

Advancing an Embodied Understanding of Accessibility for Persons with Disabilities

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Abstract

The UN Convention on the Rights of Persons with Disabilities (CRPD) includes accessibility among its general principles and articulates it in Article 9. Further, accessibility obligations are included in several other provisions of the Convention. In that regard, the CRPD recognizes the significance of accessibility as an enabling factor, and as a precondition for persons with disabilities to participate fully in society. Embracing an interdisciplinary approach, and on foot of arts-based research in the form of inclusive dance, this article aims to re-construe the inherent dimensions of accessibility as a normative concept. It puts forward an ‘embodied understanding’ of accessibility with a view of advancing existing legal analysis and adding to traditional cognitive ways of knowing. On the whole, this article identifies three inherent and intertwined facets of such embodied understanding of accessibility—namely, respect for difference, collaboration and care, and layered complexity. It argues that this embodied understanding may help achieving the overall paradigm shift of the CRPD.

Practitioner Points

- Accessibility is a precondition for persons with disabilities to enjoy their human rights, live independently and participate equally in society. A thorough understanding of accessibility is necessary to fully implement the UN Convention on the Rights of Persons with Disabilities (CRPD).
- An embodied understanding of accessibility is characterized by three inherent and intertwined facets—namely, respect for difference, collaboration and care, and layered complexity. Such understanding supports the fulfilment of the obligations laid out in Article 9 CRPD.
- The embodied understanding of accessibility construed in this article can encourage lawyers and policymakers to think differently about how accessibility can be effected in all ambits of life.

Keywords: accessibility; arts-based research; CRPD; inclusive dance; rights of persons with disabilities

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1. Introduction

The term ‘accessibility’ is used in several ways and conveys different meanings in different contexts. Sometimes this word is used in a general fashion to indicate the quality of being able to be reached, understood or obtained easily. More often, however, accessibility refers to the possibility for people with disabilities to access goods, services, facilities, premises and the physical environment on an equal basis with others (Broderick and Ferri 2019). The latter meaning is the one that has acquired a normative characterization in international human rights law on foot of the UN Convention on the Rights of Persons with Disabilities (CRPD or ‘the Convention’) (UN 2006). As recalled by Broderick (2020: 396), although accessibility was mentioned in various soft law instruments predating the Convention, ‘the CRPD was the first binding human rights treaty to enshrine the accessibility norm’.

The CRPD recasts disability as a social construction, and highlights the role of environmental and social barriers in creating disability. In line with this understanding of disability, it includes accessibility among its general principles, in Article 3, and further enunciates it in Article 9. References to accessible information are contained in Article 4 CRPD on general obligations, and accessibility obligations are overtly incorporated in other CRPD Articles, such as Article 13 on access to justice, or Article 21 on freedom of expression and opinion, or Article 30 on the right to participate in cultural life, to name but a few. The overall text of the Convention recognizes the significance of accessibility as an enabling factor and as a precondition for persons with disabilities to participate in society (CRPD Committee 2014), in line with long-standing disability advocacy (Miller 2024).

Legal scholars have highlighted that the CRPD designs a capacious and multifarious concept of accessibility (Charitakis 2018, 2020; Clark 2023), and have discussed its different dimensions (Charitakis 2018). However, they have tended to focus on the implementation of accessibility obligations (Lawson 2014, 2018; Seatzu 2017; Broderick and Ferri 2019), the nature of accessibility as principle or right and its legal implications (Broderick 2020), or on access to discrete sectors or services (Hirschberg and Papadopoulos 2016; Ferri and Favalli 2018; Greco 2016; Lord et al. 2014), or on how accessibility is promoted in selected legal orders (Charitakis 2013; Ferri 2023; Miller 2024). In spite of such an array of scholarly contributions, Egard et al. (2022: 2) note that ‘the burning issues of accessibility today constitute a set of dynamic and elusive phenomena that demand to be studied through equally dynamic and inventive approaches’. In that regard, they posit the value of ‘alternating between methods, theoretical perspectives and datasets to capture what accessibility is about’ (Egard et al. 2022: 7).

In line with the quest from Egard et al. (2022) for interdisciplinary multi-method research on accessibility, in this article, I adopt a socio-legal perspective which blends traditional legal doctrinal research and arts-based methods with the aim to re-construct the inherent dimensions of accessibility as a normative concept. In particular, this article is grounded on some of the findings of arts-based research conducted as part of a wider socio-legal European project entitled ‘Protecting the Right to Culture of Persons with Disabilities and Enhancing Cultural Diversity through European Union Law: Exploring New Paths – DANCING’, funded by the European Research Council (Ferri No date). This project, as its title suggests, explores the right of persons with disabilities to take part in cultural life as an essential aspect of cultural diversity in the EU in an interdisciplinary fashion (Ferri no date). In doing so, DANCING further engages with general provisions of the CRPD and investigates core tenets of disability law. As part of this project, arts-based research has entailed the creation of an accessible contemporary dance performance (‘Lived Fiction’) by Stopgap Dance Company (Stopgap)—an inclusive dance company—, proffering me not only an important opportunity to understand and translate into practice the right to participate in cultural life, but also a significant prospect to reflect more broadly on what accessibility means. In that regard, arts-based research has allowed me to elaborate and put forward an ‘embodied understanding’ of accessibility that complements and supports existing legal analysis.

