**A new foundation: physical Integrity, disabled dance and cultural heritage**

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**Introduction**

Leading dance commentators have argued that ‘disability remains a marginalised and under-theorised area in dance studies’, notwithstanding advances in the growth of mixed ability dance companies, and the expansion of critical scholarship around dance and disability (Albright Copper and Brandstetter 2015:3, 5). We agree that ‘disabled dance’ is under-theorised; in the light of this we have chosen to continue to use the term ‘disabled dance’, but we stress that we do not claim that disabled dance should be seen as a distinct art-form, and certainly not a distinct genre, but as a unique and important integrated element of the dance community that deserves its place alongside any other sector within that community.[[1]](#footnote-1) Further, for as long as this is so and disabled dance lacks a philosophy to deepen understanding and knowledge of the dance and its philosophy, disabled dance will continue to evolve in fits and starts, and to be persistently at the margins of dance.

Dance has been argued to pose unique philosophical questions relating to inter alia the importance of the human body, the dynamics of agency, the collaborative nature of dance and the individuality of the body, and the meaning generated in different dance activities (Bunker, Pakes and Bowel 2013). But disabled dance (bearing in mind the point made above) raises much deeper enquiries. Accordingly, in this chapter, we have two primary aims. Firstly regarding marginalisation, to argue that disabled dance, already an important component of the rich mosaic that comprises our cultural heritage, meets the criteria demanded for protection and promotion under the law pertaining to intangible cultural heritage (ICH); as such, practitioners and other communities of interest must do more to make disabled dance and its agents more visible**.** Secondly, and to assist in delivering the first aim, this chapter will offer a theory – or at least an interdisciplinary grounded and principled foundation – around which disabled dance might coalesce and through which it might be examined. This foundation could ultimately facilitate disabled dance in becoming a more visible, acknowledged and safeguarded part of ICH. Through these dual aims, our overall purpose in this chapter is to help disabled dance thrive and take its rightful place in the cultural milieu more generally.

We seek to do this from an interdisciplinary perspective. The InVisible Difference project was of course an interdisciplinary effort, bringing together academics in law (intellectual property, human rights and medical law) and dance, and dance practitioners.[[2]](#footnote-2) This article was written, not only because of the particular contribution that we wanted to make to developing a philosophy of disabled dance, but also because we wanted to write a true inter-disciplinary piece so that we could show how far our thinking had come during the currency of the project. To that end we met in early 2015 to conduct an ‘article sprint’.[[3]](#footnote-3) While generally the aim of a book sprint is to finish a book in 3-5 days, we did not quite manage that with our article, and as is often the way with these initiatives, other priorities took over once our meeting was finished. However, we persevered, and sequentially, rather than concurrently, we completed this article which we think makes a unique contribution to the literature and indeed to the final output of the InVisible Difference project.

**The Fight Against Marginalisation and the Intangible Cultural Heritage Perspective**

A strong theme through this collection is the existence, value and quality of disabled dance. ‘Pioneering’ integrated dance companies of the 1980s and 1990s set a path to show that the work of disabled dance artists should be taken seriously. [[4]](#footnote-4) Contemporary disabled dance artists tend to continue in this pioneering mode, as autodidacts and self-resourced. Communities of artists grow up in locations that are most supportive of the work, still sometimes remote from the dance ‘mainstream’, however well the work may be received. There is plenty of evidence of the quality of this work. We witnessed it during our observations of rehearsals and work in performance[[5]](#footnote-5), and our own project events featured performances to draw attention to the need for the work to be witnessed, documented and transmitted more widely.

While a rich and feted cultural practice might persist in the shadows for a while, it cannot thrive indefinitely away from widespread critical review, lay audiences, and major funding sources. This is especially the case when the practice is pursued by members of society who have traditionally been side-lined and discriminated against (such as disabled individuals). Some assistance can come from international law and resulting practices and opportunities pertaining to intangible cultural heritage (ICH).

ICH has its present roots in the United Nations Educational, Scientific and Cultural Organisation (UNESCO), established in 1945 in the belief that peace should rest on the basis of humanity’s intellectual and moral stability. UNESCO seeks to build intercultural understanding though the protection of heritage and support for cultural diversity (UNESCO n.d.). Further, the Universal Declaration of Human Rights 1948 (UDHR), the starting point of ‘modern’ international human rights regime which is part of the same package of international activities which followed the atrocities of the two world wars, states:

… the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...All human beings are born free and equal in dignity and rights. (Article 1)

Within this framework, UNESCO long focussed on tangible cultural heritage – heritage that can be touched such as monuments, buildings and paintings. 2003, however, saw the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage 2003 (ICHC) which refers, in its first recital, to international human rights instruments. The ICHC defines intangible cultural heritage as the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage (ICHC, Article 2.1). It goes on to state that this ICH is:

* Transmitted from generation to generation;
* Constantly recreated by communities and groups in response to their environment, their interaction with nature and their history; and
* Provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.

The ICHC then enumerates oral traditions and expressions, including language, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, and traditional craftsmanship as examples of ICH - insofar as they are compatible with human rights (ICHC, Article 2.1 and 2.2). The ICHC also stipulates that ‘safeguarding’ entails ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, and revitalisation of various aspects of such heritage (ICHC, Article 2.3). ICH is, in other words, living heritage; a term that resonates strongly when one considers disabled dance.

One can of course argue that disabled dance is part of ICH whatever a treaty says. Yet the recognition of something as forming a part of cultural heritage under the ICHC has important legal, social, political and economic consequences. The importance placed on ICH can be understood when considering that, as of February 2016, 166 States out of a possible 195 were parties to the ICHC – although sadly not yet the UK which has been the focus of much, although not all, of the work of the InVisible Difference Project. The ICHC is thus likely to become the standard-setting instrument for safeguarding living cultural heritage for years to come.

