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Applying the Capabilities Approach to Disability and Education

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This paper aims to establish three things. First, that the capabilities approach is the best candidate for an adequate theory of justice to provide just educational opportunities for people with intellectual disabilities. Second, that the capabilities approach, while possessing many merits over rival conceptions of justice, must acknowledge that a prioritization of some capabilities over others is essential. Third and finally, that intellectual disability presents a particularly urgent case for educational justice, because those with intellectual disabilities are historically under-serviced within educational institutions and stand to lose much more than others because of the potential for the compounding of corrosive disadvantage. A stronger claim to justice for people with intellectual disabilities represents a potential for change in the policy and funding associated with education more generally, and for people with intellectual disabilities more specifically.

Introduction

This article is about the manner in which educational opportunities interact with disabling barriers for people with intellectual disabilities. I argue that education should feature centrally within any adequate conception of justice and that people with intellectual disabilities are owed, as a matter of justice, educational opportunities. I also argue that intellectual disability presents a special case of educational priority. To this end, I recommend proceeding in the following three steps.

First, I argue that the capabilities approach to justice is the best possible answer to the question "equality of what?," for principally, though not only, the education of people with intellectual disabilities. This approach, broadly speaking, is an approach of justice aimed at promoting a set of substantive opportunities for people to pursue valuable states of being. It moves beyond conceptions of equality that focus on equalizing resources, and emphasizes or accounts for the differences – both interpersonal and social – that impact the converting of resources to opportunities. The capabilities approach specifies 10 valuable functionings or end states, and places priority on the capability or opportunity necessary to secure those functionings. I examine alternative conceptions of equality and justice, and highlight how people with disabilities are more prone to exclusion, rather than inclusion, under various alternative frameworks. Conceptions of justice such as John Rawls' notion of justice as fairness are often said to ignore or fail to adequately account for the differences that impact what people are able to be or do with the resources provided to them. I conclude, as Nussbaum (2006) has, that "[a]ll modern societies have had gross inequities in their treatment of children with unusual mental impairments" (p. 199), and in the context of this paper, endorse Brighouse's (2005) claim that "the central purpose of education is to promote human flourishing" (p. 42).

Second, I suggest that Nussbaum (2006) is wrong to remain steadfast in her assertion that "[i]t would be a grave error to single out any one of the ten [basic human functionings] to bear the weight of indexing relative social positions: all are minimum requirements of a life with dignity, and all are distinct

in quality" (p. 84). I argue that the nature of disadvantage that emerges when one lacks a capability can reveal important things about its effect on one's well-being and ability to flourish. I make the case that good health and the absence of disability ought to be regarded as having particular moral importance within the capabilities approach specifically, and more generally, within any theory of justice. I suggest that disadvantage does not merely differ in degree, it also differs in kind. I highlight how some disadvantage is corrosive in nature, insofar as it impedes the ability to secure other valuable states of being. Alternatively, some disadvantage is merely harmful in a more limited way – it results solely from the inability to secure one valuable end-state. I make a distinction between *corrosive* and *simple* disadvantage. I argue that those capabilities that would result in a corrosive disadvantage ought to be prioritized and that it is important to clarify how one "may very well suffer disadvantage from failing to secure a valuable thing, but that disadvantage is only corrosive when it reaches into other aspects of that individual's life and negatively impacts the ability to secure other valuable states of being" (Riddle, 2014, p. 84).

Third, and related, I suggest that not only do people with disabilities face corrosive disadvantage due to potential ill health and disabling barriers, this injustice interacts with, and reinforces, another form of a corrosive disadvantage that many people with intellectual disabilities face: a lack of meaningful opportunities for education. I endorse an interactional model of disability – one that acknowledges that while disabling experiences reside primarily in the realm of society, it is possible that for some, the thing that disables is certain inherent traits of their own that interact with social structures, attitudes, and environments.[1] I outline the various inequalities within educational systems and argue that a failure to secure the capability of "senses, imagination, and thought," a capability that Nussbaum suggests includes education, results in people with intellectual disabilities missing out on the positional, instrumental, and intrinsic value of education (Brighouse & Unterhalter, 2010, p. 802). Importantly, a conception of justice designed to promote educational opportunities must find a balance between theoretical commitments and practical considerations for how such commitments might manifest as policy suggestions. Terzi suggests that the capabilities approach provides direction not only in a theoretical manner, but also for sound policy guidance. She suggests that the capabilities approach "provides a framework that allows the interplay between the theoretical dimension of conceptualizing disability and special educational needs as aspects of human diversity (the difference), and the political level of responding to the equal entitlement of all children to education (the sameness)" (Terzi, 2008, p. 109).