I posit that this ‘embodied understanding’ of accessibility adds to traditional legal research and long-standing cognitive ways of knowing. In fact, an embodied understanding is a form of knowledge that is embedded in bodily experience (Freeman and Sturdy 2015: 9), and I contend it can illuminate why a certain legal issue matters and how to realize it in daily practice. This embodied knowledge has its roots in authors such as Bourdieu (2000) and Merleau-Ponty (2012). The latter, in particular, put the body at the centre of their philosophy and posited that knowledge about the world does not originate solely from reflective cognition but also from one’s bodily engagement with the world. The embodied nature of knowledge is a rather established (albeit somewhat open) concept across different disciplines (Johnson 1989; Craig et al. 2018), including policy studies (Freeman and Sturdy 2015), but has rarely been referred to in legal or socio-legal scholarship. This article, hence, unveils the epistemic value of embodied knowledge in socio-legal research and contends that it can reveal underlying meaning or significance of normative concepts, in this instance, the concept of accessibility. In this vein, it is premised on the idea that:

[u]nderstanding is not just an intellectual operation, but rather a series of full-bodied engagements with significant aspects of one’s environment that are meaningful for them and that sustain their life and growth, and this happens not just at the physical level, but also at the interpersonal and cultural levels. (Johnson 2015: 3)

On the whole, this article argues that an embodied understanding of accessibility can give new impetus to the legal principle provided for in the CRPD, disentangle its complexity, advancing scholarship interested in making sense of the dynamism and evolution of human rights. In fact, an embodied understanding of accessibility will encourage us to better engage with the points of view and situations of people with disabilities. In that regard, going beyond legal analysis and cognitive approaches may attune us to practical challenges linked to realizing accessibility, and, more broadly, ensuing from the implementation of the CRPD.

Further to this introduction, this article proceeds as follows. Section 2 outlines how accessibility is articulated in the CRPD, setting the scene for the discussion carried out in the remainder of the article. Section 3 situates the article within the remit of socio-legal research and moves on to detail the methods used. Section 4 presents the findings. It identifies and discusses the facets of an embodied understanding of accessibility. While using dancing as art form, it identifies facets that relate to accessibility as a general concept. Section 5 concludes with some final remarks. Notably, this article does not address the contentious issue of disability terminology and the dichotomy between the term ‘disabled people’, associated with the ‘social model’, and the CRPD wording ‘persons with disabilities’. It aligns with the CRPD terminology and reflects the view, expounded by the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) that disability is a social construct, but also one of an individual’s many characteristics (CRPD Committee 2018a). This language also embeds the prevalent human rights discourse on disability. Occasionally, and only to avoid repetition, disabled person/people is used interchangeably.

2. Accessibility in the CRPD

2.1 The accessibility norm and obligations

The CRPD has been heralded as a landmark in the advancement of disability rights (Lawson 2007; Kayess and French 2008; Mégret 2008; Kanter 2015; Celik 2017; De Beco 2021). It is currently considered the global legal standard and benchmark for the protection of the rights of persons with disabilities (Lord et al. 2014; Broderick and Ferri 2019). According to Dhanda (2008: 45), the CRPD:

has signalled the change from welfare to rights; introduced the equality idiom to grant both same and different to persons with disabilities; recognized autonomy with support for persons with disabilities and most importantly made disability a part of the human experience.

In spite of critical voices (Grue 2019, 2023), the CRPD is generally said to put forward a significant paradigm shift linked to the embracing of a social-contextual understanding of disability (Traustadóttir 2009; Broderick 2015; Kakoullis 2023), which views disability as deriving from the interaction between individual impairments and external barriers (Article 1(2) CRPD). In that regard, the CRPD shifts the focus on dismantling barriers and ensuring access to rights. Such emphasis on access is linked to the characterization of accessibility as a core principle of the Convention, and generates an array of positive obligations that States Parties have to comply with and act upon also in relation to what are traditionally defined ‘negative rights’. The CRPD, hence, dismisses the ‘false dichotomy between civil and political rights’ (Dhanda 2008: 48), engendering ‘a new understanding of the indivisibility of human rights’ (De Beco 2019: 159).