From an instrumental perspective, the ICHC means that a web of formal and informal legal mechanisms becomes available to facilitate protection and promotion. As noted, states must safeguard ICH (ICHC, article 1(a), 11 (a)) and other obligations are imposed to help ensure the continuity, transmission and development of the relevant ICH, and to foster continuity between past, present and future generations (ICHC, article 1, 2(1), 11). From a socio-cultural perspective, ICH affirms and enhances a sense of identity and belonging within the community which generates the ICH. Members of the community whose ICH is to be safeguarded are to be full partners in its identification and management (ICHC, article15). In describing this as ‘an extraordinary bottom-up, grass roots participatory provision’, Kurin (2007:14) noted that:

it is not the songs sung in any recreated or imitative form - no matter how well meaning or how literally correct - by scholars, or performers, or members of some other community. It is the singing of the songs by the members of the very community who regard those songs as theirs, and indicative of their identity as a cultural group. It is the singing by the people who nurtured the traditions and who will, in all probability, transmit those songs to the next generation.

Others have argued that the focus on community means that the values held by groups, and the individuals that make up those communities, should form a part of what is valued in ICH, including what makes individuals human. ICH is thus “composed of deeper, underlying values such as teamwork and generosity, as well as significance that stems from senses of belonging and pride,” and “elements such as emotions, values and memories should also be placed within the concept of the intangible”(Stefano 2012:19). Looking more broadly, this breadth of perspective enhances cultural enrichment for communities and society as a whole. The ICHC is instrumental in encouraging openness towards different cultures and respect for cultural diversity, and in maximising the creative potential and evolution of cultural memory and the opportunity to inspire new cultural initiatives (Telesetski and Nafziger 2014; Vadi and Schneider 2014).

This final perspective is a reminder of the multi-faceted nature of recognising and safeguarding ICH. ICH is part of the living heritage of its “own” community and this community will have a role in managing it; this is in marked contrast to the universal focus of tangible cultural heritage. Further, this community is unlikely to equate to all the citizens of one country and may cross borders, yet the obligations under the ICH are imposed upon states. Finally, notwithstanding its local (non universal) element, ICH is also part of the wider cultural space and experience of other communities and of global society, including as part of the universal nature of the human rights framework (Blake 2000:61-85; Lenzerini 2011).

The creation of this framework is a valuable step forward for ICH in general, and we consider it to be essential, in order to avoid further marginalisation, that disabled dance is recognized as a part of it.

**Making dance part of Intangible Cultural Heritage**

Historically, the way in which something became an ‘authorised’ part of cultural heritage was by it entering the records of (mostly public) institutions charged with the task of recording, curating and preserving our past. Disabled dance is conspicuous by its absence from these records, and what records there are appear to be woefully incomplete. For example, while the V&A has some records of a very small number of dancers with disabilities at various times in history, these dancers are rarely named and tend to be referred to by their disability (e.g., ‘dancer with one hand’),[[6]](#footnote-6) an approach that underscores our trepidation about using the term ‘disabled dance’.

However, the focus in the ICHC on living heritage should mark a radical change in thinking towards disabled dance; an emphasis on living heritage means that an historical absence from archives and museums is no legitimate bar to recognition of something as a proper, important, and valued component of living heritage. In other words, under the modern regime, historical marginalisation is not a bar to recognition of disabled dance as part of our ICH; the key issue is for disabled dance to satisfy the definition. Thus, while disabled dance is obviously an intangible art form, we must inquire whether it meets the other necessary criteria within the ICHC: transmitted across generations, constantly recreated by communities, and, at its heart and as discussed above, providing a sense of identity and continuity for ‘the individual groups and communities that embody, practise and transmit’ the ICH (ICHC, Article 15).[[7]](#footnote-7) Other work in this project, and the points made at the start of this chapter, suggest that there is at least some transmission across generations, and that disabled dance is constantly being recreated (Harmon et al. 2015).The focus of this chapter then, is the need for a sense of identity in those who practice the customs and traditions in question, and which shifts as cultural practices are reworked by communities. This sense of identity is also essential to the grounding of individual dignity, the facilitation of self-confidence, and the formation of community - each of which are deeply entrenched ideas in the human rights system within which ICHC exists (InVisible Difference Symposium video 2014:1:04:30; and ICHC Art 15). We contend that the disabled dance community *is* a community with an identity for the purposes of ICHC.

To support this assertion, we develop the second aim of this chapter - articulating a foundational concept, around which disabled dance can coalesce. This would also help to fill that gap referred to in the quote at the outset: ‘disability remains … [an] under-theorised area in dance studies’ (Albright Copper and Brandstetter 2015:5). An example of the link between a foundational concept and a community can be seen from what might seem to be a related field: Disability Arts. Disability Arts is in fact a quite distinct community and has an identity because of the philosophy that underpins it, and which has been adopted by this group**.**

**Disability Arts Distinguished from Disabled Dance**

Disability Arts is a movement that formed in the mid-1970s. [Sutherland](http://www.disabilityartsonline.org.uk/what-is-disability-arts) (1989:159) describes Disability Art as “art made by disabled people which reflects the experience of disability”. He also suggests that disability politics was central to its emergence, and that without disability politics, Disability Art may not be what it is now:

I don’t think disability arts would have happened without disability politics coming first… Our politics teach us that we are oppressed, not inferior… Our politics have given us self-esteem. They have taught us, not simply to value ourselves, but to value ourselves as disabled people. (1989:159)

