

New law – new gender structure? Codifying the law as a process of inscribing gender

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Intersections of gender and disability – gender aspects in current austrian disability laws

presentation proposal

Mag^a. Betina Aumair

As my research focuses on the intersection of issues of disability and gender, I am very interested in the theme of the conference. Below please find my presentation proposal which is based on my current research.

Statistics as well as a growing body of literature show that women with disabilities are amongst the most oppressed in terms of persons with disabilities. Moreover, they are often less educated than men with disabilities, face stiffer barriers to enter the labour market and therefore confront poverty more often than men. Disabled women suffer more abuse and domestic violence as a consequence of their gender and disability dimensions and they experience social isolation to a far greater extend.

In recent time there have been a number of breakthroughs in the way scholars and activists perceive disability, perhaps the most important one being the shift from the medical to the social model or, although rarer, to the cultural model of disability. Combining gender studies and disability studies enable scholars and activists to coordinate disability with other issues, such as gender.

While there is also a shift in the legislation and the society, which has opened the door to notable achievements include removing disability from the person and instead assigning it to his or her surrounding, there is still the tendency in both to naturalize disability rather than construe it as a relation of social power in which everyone – disabled or not – is implicated.

Although there are different disability laws existing in the current austrian legal system a brief examination of the laws on disability show that a gender perspective is absent from those laws. The reason therefore might be two. First the picture of a disabled person seems to be a young, good looking white man who is never ill and able to participate in every single aspect of life as long as the surrounding is adapted to his situation which is to sit in a wheelchair. Second laws rarely take into account two-folded sources of discrimination. There is still an inadequate level of awareness of the multiple forms of discrimination as they are often masked behind each of the constituent parts.

The principal purpose of my presentation is to examine actual austrian disability laws under a gender perspective. I want to analyse how disability and gender do intersect in the legal system. Therefore I am going to focus on the following aspects:

- What image of disability i.e. what concept of difference does exist in current austrian laws?
To provide a basis for this discussion I find it necessary to focus on the development of the law and its legal framework in Austria that regulates disability. This will give rise to answers to the question of why the hegemonic discourse on disability in Austria is still based upon a more or less medical line of argumentation. Furthermore I am going to examine how gender reflects in the historical becoming of these laws.
- Do current laws include a gender perspective? If yes, what kind of? If no, what are the reasons therefore?
- Is there an influence of current results of research in the disability studies and gender studies on disability laws?