As mentioned earlier in the introduction, Article 9 CRPD:

clearly enshrines accessibility as the precondition for persons with disabilities to live independently, participate fully and equally in society, and have unrestricted enjoyment of all their human rights and fundamental freedoms on an equal basis with others. (CRPD Committee 2014: para. 14)

As Quinn (2009: 108) puts it, Article 9 ‘is pegged to the higher goal of enabling people with disabilities to live independently’, couching accessibility as a cross-cutting inescapable issue. In particular, Article 9(1) requires States Parties to the Convention to:

take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

Article 9(2) lays out the specific measures to be undertaken by States Parties. As noted by Lord (2010: 9), this provision ‘attempt[s] to capture the wide range of access needs of different people with disabilities in different contexts’.

The CRPD Committee has discussed in some detail States Parties’ obligations under Article 9 both in General Comment No. 2 and in its jurisprudence. For example, in *Nyusti and Takács v. Hungary* it posited that, while the CRPD does not impose obligations on private entities, States Parties must guarantee that such private entities offer accessible services and do not discriminate against persons with disabilities (CRPD Committee 2013: para. 9.4). In *Bacher v. Austria*, the CRPD Committee reiterated that States Parties must take suitable measures to ensure that persons with disabilities have equal access, and that such measures ‘include the identification and elimination of obstacles and barriers to accessibility’ (CRPD Committee 2018b: para. 9.4). Further, the CRPD Committee (2014: para. 24) has characterized accessibility as an obligation subject to progressive realization. Although States Parties can implement it gradually, they ‘should establish definite time frames and allocate adequate resources for the removal of existing barriers’ (CRPD Committee 2014: para. 24).

As noted above, accessibility obligations are included in several provisions of the Convention. Article 21 CRPD, alongside establishing the right to freedom of expression and opinion, obliges States Parties to guarantee access to information by persons with

disabilities (Varney 2018). Measures designed to tackle inaccessible information reflect a social-contextual definition of disability, concerned with ‘the society’s failure to construct environments that respond to a wide range of abilities’ (Varney 2018: 591). Article 21 CRPD relies on a broad concept of ‘communication’ defined in Article 2 CRPD (Cera 2017), which includes:

languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

Article 30 CRPD protects and promotes the right of persons with disabilities to participate in cultural life (Ferri and Leahy 2025). It requires States Parties to take all appropriate measures to ensure that people with disabilities have access to cultural materials, television programmes, films, theatre and other cultural activities, as well as to places where cultural performances are held, and to monuments and sites of cultural importance. Further, Article 30(2) CRPD obliges States Parties to take appropriate measures to enable persons with disabilities to develop their creative, artistic and intellectual potential, also by removing barriers to access. The CRPD Committee, thus far, has had the opportunity to highlight the importance of audio description on TV programmes in *Henley v. Australia* (CRPD Committee 2022b), building on general considerations on accessibility of cultural goods and services included in General Comment No. 2 (CRPD Committee 2014).

2.2 Unravelling the normative dimensions of accessibility

Accessibility is defined neither in the CRPD nor in General Comment No. 2 of the CRPD Committee (2014). By contrast, Article 2 CRPD explicitly outlines the concept of Universal Design (UD) as the ‘design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design’. Article 4(1)(f) CRPD further requires States Parties ‘to undertake or promote research and development of universally designed goods, services, equipment and facilities, which should require the *minimum possible adaptation* and the least cost to meet the specific needs of a person with disabilities ...’. The wording of the CRPD alludes to universally designed goods and services as inherently accessible to all people without adaptation (or with very minimum adaptation), while accessible goods and services seem to be those that have been adapted, to a certain extent re-shaped and moulded, to meet a range of different needs. In that regard, ‘accessible formats’ mentioned in Article 2 and in Article 21 are those added to or included in an existing service or good to make it accessible. The CRPD Committee refers to both of them jointly in several of its Concluding Observations (e.g. CRPD Committee 2023a: para. 20(d)). Arguably, in practice, UD and accessibility overlap, blur one into the other, and, in public discourse, are often conflated or muddled. However, accessibility has a normative connotation that UD does not bear. In fact, the CRPD frames accessibility as an underlying, cross-cutting principle relevant across the whole spectrum of civil, political and cultural rights (Broderick 2020). By contrast, UD features in specific obligations, but is not a principle *per se* and cannot be articulated as a right.

Accessibility is complementary to the duty to provide reasonable accommodation which is intrinsic to the equality norm (Lawson 2018). The duty to reasonably accommodate is defined in Article 2 CRPD as ‘necessary and appropriate modification and adjustments’, ‘where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms’. Reasonable accommodation is individualized and entails an *ex nunc* duty, which ‘is enforceable from the moment an individual with an impairment needs it in a given situation, for example, workplace or school, in order to enjoy her or his rights on an equal basis in a

particular context' (CRPD Committee 2014: para. 26). By contrast, accessibility duties are generalized and group-based. They are also anticipatory, in that they are not triggered by a specific individual need (CRPD Committee 2014: paras. 25–6). Further, 'the obligation to implement accessibility is unconditional', which implies that the entity obliged to provide accessibility may not excuse the omission to do so by referring to the disproportionate burden defence (CRPD Committee 2014: para. 25).