Something of the political flavour of the movement can be gleaned from Bragg’s 2007 blog post describing the debate held at the Tate Modern in relation to a motion that disability and deaf arts ought to be dead and buried (i.e., that we are all in the mainstream now). Bragg (2007) noted the passion elicited in favour of Disability Arts, going so far as to quote the view of one speaker that Disability Arts could be seen as ‘the last remaining avant-garde movement’ comparable to the early days of feminism and black arts. More recently, Dadafest, as part of its 2014 Congress, held a debate around the motion that ‘This congress proposes that Disability Arts is a form of human rights activism and as such only disabled people should be its leaders.’ The motion was ultimately carried by 31 votes to 26. In keeping with the politicised nature of the movement, Darke (2003:130) argues that:

Disability art philosophy is based upon legitimising the experience of disabled people as equal within art and all other cultural practices’ … it is ‘part of a process of re-presenting a more accurate picture of society, life, disability and impairment and art itself. Disability Art is a challenge to, an undermining of (as a minimum), traditional aesthetic and social values.

Brisenden (1990) has authored a moving account of what it means to be part of the movement:

...The culture of disability is the web that binds us together on the basis of what is common but leaves us room to move and grow. It is built upon appreciating and valuing many things, including things that may have been patronised or ignored in the past. For instance, an important element of our culture is our history. We should not wait for the academics to decide this is important, but we must begin charting it ourselves by listening to and recording the reminiscences of older people with disabilities. Their stories are our lost history, a central element of the culture we belong to. But a disability culture must also celebrate the present and the future.  … Disability culture is about expressing ourselves in whatever way comes naturally, and about realising that these expressions are valuable. It is not a question of shutting ourselves off from society, as some people seem to think. On the contrary we must take our place in society fortified and empowered by the knowledge that we do not need to discard our cultural identity as the price of integration.

Importantly for our purposes, this philosophical tradition engenders a sense of belonging for the community. When one sits within a particular philosophical tradition, it can act both as a guiding principle for one’s actions, and as an enabler for outsiders to better understand what drives and shapes one’s actions: an artist working within the Disability Arts movement follows an established tradition – a community with which to identify - while at the same time her audience has an intellectual framework to better understand the work.[[8]](#footnote-8) As Boyce (2013:265) has noted, there is a mutual dependence between the artistic and philosophical attainment of a work:

[I]t is in virtue of what the work achieves as art that it achieves something philosophically important. It is in virtue of what it achieves philosophically that the work succeeds as art.

There is no doubt that the Disability Arts movement has a powerful identity, and no doubt that a community has coalesced around its philosophy – a community which holds strong values and traditions that are passed on to others. The physical manifestations of their movement – the artworks, the paintings, the books, the sculptures, the dances, the performances – are the subject of public and private efforts to capture, so that the history and the tangible manifestations of the movement can be available to others (National Disability Art Collection and Archive). The Disability Arts movement and its manifestations, in other words, are in the course of becoming a curated part of our cultural heritage. Some elements of this are tangible and some intangible, but at the heart of which is the intangible nature of the movement; its underlying values, its politics, the sense of belonging and pride that it inculcates, the emotions it generates, the memories that it leaves – and these are continuously reworked by the community over time.

Conversations with our disabled dance collaborators makes clear that while they have respect for the Disability Arts movement and its politics, these disabled dancers do not form a part of the Disability Arts movement; these dancers are rather fundamentally apolitical. Further, and as we have argued extensively elsewhere,[[9]](#footnote-9) while disabled dance challenges traditional aesthetic values, it is difficult to claim that it also seeks to undermine these values in the sense of making traditional aesthetics less powerful or less likely to succeed on their own terms – a strong claim made by the Disability Arts movement. In short, the philosophy underlying Disability Art does not serve as a foundation through which the disabled dancers who have formed part of this project can identify as a community for purposes of ‘qualifying’ for ICHC protection.

**Towards Intangible Heritage Status: a Foundation to Facilitate Community and Critique**

The key question, then, is:

What theoretical notion should ground the disabled dance community so that disabled dance can better become an explicit part of our cultural heritage?

The next section will explore the theoretical component of this question with consideration given to ‘who’ compromises the community (noting that our focus in the InVisible Difference project was the UK, but the same conditions may apply to disabled dance across national boundaries or in other countries), and what constitutes a ‘foundation’ to which members of the community might implicitly align from a sense of belonging and pride (Stefano 2012:19), or in the absence of the growth of an alternative, or splinter movement.

A starting point in the search for theory or foundation might seem to be the concept of ‘embodiment’. This has been relied on in different discursive contexts, including that associated with the description of dance, where it has entered common parlance. Embodiment is, however, a protean concept, particularly within the confines of dance and may be insufficient as a foundation.

With respect to the individual dancer, embodiment as a term has been used to: include the body embodying choreographic intention (McFee 2011:131-5, 181-4); reflect incorporeal exchanges between the choreographer, dancer, audience and the conscious- world and the self-other (Carr 2013: 63, 64) regard the body as having a double nature – being a subject and a thing (64); highlight an intrinsic intertwining of body and mind as both are fully given over to the dance experience (Ness 2001:72,73,75,77-8; Williamson 2004); and to describe the shared habits of dancers, who have a high level sensitivity to bodily sensations produced by their movements (Hunter, Smith and Emerald 2015:10). In contrast, the work of philosopher Merleau-Ponty (2002:84) on the body as subject suggests that the idea of embodiment may be tied up with traditional notions of the objectified dancer, which have been challenged in late 20th century developments in the art-form. Probing more deeply, embodiment has often been used to highlight the notion that one is deeply invested in the dance. To ‘fully give ourselves over’ to a dance experience is to be fully ‘in our body’, and this somehow relates to the sincerity or virtue of the dance. This understanding is exemplified by the following:

Unlike the actor’s, the dancer’s body inevitably resists being given away. The more fully a dancer throws themselves into dancing a part, the more they come across physically as completely themselves. It is a paradox, not just of dance, but of our own existence, that often when physical being is at full tilt, the human essence seems most visible. When a dancer is giving it all they've got, what we see is no illusion, even if they are performing a ‘role’: the animating spirit cannot be borrowed or faked, it is the dancer's own. (Williamson 2004)

Thinking about embodiment in dance (as distinct from the dancer) does not alleviate the difficulty. At base, and this may not be without controversy, it may refer to a physical and emotional phenomenon located in the individual, sometimes in cooperation or synchronicity with other individuals. However, when categorised into a framework of words so as to develop a shared understanding of this experience, it becomes evasive. It is a highly personal and transitional practice; even when we are ‘copying’ someone else’s movement, we cannot help but translate and interpret this through the fibres, sinews, and cells of our own bodies, the memory and physical consequences of our own experiences, and the emphases, prejudices, and foibles of our own understandings. Moreover, our bodies, always central to dance, are ever changing, minute-by-minute, day-by-day, year-by-year. In the light of this, can embodiment be applied more specifically to disabled dance?

There has been some consideration of unusual and mutable bodies from the perspective of deconstructing dance (Bixler 1999:242-5; Dodds 1999: 218-220). There have also been some critiques of binary approaches to disability/non-disability and the focus in dance on one particular type of thin, non-disabled, beautiful, balletic body, rather than on how different bodies with different legacies dance within their own abilities (Dils and Cooper Albright 2001: 236; Burt 2001:44). The relationship of the disabled dancer to the notion of embodiment (and the further fragmentary effect it has on that notion) has, however, hardly been considered. We contend that the lived experience of disability has the potential to make a person ‘better’ at embodiment in part because those with a disability are familiar with scrutiny:

If born disabled our very ‘difference’ makes us interesting we are either being scrutinised for potential ‘normalisation’ or scrutinised for ways in which we might benefit from changed perceptions. We (our bodies) are central to the debate.

The experience of impairment insists that we think about our bodies frequently, impaired bodies in a normative world are constantly adjusting and negotiating as part of the experience of being in the world; from public transport and visiting restaurants to everyday tasks essentially designed for a ‘fully functioning’ body. (Marsh 2015)

Yet so far there has been limited consideration of how physical difference can radically transform the transmission of embodied knowledge.

Further, a focus on lived ‘embodied’ experiences raises interesting questions of disability models. As we and others have explored elsewhere (UPIAS 1976: 14; Campbell 2009; Swain and French 2015:569-82; Brown and Waelde 2015: 578), there are strong views that the medical model of disability, which sees disability as a problem to be cured, is unacceptable to disabled dancers; and that a social model (which sees disability as arising from the subjective structures which society imposes) or an affirmative model (that the focus should be on what people can do, rather than what they cannot) are preferable approaches. Embodiment is deeply intertwined with the medical model. A disabled person cannot live ignorant of her body when there are constant reminders such as medical interventions, physical access, and the perpetuation of the ‘normal’ or ‘perfect’ body in the media. So it could be argued that the disabled body is constantly embodying, and through this a disabled person becomes highly effective at capturing and utilising unique body knowledge. This problematic base could argue against embodiment being a unifying concept.[[10]](#footnote-10)

As seen, however, there are other objections to arguing for a foundational role for embodiment. The ‘dance understanding’ of embodiment is multiple, varied, and poorly differentiated and articulated, and the ‘disability understanding’ of embodiment is negative or loaded. Further the law (not just ICH law) does not directly engage with the notion except tangentially through law’s concept of ‘performance’. In the (non legal) definition of ‘performance’ offered by the New Oxford Dictionary, the link between the notions of performance and embodiment is clearly stated: performances are the embodiment on stage of creative works (literary, musical, choreographic works) (Pearsall and Hanks 1999:602). Through its regulation of the production and dissemination of performances, the law arguably indirectly engages with the question of embodiment in dance.

Performance

Law

Embodiment

Law does not, however, articulate a place for a more or less embodied performer or performance, or any question of degree or quality of embodiment because performances are not understood as adding any particular value to a work during the creative process. Performances are seen as a neutral, though sometimes necessary, step in the communication of a work to the audience, but never one that impacts the substance, quality or authority of the underlying work. To the extent that it respects the integrity of the work it conveys, a performance is not expected to evidence artistic quality or ‘integrity’ since it is limited to its function of transmission. In this logic, performing bodies merely function as a canvass for the communication of the underlying work.

This idea of performance as being meaningless is a by-product of two independent but interlinked phenomena of the law in relation to creative works (i.e., of intellectual property law). First, the existing framework seems to over-estimate the authority of both the authors and the works performers interpret – for our purposes, the choreographers and the choreographic works. In essence, the choreographic work is seen as transcending the performing body to reach the audience. Such limited understanding of the performing process transpires in the writing of the British judge Justice Park when he describes the creative collaboration between composers and performing musicians as follows:

A composer can 'hear' the sound of his composition in his mind before he ever hears it played. […] When Mr Kemp was devising his songs the sound which he had in his musical consciousness must surely have been the sound they would have when performed by Spandau Ballet, not the sound they would have when sung by Mr Kemp alone to the accompaniment just of his own guitar.[[11]](#footnote-11)

Second, and within this, the law considers the performer to be an inter-changeable performing template whose peculiarities would or should be rubbed off to let the choreographic work stand by itself. This approach to the performing body was the crux of the *Garcia v Google* case in the US,[[12]](#footnote-12) in which Cindy Garcia, an actress, had put forward a claim for the co-ownership and authorship of a video clip on the basis of her performance. Her contention was rejected on the grounds that performing was nothing more than acting as the mouthpiece for the author of a script:

Garcia did not write the script; she followed it. Garcia did not add words or thoughts to the film. She lent her voice to the words and her body to the scene.[[13]](#footnote-13)

In effect, this view limits performers’ role to being the authors’ puppets (Diderot 1883: 62; Pavis 2014:12).[[14]](#footnote-14) In doing so, the law assimilates the dancing body to that of a sophisticated pasteboard whose skills reside in the ability to interpret the work without modifying it content, meaning or quality (Diderot 1883: 62). Failing to do so would lead to unwanted variations, one might say distortions, of the performed version of the choreographic work. This approach thus presumes that dancers with similar bodies and equivalent skill levels should perform an almost identical rendering of the same choreographic work.

Couched in such terms, the act of performing becomes a process of *disembodiment* of the dancing body for it is expected to strip itself from its own physical, intellectual or emotional particularities to adopt those of the work. The relationship between the choreographic work and the performance of the choreographic work thus conceptualised offers no room for ‘embodiment’ as a meaningful notion. This leads us to conclude that performance – which is the only conceptual platform available to understand the idea of embodiment in law – is ‘disembodied’, leaving us with a strange theoretical paradox of ‘disembodied embodiment’.

From the dance perspective, therefore, embodiment has not done much to facilitate inclusiveness in dance, and indeed may be a barrier to inclusiveness insofar as it has failed to facilitate understandings of disabled dance, or the disabled experience. The legal contribution is also limited. Ultimately, then, the notion of embodiment is slippery and contested, and does not offer the unifying theoretical foundation that we seek for disabled dance and around which the necessary community can coalesce for the purposes of ICH. We therefore suggest that another organising concept, one that is perhaps more readily comprehensible, and, additionally, presently more relevant and familiar to existing legal frameworks, might be more useful in capturing the diversity of being and moving that characterises disabled dance. This starts with the human rights imbued concept of ‘integrity’.

**A better foundation: Integrity**

We consider that integrity can help us to achieve a new and necessary respect for the human body and the place of the disabled or differently-abled body in dance than was seen to be so in respect of embodiment. Further, as will be explored, integrity has important links with the field of cultural heritage, and, like heritage, it has human rights foundations.

Integrity is closely linked to dignity, which refers inter alia to the unity and wellbeing of the person (Foster 2011; UDHR and UNESCO Universal Declaration on Bioethics). As such, the constitution of human integrity, both physical and emotional, has been argued to be dependent on the experience of ‘intersubjective recognition’ (i.e., it depends on receiving approval and respect from others) (Honneth 1992: 187-201). This idea of intersubjectivity founds several theories of recognition (Hegel 1978) which generally hold that individuation is a process in which the individual expresses an identity to the extent permitted by those with whom she is in communication and partnership; we construct our identity in large part by learning from, and drawing on, the perspectives of others toward our qualities and abilities – an idea that is closely linked to the meaning of community within the ICHC. Identity construction has been termed a process which is ‘fragmentary, complex, multi-faceted and changeable’ (Briginshaw 2001:119) - again identity is central to the ICHC.

This social entanglement by its very nature renders us vulnerable to ‘disrespect’, which, depending on the form it takes, can upset one’s relationship to self. It has been argued that there are three gradations of disrespect which, importantly, can derogate from one’s integrity. The first, and arguably least damaging, is that which has negative consequences for one’s social value, either individually or as a group. It entails a social devaluing that erodes both one’s own self-perception as worthy of esteem, and others’ perception that one is deserving of esteem (Speier 1952; Berger 1970:338-347). This can occur when one’s qualities and abilities are measured, through that communicative and externally-influenced process, against a standard or norm informed by the majority. Foucault, in his discussion of ‘normalisation’, noted those modes of “which work by setting up standards or ‘norms’ against which individuals continually measure, judge, and ‘discipline’ and ‘correct’ their behaviour and presentation of self” (Borno 1993:199). In short, one can have one’s identity and integrity eroded or disregarded through social normalisation such as of physique, movement, acumen, and one can thereby be marginalised**.**

The second, and arguably more damaging form of disrespect is that which is structured. The exclusion of individuals or groups from certain rights that members of a given society expect within that society undermines more than just esteem. This form of disrespect has been described as follows:

For the individual, having socially valid legal rights withheld from him or her signifies a violation of the person’s intersubjective expectation that he or she will be recognized as a subject capable of reaching moral judgments. To this extent, the experience of being denied rights is typically coupled with a loss of self-respect, of the ability to relate to oneself as a partner to interaction in possession of equal rights on a par with all other individuals. (Honneth 1992:191)

Denial of rights and social ostracism lead to a downgrading of the form of living exemplified by the target group, and therefore to ‘social death’, and, on an individual basis, it unravels the identity that is (often painstakingly) constructed (or attempted to be constructed) through ongoing socialisation.

Again, the process of normalisation is critical, and the historical exclusion of difference is exemplified by how lepers led to the recognition of ‘madman’, both of whom were ridiculed for their differentness. Foucault (1965:11) explains the lepers’ and madmen’s care by external society but exclusion from internal society as an admission that “what was formerly a visible fortress of order has now become the castle of our conscience”.[[15]](#footnote-15) So, as a society, we are often ill-equipped to engage with someone who, historically (though often wrongly), has never been taken seriously, or who has been excluded. Instead, society has withheld its benefits from them and thereby eroded their integrity. Disability has often been a basis of this form of disrespect, and systematic denials of rights have signalled that the disabled person is not deemed worthy of the moral accountability shown to others (Feinberg 1980: 143-158).