I conclude that we ought to prioritize the securing of meaningful educational opportunities for people with intellectual disabilities. I suggest that our present failure to do so results in a corrosive disadvantage, and that educational opportunities warrant additional concern above and beyond other capabilities. I conclude that while the capabilities approach is best for allowing people with intellectual disabilities to flourish, especially within the realm of education, it must acknowledge that some capabilities, especially education, ought to be regarded as having particular moral importance, and thus, meeting the health and educational needs for *all* members of society is especially important.

Education and Justice

First, a case needs to be made for adopting the capabilities approach to justice, at least with respect to educational opportunities. This section presents the capabilities approach, alongside other conceptions of justice, and suggests that these other notions of justice are inadequate for examining the complex array of factors that are necessary to consider when promoting educational opportunities. These frameworks or conceptions vary in terms of their potential for success, but all but the capabilities approach leave us wanting in stark or obvious ways.

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[1] See, for example, Riddle, 2012, 2013; Shakespeare, 2013.

For example, take a broadly consequentialist position of justice and its demands for educational institutions. John Stuart Mill said surprisingly little about education in the traditional setting, and instead dedicated most of his attention to what he called a wider sense of education, rather than a narrow, or formal education. Indeed, the fact that he feared that "his own education had been lacking in the cultivation of the passive sensibilities is perhaps heard in his insistence that in addition to the sciences and the humanities, space must be found for the fine arts" (Ryan, 2011, p. 664). In other words, Mill's consequentialist discussion of educational justice looked beyond typical classroom settings or disciplines, and instead was expanded to include things like cultural competency and appreciation for the arts. His lack of engagement with matters of educational justice seems to have stemmed from his own particularly privileged upbringing. To suggest that education in the wider sense is of supreme importance is, generally speaking, the prerogative of those with an adequate education in the narrow sense. Of course, an appreciation for the arts is valuable in any well-rounded educational setting. Nonetheless, little is said about other, perhaps equally as important, aspects of an education such as more traditional STEM subjects, or the humanities traditionally studied in classroom settings. This is all to say, Mill provides little guidance as to how people with disabilities, and especially people with intellectual disabilities, might best be integrated into a classroom setting.

Rawls's (1971, p. 24) observation that classical utilitarian thought was bound to under-value, or outright ignore, the importance of differences among people is especially astute in the context of education. Those requiring accommodation for different learning environments or means to learn, receive little recognition from these outcome-based approaches. While all students require educational opportunities tailored to their skills, interests, and particular strengths in order to truly thrive, people with intellectual disabilities far too often fall to the wayside. Classical utilitarian thought provides little recognition of the differing needs of those with intellectual disabilities, and thus, people with intellectual disabilities are often given inadequately suited educational opportunities.

Indeed, Sen tackles the question about the recognition of difference within a framework of justice head-on. He asks us to consider how a utilitarian conception of justice might distribute resources to someone with a utility disadvantage – someone who is less efficient at converting resources into utility than a similarly situated counterpart – when there is someone else who has no straight-forward barriers to converting resources into utility (Sen, 1973, p. 17). In the context of students with intellectual disabilities, a common conclusion to be drawn is that students with intellectual disabilities require additional resources, above what other students require (whether that be time, attention, or individualized instruction more generally), and thus, a consequentialist might ignore difference and prioritize students more capable of operating within a one-sized-fits-all educational setting. In consequentialist terms, if one's marginal utility is higher than someone else's under a simplistic outcome-based framework, this would seem to demand the allocation of resources away from the one in greater need, in favour of someone who has greater efficiency. Understood in this manner, a utilitarian framework would compound, rather than rectify educational injustices against people with intellectual disabilities. People with intellectual disabilities will often require additional interventions to both facilitate a thorough and adequate education, and receive education in an inclusive environment. For the consequentialist, the additional resources required for their education seems to warrant a diverting of resources away from those who are arguably in the greatest need, to those perceived to be optimally situated to do the most with the educational resources provided to them.