Some scholars (e.g. Lord 2010; Charitakis 2018, 2020), for the purpose of understanding accessibility as a legal construct, have identified its distinct features on the basis of the wording of Article 9 CRPD. In particular, Charitakis (2018: 25) identifies 'attitudinal accessibility, economic accessibility or affordability, physical accessibility, information accessibility and communication accessibility'. In this articulation, the first feature of accessibility 'refers to the removal of stigma and other negative behaviour that people with disabilities, their families and their caretakers experience throughout their lives' (Charitakis 2018: 25). This was somewhat evoked (albeit in connection with Article 8 CRPD, rather than Article 9 CRPD) by the CRPD Committee (2023b) in *Garcia Vara v. Mexico* when noting that:

...the author's claim that the infringement of her rights arising from the lack of accessibility to tertiary education and the absence of reasonable accommodation during the admission process for the Bachelor of Visual Arts illustrate that the State party has not fulfilled its obligation to combat stereotypes, prejudices and harmful practices regarding persons with intellectual disabilities in all spheres of life, particularly in education, in violation of its obligations under Article 8 of the Convention. (CRPD Committee 2023b: para. 10.12)

The second 'economic' dimension connects to 'the idea that facilities, goods and services must be affordable to people with disabilities', and links to the structural disadvantage and poverty often faced by persons with disabilities (Charitakis 2018: 26). The physical aspect of accessibility concerns the relation with the external environment and entails that all spaces, facilities, goods and services must 'be adjusted so that they are accessible to persons with disabilities, with or without assistance' (Charitakis 2018: 28). Charitakis (2018: 29–31) also distinguishes information accessibility—which requires that information about facilities, goods and services as well about accessibility is to be made available to all—from communication accessibility—which directly concerns making available information in alternative modes and means of communication (eg Braille, large print, audio formats, etc.).

All these features of accessibility are interlinked and might be further unfolded and reconstructed through an embodied approach, as the one propounded in this article, that moves away from a pure cognitive understanding and harnesses the role of experience to enrich current legal analysis.

3. Methodology

3.1 Going beyond 'the Law': the significance of arts-based research and participatory approaches and their role in supporting an 'embodied understanding'

Legal research has traditionally focused on the study of sources of law, of their interpretation and interrelation, and of how and when they apply (Bódig 2015). It has been anchored to the doctrinal legal method, which heavily relies on the letter of the law investigated through interpretive techniques (Bódig 2010), either carved out by scholarship or emerging from the law itself (such as the interpretive rules included in the Vienna Convention on the Law of the Treaties), and on the study of case law (Hutchinson and Duncan 2012; Hutchinson 2014). However, the need to better comprehend how law is translated into practice and to generate knowledge that produces or supports social change has given rise to the multifaceted field of 'socio-legal research'. Socio-legal research, according to Webley

(2019: 59), encompasses the ‘examination of how law, legal phenomena and/or phenomena affected by law and the legal system occur in the world, interact with each other and impact upon those who are touched by them’.

Although the ‘socio’ in the ‘socio-legal’ remains quite open, it broadly relates to the societal context or impact of legal phenomena (Feenan 2013; Mulcahy and Cahill-O’Callaghan 2021), but also to the need to expand epistemological narratives. In that regard, socio-legal research can be seen to include the search for an embodied knowledge of a legal phenomenon, whereby, as discussed earlier in the introduction, such knowledge goes beyond cognitive ways of knowing. An embodied cognition recognizes ‘that the locus of all our human perception, meaning-making, valuing, thought, and action is a series of ongoing organism-environment interactions’ (Johnson 2015: 3). It entails a practical, corporeal comprehension of legal norms, allowing us to bridge the gap between subjective experiences of accessibility (and inaccessibility) and legal obligations laid out in the CRPD.

Socio-legal research can be theoretical, or make use of empirical methods, including arts-based research. The latter is defined as ‘any social research or human inquiry that adapts the tenets of the creative arts as a part of the methodology ... the arts may be used during data collection, analysis, interpretation and/or dissemination’ (Jones and Leavy 2014: 1–2). Furthermore, Foster (2015) suggests that arts-based research methods enable a diversity of experiences to be communicated in ways that disrupt ‘common sense’, and act as a reminder that there are possibilities for things to be otherwise. As noted by Fraser and al Sayah (2011), arts have been used for a long time in health research, but have become more and more popular in other disciplines such as anthropology, sociology and psychology, and, most recently, law. In fact, even though the link between arts and law (McCutcheon and McGaughey 2020; Parsa and Snodgrass 2022) and arts and human rights (FRA 2017; Gantheret 2023) is complex but well-rooted, arts-based methods in socio-legal research are a far more recent endeavour and have often been used as a means to communicate findings to non-academic audiences rather than as a data collection method. By contrast, the research that forms the basis of this article positions arts (particularly inclusive dance) as a primary data collection method and as a way of knowing and understanding the law, namely the legal concept of accessibility ensuing from the CRPD.