The third and often most disastrous form of disrespect is that whereby the individual is forcibly deprived of physical integrity (i.e., of her power to make decisions with respect to her own body). Attempts to ‘seize control’ over another’s body typically impose physical pain and defenceless-ness, they destroy the victim’s confidence that she can govern her body autonomously. On this form of disrespect the following has been said:

[O]ne of the consequences, wedded to a type of social shame, is the loss of self-confidence and trust in the world, and this adversely affects all practical interaction with other subjects, even at a physical level. Through the experience … the person is deprived of that form of recognition that is expressed in unconditional respect for autonomous control over his own body, a form of respect acquired just through experiencing emotional attachment in the socialization process. The successful integration of physical and emotional qualities of behaviour is thus shattered post facto from without, crippling the most fundamental form of the practical relationship to self, namely, confidence in oneself. (Honneth 1992:190)

This extreme disrespect interrupts positive self-image even at the corporeal level; studies have found, for example, that torture and rape can result in ‘psychological death’ (Honneth 1992; Elsass 1997).

The above demonstrates strong arguments for the theoretical bases for integrity to have a moral and readily definable meaning. Our research in the InVisible Difference Project supports the validity of this meaning and also demonstrated that our participating dance artists have been the subject of all three levels of disrespect. In relation to the first level of disrespect – that of social devaluation when their work is judged by social norms – our YouTube analysis has shown how the qualities of disabled dance are judged by the audience according to the standard expected of the dancing body by the majority of society. In relation to the second level of disrespect – the structured and systemic nature of exclusion from society – the general discrimination against and exclusion of those with a disability from our cultural milieu is indicative of a denial of rights and erosion of integrity. In relation to the third level of disrespect – where an individual is forcibly deprived of physical integrity – the on-going prominence given to the medical model of disability within society and the subjection of persons with disabilities to the outcomes of its teachings illustrates this form of disrespect in action.

Our understanding of integrity also has strong traction within the law. In the human rights context of which cultural heritage has been seen to form part, two interrelated moral interests have been argued to underlie all true claims to rights – autonomy and physical integrity (Allam 2011: 24). These two interests are argued to speak to our welfare, to reflect what we innately value in humanity, and to apply to all people equally. At an instrumental level, Article 8 of the European Convention on Human Rights, which protects the right to private life (Human Rights Act 1998, Section 3 and 6), has been held by a court to encompass moral and physical integrity and to extend to situations of deprivation of liberty.[[16]](#footnote-16) Integrity becomes even more important when one is not in a position to exercise autonomy. For example, the UK’s *Mental Capacity Act 2005* articulates the idea of ‘best interests’ (section 1); when decision-makers take decisions on someone’s behalf, they must do so in that person’s best interest as understood from the perspective of that person, and where a decision is taken that interferes with the person’s physical integrity, the option that represents the least restrictive means must be adopted.[[17]](#footnote-17)

Integrity has also informed an important category of human rights which aim at protecting individuals and groups from arbitrary physical harm at the hands of governments and other official organs (Humana 1992; Walsh and Piazza 2010:551-77). These rights, enumerated in multiple instruments, direct authorities to refrain from committing such acts as extrajudicial murder, disappearance, torture, and political imprisonment by authorities, and declare illegal all such actions (Cingranelli and Richards 1999:407-17). Integrity is also explicitly protected under the Convention on the Rights of Persons with Disabilities 2006 (CRPD), to which the UK is a party, and which stipulates that every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others (CRPD, Article 17).

The notion of integrity can also be found, perhaps more indirectly, in the cultural human rights treaties (to which the UK is again a party) where those rights are aimed at preserving and making accessible cultural phenomena such as language, ethnic history, and artistic productions and interpretations of heritage.[[18]](#footnote-18) These are outward looking rights aiming to open avenues for the individual to engage in the cultural milieu. And once again, the CRPD also speaks to this right, requiring States to ensure that persons with disabilities enjoy access to cultural materials and venues, and have the opportunity to develop and use their creative artistic and intellectual potential for the enrichment of society (CRPD, Article 30).

Accordingly, the law has placed, sometimes explicitly and sometimes implicitly, the notion of integrity at the centre of principles and mechanisms that seek to address integrity-eroding conduct such as that discussed above. Integrity appears, therefore, to be a possible foundation for disabled dance, which acknowledges the wholeness or undividedness of the (disabled) body.

This discussion so far has led to the premise that the values encompassed by integrity are a fine starting point for an organising philosophy facilitative of identity- and community-formation for disabled dance; but we wish to shape it further, to reflect the core of disabled dance through the concept of physical integrity.

**Physical Integrity: a foundation for disabled dance**

The conjunction of ‘physical’ with any other term suggests a prioritising of the corporeal and the somatic over the mental or spiritual, which may suggest a separation of mind from body. Our conjunction of them is not meant to do so; dancers and dance theorists have rejected such dualism, asserting the importance of the ‘minded body’ (Fraleigh 1987:9; Brown and Waelde 2015:580-2), and the intelligent body of the dancer, and we are minded of this scholarship. Rather, through its close connection to dignity, and to a sense of personal wholeness, we view physical integrity as reflective of Spinoza’s position that the mind and the body are one thing, expressed in two different ways (Lord 2015: 2-3,8; Williams 2015: 17; Mack 2015: 28, 29).[[19]](#footnote-19)