Note that in the present context, the traditional utilitarian retort has no footing. The claim in the utilitarian rebuttal is that oftentimes, those who might be in a worse-off position, while unlikely to be as *efficient* at converting resources into utility as others, are likely to derive from these resources a tremendous amount of utility – more utility than those with no utility disadvantage – because the impact of additional resources on those with little is much greater, due to diminishing marginal utility.

Surely this reply might be relevant in some contexts, and, strictly speaking, it can be true with regard to things such as income and resources as they are more broadly construed. That said, in the context of intellectual disability and education, it may very well be the case that not only are more

resources required to provide an effective and inclusive education for people with intellectual disabilities, but even with greater educational resources at their disposal the impact of that education on their development, and its social influence, will not be as substantial as for those without intellectual disabilities. If we rely upon the assumption that an ablest society will continue to exist, the above point seems true. In the event that this is the case, the utilitarian cannot justify a greater expenditure of resources on educational programs for people with intellectual disabilities, and must instead commit themselves to the undesirable, and stereotypical, consequentialist conclusion, of excluding both those who require additional resources and those who may never receive as much benefit as others.

Perhaps a shift away from utility to equality could resolve this distributional concern. As Dworkin has suggested, the waves of departures from consequentialist thinking to egalitarian thought provide a plateau for political argument and can resolve our concern and better address educational justice for people with intellectual disabilities (1983, p. 25).

Let us examine a paradigmatic conception of resource-based equality: a Rawlsian framework. While it may be somewhat natural to include education within Rawls's notion of social primary goods, Rawls, much like Mill before him, said very little about education. One may be inclined, like Amy Gutmann (1980, p. 340), for example, to suggest that education must be properly regarded as a Rawlsian primary good because a base-level of education is an all-purpose means for everyone's future plan, irrespective of their conception of a good life. Therefore, the argument proceeds, education must be included amongst other primary goods, and derived through a similar justification as that which Rawls himself employed. Rawls (1971, p. 62) suggests the primary goods are rights and liberties, powers and opportunities, and income and wealth, and surely a basic level of educational attainment can be derived as a foundationally important good, as Gutmann suggests, or more minimally as a requirement for securing the goods Rawls articulates.

As Brighouse and Unterhalter suggest, however, conceptualizing education in relation to social primary goods is not without its potential problems. Importantly, they argue, acknowledging differences amongst people and their correspondingly different needs in the context of formal education should not be regarded as stigmatizing – or charges of a similar nature (Brighouse & Unterhalter, 2010, p. 196). The provision of education must be sensitive to variations in needs and abilities, and this is particularly apparent when considering the needs of people with intellectual disabilities.

Rawls, however, assumed that primary goods were sensitive enough to address significant variations in human ability as well as the diverse objectives people formulate, oftentimes in light of that ability. However, the charge against consequentialism concerning its failure to both recognize and account for human difference and the different treatment required, as a matter of justice, to address that difference, may very well be launched against Rawls as well. If, as Gutmann suggests, we justify the providing of educational resources to everyone on the grounds that access to some minimal level of education would be agreed upon in the original position, then a one-sized-fits-all proposal is bound to ignore the tremendous amount of difference associated with people and the value of education obtained from its differing levels. In other words, some people are more able to situate themselves in an advantageous position that secures or satisfies the requirements Rawls lays out when articulating his notion of primary goods, while others, who may require greater levels of educational attainment or resources to obtain similar functioning, are more poorly situated (Brighouse & Unterhalter, 2010, p. 196). If all that is required is that which can be defended from the original position, then surely some people will fail to benefit from the resources provided to them to receive suitable educational opportunities. The minimal conception of justice established by Rawls might fail to account for people's differing abilities to convert resources into substantial opportunities. When we factor in the perceived difficulty of educating those with intellectual disabilities, because oftentimes a one-sized-fits-all approach will not work, it becomes more likely that those students with intellectual disabilities will not receive adequate opportunities. While students with intellectual disabilities might receive equal resources to pursue educational opportunities under a Rawlsian framework, because the structure of

educational settings is designed in an ablest manner, it is unlikely that they themselves will be able to maximize the benefit of those resources and obtain equal educational opportunities.

