Avoidance and/in the Academy

The International Conference on Disability, Culture and Education, Liverpool Hope University, 11-12 September 2013

**Proposed title: InVisible Difference: how the academy can support the disabled dancer.**

The academy has not so much avoided the legal frameworks that could empower the efforts of disabled people in the cultural sector – it has rather given precious little thought to them. Yet from human rights through to intellectual property there are a number of legal measures that could enable access to, participation in and ownership of culture for disabled people. Taking disabled dance as its focus, this talk will concentrate on how human rights can provide the framework for participation and how intellectual property can give equal rights to authorship and ownership of dance.

From a human rights perspective, Article 30.2/3 of the UN Convention on the Rights of Persons with Disabilities states that disabled people should have the opportunity to develop their creative and artistic potential and that intellectual property rights should not prevent this. The Copyright Designs and Patents Act 1988, provides that the author of a dance is the person who creates it. Normally the author of the dance is thought of as the choreographer. We challenge that. We think that because of the very particular creative effort put into the dance by the disabled dancer, the disabled dancer is at least the joint author. That is important because ownership flows from authorship. We seek to further support our analysis through the lens of medical law, and to re-think the theoretical frameworks that support the disabled dancer in her work.

Why does this matter in the academy? It matters because the analysis recognises and reifies the achievements of the disabled dancer as being on a par with the non - disabled. In other words, our case study around the disabled dancer adds to the broader contextualisation of disability in the academy making it increasingly difficult to avoid taking disability seriously.