Put positively, physical integrity is concerned with the flourishing of the individual and it signals, through its concern with the relationship to self, that integrity can be achieved in the absence of conformity to the social norm. And the absence of conformity to the social norm is exactly where disabled dancers have been shown to be situated. Alternatively, claiming (or re-claiming) integrity is a way to emphasise that though the dancer may not have the taken-for-granted or normative ‘physical integrity’, she is nonetheless not ‘compromised’. Whatever the configuration of the dancer’s body, and whether or not the dancer performs with a prosthetic or some other aid, the dancer performs her own individual identity, and exemplifies her own unique and valuable physical integrity. The dancer’s body may be fragile, or it may be circumscribed, extended, or scattered, but all bodies are fragile and in some ways broken or breaking, and the dancer in all cases exercises her agency, finding integrity in her performing body (her physicality), whether a ‘whole’ or ‘repaired/enhanced’ body.[[20]](#footnote-20) Further, whatever prostheses the dancer may use cannot be said to erode her integrity; for some, the prosthesis will ‘complete’ the dancer and integrate seamlessly into the dance, whereas for others, the prosthesis is but an aid, purely functional, used to get her where she needs to be.[[21]](#footnote-21) Either way, the prosthesis is no bar to achieving or exemplifying integrity.

Physical integrity reflects, therefore, practices and perspectives in disabled dance: it can be a foundational theory around which a community could coalesce such that disabled dance, either generally or in a particular locality, could be accepted as ICH and be safeguarded by its community and by the relevant state.

Importantly, physical integrity could help to signal to audiences that the disabled dancer is not broken or un-whole; she has physical integrity unique to her being, and that integrity is manifested in the dance, whatever form it takes.[[22]](#footnote-22) Physical integrity could be explored in audience tools and pre-performance publicity material. Gaining experience of how to attend to a performance, of how to look, witness and read a performance is built over time and any reading is always contingent on the position of the viewer. By starting from a physical integrity base, the viewer may be in a more open position to engage seriously with the dance, its subject matter and be active in ensuring that the dance is judged openly and fairly.[[23]](#footnote-23)

 **Conclusion**

This chapter has sought to bring about greater theorisation of disabled dance and to challenge its marginalisation from an interdisciplinary perspective. It has done so by exploring the benefits (for all, and for disabled dance and its immediate supporters) which can arise from disabled dance being part of ICH - an international legal framework of support with strong roots in human rights. We have developed an underpinning foundation or theory – physical integrity - for a disabled dance community (whichever or wherever that may be) which can be used as a base for engagement with the relevant authorities within a state to show why disabled dance should be considered a part of ICH. As part of ICH, the safeguarding responsibilities imposed on states, and the opportunities these would bring for community involvement, could be a fluid and effective means of influencing new activities on the part of states and others to ensure wider respect for, and delivery of, relevant cultural human rights for the disabled dance community. Future questions are how to develop this theory such that it can effectively create a clear base for leveraging a more visible and central place for disabled dance within local and universal cultural life and scholarship.