Sen offers a similar criticism against Rawlsian justice. He offers a critical appraisal of primary goods and points to evidence "that the conversion of goods to capabilities varies from person to person substantially, and the equality of the former may still be far from the equality of the latter" (Sen, 1995, p. 329). Sen beautifully summarizes his critique of Rawls when he pithily claims that primary goods are fetishistic (ibid., p. 326). Rawls, he claims, takes primary goods to be the embodiment of advantage. Instead, Sen suggests that primary goods themselves are insufficient to generate advantage or increase well-being, and it is in fact the relationship between goods and people that produces advantage. For Sen, people must be free to choose between various paths or substantial freedoms, and that choice only exists as a secure opportunity when people possess, amongst other things, the resources required to have an opportunity to choose. When Rawls equalizes things like educational resources or other primary goods, he ignores the fact that different people require different resources to secure meaningful opportunities. What matters for justice is not solely the inputs, but what people can do as a matter of outputs – the opportunities available to people in light of those inputs.

Robeyns (2005, p. 99) calls the different abilities people have "conversion factors" and explains that there are personal conversion factors, such as physical condition, sex, and intelligence; social conversion factors, such as political environment, social hierarchies, and power relations; and finally, environmental conversion factors, such as climate and geographical location. People with intellectual disabilities can have wildly different conversion factors than their able-bodied counterparts. Importantly, in the context of education, it is not solely personal conversion factors that influence someone's educational attainment or experience, but the personal, social, and environmental factors involved in a complex interplay that dramatically influences both the level of educational attainment and the ease or difficulty associated with that attainment.[2]

It is only when a theory of justice includes these conversion factors and accounts for substantive opportunities that it can adequately promote educational justice for people with intellectual disabilities. Included within a Nussbaumian conception of the capabilities approach is the capability of "senses, imagination, and thought." She claims that this capability includes

> Being able to use the senses, to imagine, think, and reason – and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain. (Nussbaum, 2006, p. 76)

Importantly, Nussbaum (2006, p. 85) explicitly addresses education within a general theory of justice, and suggests that everyone deserves, in order to live a life worthy of human dignity, an adequate level of education. This obligation is framed in a manner that makes it clear that educational attainment is important both intrinsically and instrumentally, for the securing of other valuable states of being. As a result of its shift from resource-based theories of justice, the capabilities approach can be inclusive of the various conversion factors Robeyns identifies, and that Sen sees as being so pivotal an omission by Rawls as to warrant a damning critique on this basis.

Foundational to the capabilities approach is a notion of pluralism that can at once account for differing conversion factors whilst also acknowledging the multitude of ways in which people can

[2] This point emphasizes the interactional nature of the experience of disability as noted in the introduction.

access capabilities. The capabilities approach acknowledges that not all educational opportunities must be identical, and can be resolute in the assertion that no one is ineducable (Vorhaus, 2016, p. 24).

That said, the capabilities approach provides people with intellectual disabilities an acknowledgement of difference and a conception of justice fit to address that difference in a dignified manner. Alternative conceptions of justice are inadequate to factor in the complex array of conversion factors and the manner in which they interact with one another. This failure results in an inability to promote justice within education for people with intellectual disabilities.