For the purpose of this article and the broader research project of which it is part, arts-based research ‘allow[s] and even invite[s] art-makers to explore and play with knowing and meaning in ways that are more visceral and interactive than the intellectual and verbal ways that have tended to predominate in Western discourses of knowledge’ (Greenwood 2019). In line with Greenwood (2019) and Barone and Eisner (2012), this article recognizes that arts-based research does not replace other traditional research methods, including legal doctrinal methodology. Rather, it is useful to diversify the ‘pantry’ of methods that researchers can use.

By using inclusive dance as a form of arts-based research, this article tallies with the ‘growing field of scholarship that considers how dance practice can be made integral to interdisciplinary, mixed-methods research processes’ (McGrath et al. 2022: 97; Archibald and Gerber 2018). It recognizes that dance has developed in recent decades into a research subject, acknowledged by many other disciplines, and ‘has the potential to foster knowledge processes that challenge the normative and presumptions of what is “normal”’ (Quinten et al. 2022: 1). This article further tallies with scholarly work that has explored from various perspectives the links between dance, law, politics, and human rights (Kraut 2015; Jackson and Shapiro-Phim 2008), and dance as a way to embody the law (Mulcahy 2021; Mulcahy and Seear 2023). This article also builds upon the strand of dance research showing the emancipatory value of inclusive dance, as well as its role in challenging current perceptions (Whatley 2007; Burrige and Svendler Nielsen 2017), and in asserting disability rights (Mills 2017; Blades 2021; Bergonzoni 2020; Waldorf et al. 2023).

Lastly, it is worth noting that socio-legal research *per se* does not necessitate participatory approaches. However, with regard to research on the rights of persons with disabilities (or more broadly on disability issues) (Cocks and Cockram 1995), the embedding of participatory and inclusive methodologies is seen as an important bedrock to support the implementation of the CRPD (Arstein-Kerslake et al. 2019). Scholars refer to ‘participatory human rights-based research methodology’ (Arstein-Kerslake et al. 2019) whereby participatory methodologies are based on the involvement of people with disabilities in the research process, with the explicit aim to advance disability rights in alignment with the spirit of the CRPD. It is acknowledged that inclusive methodologies have ‘contributed to an ideological shift in research that accepts disability as an inherent aspect of humanity to be celebrated instead of a problem to be pitied and eradicated’ (Arstein-Kerslake et al. 2020: 413). In this respect, as will be further explained in the following subsection, the arts-based methods used in this research support a participatory approach and act ‘as a platform for new inquiry into equality and rights protection of disabled people’ (Arstein-Kerslake et al. 2020: 413).

3.2 Methods

As Principal Investigator (PI) of DANCING, I had the opportunity to engage with the inclusive dance company Stopgap and immerse myself in the development of the choreography ‘Lived Fiction’ created by Stopgap for DANCING and within its remit. Stopgap brings together dancers without and with different types of disabilities, and embraces an integrated creative access approach. Stopgap’s ambition is that of being a leader in dance and inclusivity (Stopgap no date). In alignment with Stopgap’s language, and consistent with CRPD terminology, I have referred to ‘inclusive dance’ rather than ‘integrated’ dance. However, I acknowledge that these terms, as noted by Whatley and Marsh (2017), tend to be descriptive labels, are often used interchangeably, and yet remain contested within the discourse on dance and disability. As Boswell et al. (2023: 509) contend, inclusive dance companies do not attempt ‘to normalize movements of dancers with disabilities to mirror dancers without disabilities’, but instead perceive dancers with disabilities as potential sources of artistic expression. This is also the case in relation to Stopgap. However, in devising ‘Lived Fiction’, they went further by intertwining and balancing diverse aesthetics with access for audiences in an innovative choreography. The choreographic piece included several access measures embedded in the artistic fabric of the performance—notably, audio description, captioning, a performer who acted as an Access Guide, explaining the scenic movements and developments and interacting verbally with the audience and the dancers. Alongside myself as PI of the DANCING project, the research was conducted by another researcher who was part of the team. As noted above, this research builds on a close collaboration with Stopgap which commenced in 2022 and culminated in a final public performance of the choreographic work ‘Lived Fiction’ in 2024. During this research, I have been mindful of my role, identity and ‘power’ as PI of DANCING, and, in line with best practices, I deployed approaches that allowed transparency and trustworthiness (Savin-Baden and Wimpenny 2014). The support and exchange with the choreographer and the dancers were invaluable, helped to develop rapport and trust with them, but also assisted them in appreciating my perspective, the direction I have given to the overarching DANCING project which the creation of ‘Lived Fiction’ featured in. While positioning myself as researcher, I was able to convey to Stopgap my way of thinking and doing research.