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1. Our research has been informed by our work with dancers with disabilities during the InVisible Difference: Disability, Dance and Law project and more generally. Neither we, nor those dancers, see disability dance as a separate art-form or genre from dance. Dancers with disabilities wish to be viewed and evaluated as dance artists equal to other professional dance artists – a point to which we will return in the chapter. Use of the term ‘disability’ *can* permit discounting of the work because the dancer is seen as ‘other’ than the non-disabled performer; when placed within the frame of disability, neither the dance, nor the dancer tends to be taken as seriously as dance by the non-disabled. The outcome is that the dancer (and the dance) disappears. [↑](#footnote-ref-1)
2. We authored, both separately and together, over fifty publications in a variety of outlets. For a detail lists of our publications please visit the project’s official website at: < <http://www.invisibledifference.org.uk>> accessed 28 April 2016. [↑](#footnote-ref-2)
3. For more on the notion of ‘book sprint’ see BookSprints [n.d.] *What is a book sprint?.* Available from: <<http://www.booksprints.net/about/>> [Accessed 28 April 2016]. [↑](#footnote-ref-3)
4. For example, Cleveland Ballet Dancing Wheels (Dancing Wheels) in the USA in 1980 and CandoCo in the UK in 1991. [↑](#footnote-ref-4)
5. Including Dan Daw’s *BEAST*, Chisato Minamimura’s App, Bowditch’s *Falling in Love with Frida* and Claire Cunningham’s *Guide Gods* – both winners of the Herald Angel Award at the Edinburgh Fringe Festivals. [↑](#footnote-ref-5)
6. Jane Pritchard, Curator of Dance at the V&A (Victoria and Albert Museum), London, has discussed the concept of disability and dance as being part of the ‘invisible material’ that exists (InVisible Difference Symposium video 2014:1:04:30). Pritchard highlighted an event some years prior where a “mystery dancer” in Come Dance with Me was identified following an assessment of a donation to the Museum. A remark was made in the materials dismissing a dancer who was referred to as a “girl had a wooden hand”. The author was however informed that “an excellent glove was preserved for her special use”. [↑](#footnote-ref-6)
7. ICHC, Article 15 reads: “Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavor to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.” [↑](#footnote-ref-7)
8. A quest for a philosophy should not, however, be a sop for an intellectual inferiority complex, reminiscent of the fears of Duchamp who, Copeland (2004:226) reports, "seemed to suffer from an intellectual inferiority complex – or at least a fear that the visual arts were perceived as less ‘mentally demanding’ than the verbal arts. In a remarkable burst of candor, he once admitted, ‘the painter was considered stupid, but the poet and writer were intelligent. I wanted to be intelligent”. [↑](#footnote-ref-8)
9. See for example the contribution to this collection *Disabled Dance: Barriers to Proper Inclusion within our Cultural Milieu.*  [↑](#footnote-ref-9)
10. We have noted elsewhere the risk that overly focussing on models could lead to potentially practical useful initiatives being discounted. See Brown and Waelde 2015: 580, 596-8, 602. [↑](#footnote-ref-10)
11. *Hadley v Kemp* [1999] All ER (D) 450, para N5. [↑](#footnote-ref-11)
12. The *Garcia v Google* case is a dispute tried before the ninth circuit court of appeal of the United States. Unlike *Hadley v Kemp*, it is not a case ruled under British law and as such is not a binding precedent for British judges. However, the *Garcia* dispute remains relevant to our conversation insomuch as it reveals the conceptualisation of performances afforded by a legal system neighbour to that of the United Kingdom, with which it shares a common historical and cultural background as well as the same international influences in intellectual property law. See, *Hadley v Kemp* [1999] All ER (D) 450. [↑](#footnote-ref-12)
13. *Garcia v Google Inc*, 743 F. 3d 1258 (9th Cir 2014) 1274. Those comments were made as part of Justice Smith’s dissent in the first instance decision, dissent which became the majority decision when the 2014 Garcia decision was overturned in appeal. See, *Garcia v Google Inc, 786 F. 3d 733* (9th Cirt 2015). [↑](#footnote-ref-13)
14. This analogy between the role of performers and the input of puppets was first articulated in 1883 by the French philosopher Denis Diderot (1883) with respect to acting. [↑](#footnote-ref-14)
15. Foucault noted that leprosy was both a manifestation of God’s anger and mercy; the leper has been ‘afflicted’, but, through God, he can be healed (a theme picked up by Cunningham in Guide Gods, a performance exploring power, punishment and how world faiths view deafness and disability). It may be worth noting that Foucault’s work in *Madness and Civilization* knows as many supporters as it has detractors. Indeed, his work on mental illness and disability has been the subject of great controversies for many considered that his thesis, though compelling, suffered from many historical inaccuracies (Still and Velody 1992; Roudinesco et al. 1992; Torrey and Miller 2001:303). [↑](#footnote-ref-15)
16. *Husayn v Poland* (2015) 60 EHRR 16 (ECtHR). See also *Dickson v UK* (2008) 46 EHRR 41 (Grand Chamber). [↑](#footnote-ref-16)
17. It must impose on them in a limited way and the idea of proportionality is important. Section 4 of the Act outlines the multiple elements of the best interests test, and an examination of the jurisprudence in this area underlines the importance of physical integrity when applying this test. On this see *A Local Authority v K* [2013] EWCOP 242 (Fam), *Aintree University Hospital NHS Foundation Trust v James* [2013] 3 WLR 1299 (SC), and *Mental Health Trust and others v DD* [2015] EWCOP 4 (Fam). [↑](#footnote-ref-17)
18. The Article 15(a) of the ICESCR imposes on states a right for individuals to take part in cultural life; whilst Article 15(2) also requires that they implement measures to develop and diffuse culture. See also the appointment and activities of United Nations Special Rapporteur in the field of cultural rights: OHCHR [n.d.] Cultural Rights. Available from: <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx> [Accessed 27 April 2016]; and the report of the Special Rapporteur on the rights of persons with disabilities : United Nations, Devandas-Aguilar, C. (ed.) (2015) Report of the Special Rapporteur on the rights of persons with disabilities. UN General Assembly. Human Rights Council. 28th session. A/HRC/28/58. Available from: < [www.ohchr.org/EN/HRBodies/HRC/.../A\_HRC\_28\_58\_E.doc](http://www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_28_58_E.doc)> [Accessed 27 April 2016].

 [↑](#footnote-ref-18)
19. The argument that Spinoza saw little place for the visual arts from the perspective of developing truth, as he considered them to be overly focussed on the mind and words is challenged from the perspective of experiential art (Cimini 2015; Calder 2015). [↑](#footnote-ref-19)
20. During the course of our ethnographic observations, Caroline Bowditch asked all present, including the researchers, to write a letter to our bodies. It was a powerful and emotional exercise, and we all clearly felt that we had some broken aspects of our body. This undermines the normative and the whole/broken dichotomy. Feeling whole is more about having a feeling of physical integrity, which encompasses a sense that one is able to ‘flourish and find identity as an individual’. [↑](#footnote-ref-20)
21. For example, Caroline Bowditch, one of our dance collaborators, reported that she feels ‘whole’ without the mechanized chair that she uses to get around. Similarly, Welly, another collaborator, reported using her leg for purely functional purposes, and setting it aside when she danced. [↑](#footnote-ref-21)
22. It is also about broadening the general understanding of ‘dance’. For some the word ‘dance’ signals a ballet aesthetic. Acknowledging and honouring the difference in bodies and that each have physical integrity. An emphasis on integrity, and the foregrounding of the dancer’s physical integrity, will encourage this shift in attitude and environment. The artists that we worked with already embrace the idea of physical integrity, dismissing disability as something that ‘simply exists’, not hidden or accentuated. [↑](#footnote-ref-22)
23. Funders should also encourage the adoption of such steps. There are already a number of innovative research projects in the UK that seek to understand audience engagement with dance <<http://www.watchingdance.org>> (accessed 27 April 2016)); <<http://culturehive.co.uk>> (accessed 27 April 2016); <<http://www.respondto.org>> [accessed 25 July 2014]. There are signs that the Arts Council is starting to take this seriously as was made clear by Peter Bazalgette, chairman on the Arts Council England who wants arts organisation to make more progress with audience, programme and workforce diversity or risk having their funding axed. See <http://www.theguardian.com/uk-news/2014/dec/08/arts-council-england-make-progress-diversity-funding-axed-bazalgette?CMP=share_btn_fb> (accessed 27 April 2016) [↑](#footnote-ref-23)