriculum content and pedagogies and the resources that support these. (2003, p.7)

This last aspect is particularly important when referring to children's education. In this respect, however, contextualising the capability approach becomes more problematic given the particular status of children, status that requires adults to protect children's interests and meet their needs, but also does not allow for agency freedom or the exercise of autonomous choices. (Shapiro, 2003) Sen has emphasised the importance of concentrating not on the freedom the child has, but on the freedom she will have in the future. Thus, in dealing with education, and specifically with compulsory education, Sen argues

I think the main argument for compulsory education is that it will give the child when grown up much more freedom and, therefore, the educational argument is a very future oriented argument. (Sen, quoted in Saito, 2003, p.27)

Consequently, while expanding capabilities, education plays a very important role in promoting the future freedoms children will have to choose their valued beings and doings. Saito has plausibly argued, however, that thinking of education as promoting future freedom implies qualifying the kind of education provided. (2003, p.28) According to her view, in fact, education as expansion of future capabilities is a necessary but not sufficient condition for the effective enhancement of children's capability. To that purpose, in fact, the education provided should promote autonomy, or, in other words, the capacity to make informed choices on the kind of life one has reasons to value. Although this issue is beyond the immediate scope of this paper, Saito's point is an important one when thinking about operationalising the capability approach in the education of children.

These central aspects of the relationship between the capability approach and education and, specifically, children's education, form a possible background for reconsidering some of the issues related to the education of disabled children and children with special needs. With reference to this framework, in what follows I shall provide some initial insights on what the capability perspective on disability offers to special and inclusive education, while leaving their in-depth exploration to further analysis. Thinking about the capability perspective on disability with respect to education entails two sets of questions, both concerning issues of provision. The first relates to the difference such an approach makes with respect to the conditions for developing capabilities, and the second is connected to the difference it makes with respect to the distribution of resources and opportunities.

In other words, in thinking about the provision of education for disabled children and children with special needs, the choice of the educational structure, in terms of system of schooling, and of its funding system, that is to say, the scheme of resource

distribution, are fundamental elements. Recall here that the choice and the design of social and environmental arrangements play a substantial role in determining levels of inclusion. In the same way, the choice and the design of schooling systems and the ways in which they are funded are central to inclusion. I have addressed elsewhere in this paper the relevance of inclusion in thinking of justice and my contention here is broadly that the same arguments apply to education. Considering, in fact, that “inclusion is in general a necessary condition for protecting a person’s most basic interests – in well-being, in having a wide range of opportunities, and in self-esteem” (Buchanan, 2000, p.291), it seems plausible to argue that an inclusive education system promotes children’s interests in developing capabilities. Yet one may want to question why we should promote an inclusive system and not a special, separate one, for disabled children and children with special needs. In this respect, in fact, the argument might be that a special system could better promote children’s future freedoms, for instance in setting an environment more conducive to the achievement of certain levels of functionings, which are specific to the children’s situations. Indeed, much of the current educational debate in the UK, for instance, focuses on this question. What does the capability perspective on disability suggest on this? It alerts us to two sets of considerations. First, it reinstates the importance of the reasons for inclusion, hence making us reconsider the consequences of exclusion on the overall well-being of those excluded. Secondly, and more importantly, it alerts us to the relevance of the full promotion of all capabilities and of exercising certain functionings in childhood in order to develop the relevant mature capability (a point set forth by Nussbaum, 2000, p. 90) Therefore it seems at least questionable that separate settings would in fact provide children with conditions and opportunities for the full development of their capabilities to communicate, to relate to each others, to respect and tolerate individual differences. Rather, special settings would more likely deprive *all* children, not only disabled ones, of the opportunities to exercise these functionings and develop the relevant capabilities. Not only, but in drawing our attention to the equality in the space of capabilities, this approach outlines how providing special settings would impact on considerations of equality. Disabled people who were educated in special schools, in fact, report the substantial ‘deprivation’ of ‘normal’ opportunities they suffered and the negative consequences on their life as a whole. (Barnes 1999)

In this sense, furthermore, and in considering personal differences as central to issues of distributive justice, the capability perspective on disability justifies a funding system sensitive to the demand of additional resources for disabled children and

children with special needs. What it offers is a normative dimension informing principles for additional resources and opportunities. The criterion guiding the design of the distributive scheme relates, in turn, to principles of justice. However, the complexity and the difficulty of providing a principled framework for a just distributional scheme informed by the capability approach do not allow its exploration in this context. It is important to mention, however, its crucial relevance for the argument at stake.

One final remark relates to the importance of the content of education. When thinking of expanding capabilities for disabled children and children with special needs, the choice of the curricular content and pedagogical practices as well as of the 'educational environment' supporting these, appear fundamental. Recall here the relational aspects of disability. Designing curricula implies evidently promoting certain functionings and the related capabilities, thus setting a highly 'academic' oriented curriculum would have implications on levels of achievements and of successful participation. Not only, but pedagogical practices informed by cooperation and mutual support would have certain consequences in determining full participation, as opposed to practices somehow promoting competition and putting "children against all children in a battle for success". (McDermott, 1993, p.293) In this respect, the capability perspective on disability draws our attention to the 'interfacing' between children's differences in learning and the choice and design of curriculum and practices supporting it as relevant dimension.

In this section of my paper I have only begun to set out some of the insights that a capability perspective on disability can provide in addressing the demands of education for disabled children and children with special needs. Many issues remain for further and more in-depth analysis. I suggest that the most compelling one, in light of the elements outlined and of the current debate on inclusive education, concerns a principled framework for a just distribution of educational resources and opportunities aimed at inclusion. It is this task that I intend to undertake in further research.

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