Observation was the first method used. Generally, participant observation involves the researcher immersed in the day-to-day aspects of people’s activities and interactions (Marshall and Rossmann 1995; Musante DeWalt and DeWalt 2010). It allows the collection of data wherever it is important to capture human behaviour in its broad natural context (Glaser 1996). Scholarship recognizes that the observing researcher becomes part of what is observed and acknowledges the co-constructed nature of what was observed,

and the importance of researcher reflexivity (Tedlock 1991). In this particular research, I observed the dance company at various junctures of the inclusive and creative process in the rehearsal room and on stage, and watched videos of their rehearsals. While I was not creating the choreography myself, I felt an active participant in the mutual exchange, and Stopgap welcomed me to one dance class held before the rehearsal of the choreographic piece. Although I do have a background in dance, it was challenging to get back to the dance floor, but ultimately helped my own understanding of accessibility. This embedding of me as researcher within the creative process provided a deep and rich understanding of inclusive and accessible practices within the company, the creative and choreographic process and profound appreciation of the challenges accessibility poses.

Observation of the creative process and personal engagement with the dance company was supplemented by data collected by means of semi-structured interviews ($n = 9$) with dancers and other members of the dance company working in various behind-the-scenes roles, some of whom identify as persons with disabilities. These interviews *inter alia* addressed the company members' experience of contributing to creating the piece, how/whether they experienced the process as accessible and inclusive. Interviews were recorded with the consent of participants and afterwards transcribed verbatim.

A written questionnaire was administered and an in-person focus group with audience members was conducted at two different junctures in the development of the choreographic piece. Both aimed to explore how accessible the choreographic piece was experienced, to inform how these measures would continue to be developed by Stopgap thereafter, and also to understand what accessibility means in practice. In particular, the written questionnaire was administered to an audience whose members had been invited to attend a 'scratch' performance of 'Lived Fiction'—that is, a performance without lighting, staging or scenery—which took place in February 2023. Invitees were drawn mainly from people working in the arts in a wide variety of capacities, with many of them involved in dance, and in arts and disability organizations. The majority of invitees did not identify as people with disabilities, but a small number of them did so. The questionnaire contained some closed questions and also some open-ended or open-text questions that enabled people to respond at more length. In advance of attending, audience members were informed about the questionnaire, which was given to them as they arrived at the venue, and they were invited to complete it immediately after the event and to deposit it in a box as they left. All audience members did so ($n = 25$).

The in-person focus group included six audience members, invited by Stopgap in agreement with me as PI of the DANCING project. All these participants identified as persons with disabilities. The focus group was held after the first performance of the piece in a theatre setting, in April 2023, and was recorded and transcribed verbatim. This focus group deliberately aimed to elicit audience experiences of the accessibility of the piece and to ascertain whether they experienced it as inclusive. This also allowed opening the creative process to persons with disabilities outside of Stopgap, which bolstered the imaginative access process alongside inclusive choreography.

The overall data collected were then analysed using the reflexive approach to thematic analysis (Clarke and Braun 2013, 2017; Braun and Clarke 2021). In line with such approach, the process involved different phases before the writing of the article: familiarization; systematic coding; generating initial themes; developing and reviewing themes; refining, defining and naming themes (Braun and Clarke 2021). In particular, I pursued an initial coding that was unstructured, largely inductive. I then developed themes from codes, taking into account the normative dimensions of accessibility illustrated above, as well as the social-contextual understanding of disability embedded in the CRPD.

Ethical approval for this research was obtained from Maynooth University Ethics Committee (Social Research Ethics Subcommittee—SRESC). All participants were provided with an information document in advance, and they gave informed consent in writing. The

information document outlined the research purpose, process, data collection procedures, voluntary participation, confidentiality and data-protection issues. Attention was paid to accessibility issues relative to the documents used in all aspects of the study, with, for example, the questionnaire and the information/consent documents made available in alternative formats.

4. An Embodied Understanding of Accessibility

As discussed above in Section 2, the CRPD conveys a complex concept of accessibility, not overtly defined, but whose contours surface from a systematic reading of its text (Lawson 2018). Legal literature has identified various dimensions of accessibility that correlate to legal obligations (Charitakis 2018). On the basis of the research conducted, I identified three inherent and intertwined facets of accessibility that emerge from the embodied experience of accessibility—facets that connect to overall ethos and general principles of the CRPD: respect for difference, collaboration and care, and layered complexity. While these facets link to arts-based methods, particularly, inclusive dance, they can be conceived of as inherent to accessibility as embodied experience in all ambits of life, and, in that regard, they are relevant to the normative concept of accessibility.