As Terzi (2008) acknowledges, the capabilities approach is poised to do particularly well at providing just educational opportunities for people with intellectual disabilities because

> a restriction in functionings results in a restriction of the set of functionings available to the person. Consequently, it results in a narrower range of capability. Thus, within this framework, disability is conceptualized as a limitation on relevant capabilities and is seen in its relational aspect, both with respect to impairment and to the design of environmental and social arrangements. Disability is therefore evaluated as a "vertical inequality," and hence as a kind of difference that has to be addressed as a matter of justice. (p. 110)

Prioritizing Education

The manner in which conversion factors interact with one another is not the only complexity within the capabilities approach that requires careful theorizing. I argue that the capabilities themselves interact with one another and are intimately entwined (Riddle, 2011, 2014, 2016, 2020). Moreover, any conception of the capabilities approach that fails to acknowledge the complex relationship between capabilities is bound to undervalue the relational role capabilities play in securing the ability to flourish.

Nussbaum (2011) herself acknowledges the complex relationship between capabilities when she states, "capabilities are seen not as isolated atoms but as a set of opportunities that interact and inform one another" (p. 98). Despite this acknowledgement, she suggests, "it would be a grave error to single out any one of the ten to bear the weight of indexing relative social positions" (Nussbaum, 2006, p. 84). While Nussbaum is steadfast in her assertion that we should not assign relative weight to any of the capabilities she articulates, I argue that it is compatible with her articulation of justice to do so.

Sen (1992, p. 44; 1999, p. 23) himself acknowledges that however we articulate the capabilities that should be assured, they must be assigned a relative weight and ranked from the more central to the trivial.

The position I have taken acknowledges that all the capabilities are required for a foundational conception of justice, and that a failing in any one of the capabilities is a failing of basic justice, irrespective of how well someone performs at the remaining capabilities. In other words, I acknowledge that the capabilities are non-fungible with respect to justice. That said, the manner and expediency in which justice is secured is affected drastically by the ability to prioritize securing particular capabilities over others.

The most thorough and compelling argument in favour of prioritizing some capabilities over others comes from Arneson. One way of interpreting the capabilities approach is to suggest that the capabilities are indeed fungible. Arneson (2006, p. 25) suggests that dips in some capabilities should be permissible, insofar as the overall level of well-being remains above the minimally established threshold. In other words still, trade-offs amongst various functionings should be permissible. What is most important for Arneson (ibid., pp. 31–32) is bringing about a fair share of well-being. He suggests that functioning ought to be the focus of the capabilities approach, and by focusing on capability or the opportunity to function, it thereby fails.

Arneson (ibid., p. 26) suggests that while things like sexual and romantic pleasures are indeed good – as Nussbaum (2006, p. 76) articulates in her capability of bodily integrity, for example – one

can, for instance, lead a good life and flourish whilst remaining celibate. Health, however, is seen as a paradigmatic example of something that ought to be deemed a functioning, and I agree to a particular extent.

We need not go as far as Arneson suggests, however, to both endorse his criticism and build from his observation, as well as to remain within the spirit of the capabilities approach. More specifically, we need not engage in such a drastic shift to emphasize functionings over capabilities. Instead, we can acknowledge that some capabilities might receive more priority over others for the reasons that Arneson highlights, whilst simultaneously retaining our focus on capabilities and not functionings.

As Arneson does, I argue that health and the absence of disabling barriers are particularly important capabilities precisely because of how they impact one's capability set. In other words, I do not aim to place value on the securing of any particular capability over another, except to suggest that some have a greater or lesser impact on securing the remaining capabilities. Thus, if one aims to establish a minimal conception of justice, I argue that we ought to prioritize those things that have the greatest positive impact when secured, or negative impact when insecure, to ensure that other capabilities follow more easily.

I propose that while all capabilities are essential to a person's ability to flourish, some are more likely to help someone reach a minimal threshold faster than others if prioritized. I, like Arneson, take health to be a particularly compelling example.