4.1 Accessibility as respect for difference

The normative framing of accessibility is essential to the recognition of the inherent dignity of persons with disabilities, aims to support structural practices of inclusion and addresses systemic causes of inequality. The CRPD Committee (2014: para. 13) correlates accessibility to inherent dignity (but not overtly to difference) in its General Comment No. 2, highlighting that ‘persons with disabilities should have equal access to all goods, products and services that are open or provided to the public in a manner that ensures their effective and equal access and *respects their dignity*’ (emphasis added). It has also enshrined ‘respect for difference’ in the concept of ‘inclusive equality’, particularly in its fourth ‘accommodating dimension to make space for difference as a matter of human dignity’. This alludes more directly to reasonable accommodation (CRPD Committee 2018b), but also links with accessibility as a precondition for the effective implementation and the full enjoyment of all the rights set out in the CRPD. Charitakis has identified the concept of attitudinal accessibility in relation to the removal of stigma, underpinning the idea of valuing diversity, which, as discussed above, seems somewhat evoked (albeit tangentially) in *Garcia Vara v. Mexico* (CRPD Committee 2023b). I argue that accessibility, or an embodied understanding of it, does encompass ‘respect for difference of persons with disabilities’ (which is actually laid out as a principle in Article 3 CRPD).

The arts-based research conducted shows that access practices in inclusive choreography and dance consist in embracing and embedding ‘difference’. As one dancer highlighted, accessibility is not just about finding an accessible physical space for rehearsal and performing, it is rather about:

...giving everyone enough time to think things through... An example, we often schedule extra rehearsals for one of our dancers just to kind of reaffirm what we are doing as they just need a little more time for it to settle in [Interviewee 2]

In a similar fashion, another member of Stopgap mentioned that ‘[w]ith such a range of lived experience there is so much openness around people’s *access needs* and around needing to take time and things like that...’ [Interviewee 7—emphasis added]. In my observation, I also saw that, to make the morning dance class before rehearsal accessible to everyone, there is an intrinsic willingness to adapt exercises in a way that each dancer can showcase their own inherent diversity. It was not about individualized adaptation or

reasonable accommodations, but about respecting diversity in the dance to make it accessible. In this respect, one member of Stopgap mentioned:

...I think it is really important to have that morning where we can use this kind of informal time to really observe each other and steal from each other. And then often different dancers within the company will offer a class so ... we learn their way of moving. They often do things that work for them and there is this understanding in the company that you can't make every exercise perfect for everyone in the studio. So there is a willingness to compromise and do an exercise that might not suit so well for you but also there is this understanding that you need to take responsibility for yourself and you find your route through.... And there is this sense of... always working at trying to find this *accessible* technique.... [Interviewee 1—emphasis added]

They also stated:

...So when you are creating an exercise or a task or something *you need to consider that not everybody has the same flow* as you and you can learn from other people's flow and then put that into your exercise.... [Interviewee 1—emphasis added]

Another dancer also placed emphasis on difference, and as they have to '... move all as in parts anyway as a sort of synchronisation and being together but then also having the opportunity to move in your own way in your own style' [Interviewee 4]. Similarly, when discussing the creation, one performer suggested that 'everyone has different views on how you can look at [the movement]' but they work together to find 'balance' between what works for everyone and is accessible to all in the company [Interviewee 6]. Another dancer reiterated that in making the choreography accessible to everyone you can see the way different people move [Interviewee 9].

Audience members also perceived the choreography and all the access features entrenched in it to be about respecting difference. They not only looked at the composition of the company, which is diverse, but also at the way accessibility was thought through. A person in the focus group indicated:

...I feel Stopgap is about, celebrating difference and not making it about difference, if that makes sense ... I felt like there was a diverse group of people performing ... I felt like the audio description gave me little hints into their life

In sum, arts-based research shows that an embodied understanding of accessibility *per se* implies 'respect for difference', as it requires an adaptation, to a certain extent a re-shaping, of a good, service or an environment to meet a range of *different* needs, not an individualized need.

4.2 Accessibility as collaboration and care

The [CRPD Committee \(2014: para. 35\)](#) has suggested that the lack of accessibility is often the result of insufficient awareness and highlighted that awareness-raising 'should be carried out in cooperation with persons with disabilities, their representative organizations and technical experts'. This tallies with the general principle of participation laid out in Article 3 CRPD and with the obligation set forth in Article 4(3) CRPD to involve and consult persons with disabilities in all matters affecting them. However, accessibility is not just about awareness-raising. An embodied understanding of accessibility conceives of it as intrinsically collaborative. The [CRPD Committee \(2018b\)](#) has teased out such collaborative element with regard to reasonable accommodation as individualized duty, but not with regard to accessibility, which, as noted above, is group-based. Occasionally, in its

Concluding Observations, the CRPD Committee has mentioned the need to ‘establish a co-design and co-production process with organizations of persons with disabilities’ to address concerns about accessibility legislation (see e.g. [CRPD Committee 2022a](#): para. 16(d)). However, collaboration emerged strongly as a facet of accessibility and access practices in this research.