While the social determinants of health are well documented, it is also widely acknowledged that health influences social conditions just as much as social conditions impact health. Engels (1993) observed the poor living conditions of the working class in England and explored, amongst other things, the impacts of housing quality on death rates:

> All conceivable evils are heaped upon the poor … They are given damp dwellings, cellar dens that are not waterproof from below or garrets that leak from above … They are supplied bad, tattered, or rotten clothing, adulterated and indigestible food. They are exposed to the most exciting changes of mental condition, the most violent vibrations between hope and fear … They are deprived of all enjoyments except sexual indulgence and drunkenness and are worked every day to the point of complete exhaustion of their mental and physical energies. (p. 108)

The World Health Organization (WHO) (1986) also suggests that peace, shelter, education, food, income, a stable ecosystem, sustainable resources, social justice, and equity should also be regarded as prerequisite conditions for health. That said, they acknowledge the bidirectional importance of health when they suggest that health must be properly regarded as "a resource for everyday life, not the objective of living," and that "good health is a major resource for social, economic and personal development and an important dimension of quality of life" (World Health Organization, 1986).

I suggest that because health is so foundational – because it is rightly regarded as a prerequisite condition for other valuable doings and being – we ought to prioritize it when promoting justice. This is not to say that a life lived in good health is minimally just, despite lacking in other capabilities, but instead that a life lived in good health makes it more likely, and easier, for people to secure the remaining capabilities. Because disadvantage differs not only in degree, but also in kind, it is of vital importance that we address those capabilities for which a disparity leads to the most corrosively disadvantageous conditions (Riddle, 2016, p. 31). As Arneson suggested, a life lived without meaningful sexual or romantic relationships may be one without disadvantage, though it may also very well involve disadvantage. That said, a life lived in poor health or with disabling barriers is one in which there is a much greater likelihood that the person will face disadvantage that will make it harder for them to secure other valuable states of being.

Moreover, I suggest that because disadvantage differs in kind, it is helpful to consider what kind of disadvantage emerges from a lack of education or educational opportunities. I suggest that an

educational disadvantage is more similar to a health disadvantage than it is to a sexual or romantic disadvantage. Thus, just as we ought to prioritize health and the removal of disabling barriers, we ought to prioritize educational opportunities. When we reflect back on the observations made by Engels, or the conclusions drawn by the WHO, we see that education has a remarkably large impact on the remaining capabilities that Nussbaum articulates.

Take the following examples to demonstrate this point. Surely basic levels of education are paramount in order to have the capability of bodily integrity. For example, women's literacy is widely cited as an incredibly important means to both empower women, and to encourage social development. This is because of how basic literacy provides women with, amongst other things, the power to exercise control over matters of reproduction, and the capability to leave relationships in which there is sexual or other forms of assault. Education is vital in securing the capability of practical reason – the ability to make life plans in a meaningful way. It is important for establishing the social basis of self-respect and nonhumiliation. It is paramount in having control over both one's political and one's physical environment. In short, an adequate education provides a solid foundation for securing many of the other valuable capabilities. Without educational opportunities, other capabilities are not precluded, but they are much more difficult to secure.

Not only is a lack of educational opportunities troubling, it appears as if intellectual disability is more likely to result in the compounding of disadvantage, as discussed previously. People with intellectual disabilities often face tremendous stigmatization and exclusion within society. People with intellectual disabilities often find that they lack the social basis of self-respect because of ablest attitudes and the manner in which society is structured. Thus, while educational opportunities are important for everyone because of the corrosive disadvantage that can grow without them, people with intellectual disabilities are more likely to be affected by this corrosiveness. In short, for people with intellectual disabilities, it is more likely that something disadvantageous, such as not receiving an adequate education, will be corrosive, because of the increased insecurity of their other capabilities. Corrosiveness is determined not only by the capability itself, but by how someone is situated with respect to other capabilities. An inability to secure a particular capability can be more or less corrosively disadvantageous depending on the relative security of other capabilities. I suggest that, while a failure to provide educational opportunities is likely to lead to corrosive disadvantage for everyone, because people with intellectual disabilities are more likely to have insecure capabilities due to the manner in which their impairments manifest socially, they are more likely to face greater corrosive disadvantage. In short, intellectual disability makes it more likely that people will not receive adequate educational opportunities, and the resulting stigmatization also results in less security in other areas of life, which in turn compounds the disadvantage from a lack of educational opportunities.

Intellectual Disability as a Special Case of Educational Priority

Perhaps unsurprisingly, good health and an absence of disabling barriers play an intimate role in educational opportunities, and the relationship is bidirectional. Those lacking in educational opportunities often find themselves more susceptible to poor health conditions, and those in poor health often find themselves less able to pursue educational opportunities. This is no small problem.

People with disabilities represent a large portion of our population. The WHO estimates that there are more than one billion people with disabilities in the world (World Health Organization, 2011). This suggests that approximately 14% of the world's population is disabled. This number, of course, includes those with all kinds of disabilities, including disabilities that have little impact on educational opportunities, unlike many intellectual disabilities. It also includes those living in conditions in which educational opportunities are not available even for those without disabilities.

It is estimated, however, that of all students in the United States between the ages of 3 and 21, approximately 7 million, or 14% of all public school students, receive special education services under the Individuals with Disabilities Education Act (IDEA) of 1975 (National Center for Education Statistics, 2019). These numbers, of course, fail to account for all of the students who could, or perhaps even should, be receiving services under IDEA but are undiagnosed for a multitude of reasons. Thus, in actuality, the number of students requiring special education services is much higher. Approximately 34% of students have a specific, identifiable learning disability, whilst 10% are autistic. Seven percent of students receiving special education services have a development disability, and 6% are intellectually disabled (ibid.).

Thus, while approximately 420,000 students have been identified with an intellectual disability and are receiving special education under IDEA, approximately 7 million people in the United States alone are reported as living with an intellectual disability (National Disability Navigator Resource Collaborative, 2014). Of the students with intellectual disabilities who graduated secondary school, 35% obtained an alternate certificate upon graduation, rather than a high school diploma, the highest rate amongst all students measured (National Center for Education Statistics, 2019). Approximately 24% of all students with disabilities spend less than 80% of their time within a regular classroom setting (ibid.). More generally, the WHO (2011) reports that globally, people with disabilities "experience significantly lower rates of primary school completion and fewer mean years of education than respondents without disability" (p. 206). Furthermore, people with disabilities are approximately 10% less likely to complete primary school than their non-disabled counterparts, and have approximately 1.5 fewer years of education (ibid., p. 207). The WHO reports that from curriculum, pedagogy, inadequate training, and physical and attitudinal barriers, to lack of legislation, policy, targets, and plans, the obstacles to education for children with disabilities that result in widespread inequality are numerous and varied (ibid., pp. 212–216).

The above statistics are presented to demonstrate the reality of receiving educational services if one is disabled. Sadly, our educational services are lacking for those with intellectual disabilities.

I have argued that good health and the absence of disabling barriers is a particularly important feature in the pursuit of well-being. I did so by highlighting both the extent and the kind of disadvantage faced when faced with poor health or disabling barriers. I suggested that one was less likely to secure other valuable functionings if they were unable to secure good health. I also highlighted the tremendous impact that educational opportunities and educational attainment play in the securing of the remaining capabilities. I suggest that the disadvantage associated with poor health is similar to the disadvantage from a lack of adequate educational opportunities. In both instances, I suggest we ought to prioritize the securing of health and education for people.

Why, then, does education amount to a special and priority case for those with an intellectual disability? Why should we regard a failure to secure educational opportunities for people with intellectual disabilities as being especially problematic?

I suggest that a failure to provide adequate educational opportunities for people with intellectual disabilities results in the even greater compounding of disadvantage for them, and thus, if priority ought to be given to minimize the nature of corrosive disadvantage, those doubly disadvantaged – that is, those facing the disadvantage of disabling barriers as well as a lack of meaningful education opportunities – ought to be prioritized. Not only do people with intellectual disabilities face the disadvantages associated with their disability – from the manner in which they are forced to interact with ableist social structures and the built environment, to attitudinal barriers – but they are also forced to experience disadvantage in the context of education. While this fact may be true of all students with disabilities, it seems particularly problematic for those with intellectual disabilities. As educators and, indeed, entire educational systems must change to account for the individual needs of students in the learning environment, intellectual disability poses a particular problem beyond many other forms of disability. The needs of people with intellectual impairments require us to undergo a more significant rethinking of educational design and goals. With physical disability, which still results in tremendous

exclusion, educational material can often be taught in a similar manner, though with an altering of the physical environment, or through adaptive devices for individual students. Intellectual disability, however, requires a wholesale rethinking of the educational enterprise to foster success and promote inclusion. As education is paramount for securing well-being, and disabling barriers adversely impact the ability of someone with an intellectual disability to flourish outside of the realm of education, disabling barriers also creep into educational opportunity, and serve to doubly disadvantage. As previously highlighted, because the relationship between health and education is bidirectional, this double disadvantage is compounded without adequate educational services.

People with intellectual disabilities become trapped in a cycle of institutional ineffectiveness, virtually unable to break free to secure valuable functionings. Capabilities become narrowed and we fail to secure a minimal conception of justice for the intellectually disabled. The experience of intellectual disability calls for particular priority to be placed upon it because of the kind of corrosive disadvantage that manifests from the complex interaction of intellectual disability and lack of educational opportunities.

Furthermore, intellectual disability differs from many other disabilities in the context of education for a variety of reasons. First, physical disabilities are often viewed as financial barriers for inclusive education, but are not corrosively disadvantageous to the same extent as intellectual disabilities. Certainly funding and proper policy affects those with physical disabilities, but generally speaking, there are fewer barriers to sound educational opportunities for those with physical disabilities. By no means does this observation imply that social, environmental, and attitudinal barriers have ceased to exist within society or educational settings for people with physical disabilities, but rather, we have become more accustomed to implementing structural change in order to promote an inclusive environment in this context.

Next, many so-called learning disabilities are viewed as discrete entities, adversely impacting someone's ability to perform a particular task or function in a manner similar to their able-bodied counterpart, but they are not viewed as being constitutive of the whole person. Intellectual disability, however, is viewed as an essential part of someone's identity – an inalienable aspect of the person that is both omnipresent and omnivalent. People tend to associate intellectual disability with a complete inability to capitalize on educational opportunities. Regarded in this manner, there appears to be little impetus to provide *any* educational opportunities. The attitude towards those with intellectual disabilities differs from that towards those with learning disabilities or physical disabilities within an educational context, because the latter two are often thought to restrict someone's functioning in very particular manners, but are not viewed as diminishing all levels of functioning associated with the entire person.

Education for those with intellectual disability becomes a particularly important priority due to the nature of disadvantage that exists for those with intellectual disabilities within the framework of education. In other words, those with intellectual disabilities are viewed and treated differently from those with other disabilities, and as a result of this difference, they are more likely to experience the kind of corrosive disadvantage discussed previously.

Conclusion

I have aimed to establish three things. First, I have argued that the capabilities approach is the best candidate for an adequate theory of justice to provide just educational opportunities for people with intellectual disabilities. I argued against consequentialist frameworks, as well as Rawlsian notions of justice for education. Second, I have suggested that the capabilities approach, while possessing many merits, must acknowledge that a prioritization of some capabilities over others is essential. I did so by highlighting the manner in which ill-health and disabling barriers adversely affect one's ability to secure the remaining capabilities. I then suggested that a lack of foundational educational opportunities results

in a similar form of corrosive disadvantage, and thus ought to reside in the same category of capabilities that are given priority. Third and finally, I have suggested that intellectual disability presents a particularly urgent case for educational justice, because those with intellectual disabilities are historically under-serviced within educational institutions and stand to lose much more than others because of the potential for compounding corrosive disadvantage.

It is far from contentious to suggest that our educational institutions are failing many students, especially those with intellectual disabilities. A stronger claim to justice for people with intellectual disabilities is an area of potential change in the policy and funding associated with education more generally, and for people with intellectual disabilities more specifically. Reconsidering the scope of democratic citizenship and ensuring a strong deliberative democracy, inclusive of the liberal ideal of human flourishing for all, is essential (Skrtic & Kent, 2013, p. 101). As stated at the outset, the central purpose of education is to promote human flourishing, and this notion includes everyone, irrespective of whether they are intellectually disabled or not.

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