This was visible in the dance company, and in their training, as well as when they welcomed me as researcher. In my observation, I could see how movements became ‘accessible to all’ through a collaborative effort. This was evident from the interviews whereby the words ‘collaboration’, ‘dialogue’, or ‘support’ were mentioned often in connection with realizing accessibility within the company. A dancer, for instance, mentioned:

... The dialogue between us, so that we are constantly working at how we can work together and support each other, which I think is really fantastic. I think that something that is incredibly significant is always keeping the conversations going about how we can develop inclusivity. [Interviewee 5]

Another dancer stated:

... I think it is really interesting to see what other people come up with, it is not just what you as a dancer do, it is what the other dancers come up with and it is so interesting to see their versions of it. And ... that whole idea of *collaboration*. [Interviewee 6—emphasis added]

Likewise, collaboration is important with audience with disabilities and during the creation. This was evidenced by the research itself that actually bolstered collaboration between Stopgap and me as PI, my research team, as well as the audience. One dancer expressed this idea of collaboration by stating:

...we are trying to make it accessible for everyone but also I think [choreographer] is particularly interested in ... visually impaired and blind audiences and being able to get people with lived experiences into the studio and asking them questions about it and seeing if this works for them... trying to get a broad understanding or outlook on what they see is really important. [Interviewee 6].

A few members of Stopgap spoke about accessibility as ‘collaborative element of disability’. In fact, an embodied understanding of accessibility is to be construed as inherently collaborative.

Another aspect that came through, particularly in the focus group and in the interviews, is that accessibility means ‘caring for people’. One member of the company stated that they consider access as their ‘responsibility to ensure the work is addressing barriers someone may have as an audience member’ [Interviewee 7]. I also saw a lot of this ‘care’ when I was attending and observing the rehearsals. Similarly, when we set up the focus group, the choreographer ensured that what emerged from that discussion was somewhat taken into account in their future work, and they showcased profound care for people that took the time to participate in the focus group and provide feedback. Further, the idea of care emerged in the focus group itself, whereby audience with disabilities highlighted that accessibility features in the performance can be characterized as care for the audience, saying ‘they are being very careful at the start of the show to set up so many other things with us’, and suggesting that this could be ‘developed further’. Another participant suggested that it might be good if the audience was facilitated to see into the ‘care’ that the company takes in working together to create a space that feels inclusive and safe. A respondent to the questionnaire mentioned the ‘general [caring] we can feel with everyone on stage’. Another

alluded to care when they suggested ‘It’s very clear that Stopgap put a lot of effort in making accessible for people of all kinds. Music, movement, description, subtitles ...’.

Although the word ‘care’ is often regarded negatively as it has been long associated with oppression, institutionalization and lack of independence for persons with disabilities (Morris 1993; Watson et al. 2004), I would argue that an embodied understanding of accessibility entails, besides collaboration, care and a caring attitude towards all people, including people with disabilities.

4.3 Accessibility as layered complexity

All scholars recognize that accessibility is complex, not only legally, but also practically (e.g. Lawson 2018). It does require moulding, changing to a certain degree, an environment, a good or a service, by adding or entrenching additional components. This emerged clearly in my observation of the creative process, but also in the interviews. All members of Stopgap who participated in interviews highlighted that accessibility cannot be an afterthought. For example, one mentioned:

...I think that the key would be to consider access first, rather than make [it] and then have the access come later, because if it is embedded from the very beginning then your mind and your thought processes are already with that, so I feel it will make you almost a more considerate team if it is something that you consider from the very beginning. [Interviewee 7]

In that connection, they also highlighted:

...[we have to] ensure that access is thoroughly integrated and embedded into the work about the whole process and that we are actively considering deaf, disabled, and neurodivergent audiences that we want to experience our work.... [Interviewee 7]

Accessibility can imply a change inherent to the actual performance (and, more broadly, to any good or service). For example, one dancer mentioned that ‘you have to change something about the [dancing] style to make it accessible’ [Interviewee 6]. However, accessibility does entail several added elements to the actual performance which need to be carried out iteratively from the beginning, becoming part of the overall artistic experience, but that could (at least in principle) be disentangled from it. In that regard, accessibility is not about one specific tool or additional format, but derives from a combination of different accessible formats intertwined with the creative process iteratively, and it is inherently complex:

...So we have got two... audio describers. One who is really focusing on making sure that things are accessible and possibly there will be two voices, one that is making sure that things are really accessible and really articulate what is going on. And then one that will be played by a character that will be live. [Interviewee 1]

They focused on ‘layering’ as key to making the performance accessible, and indicated that they added and embedded ‘...the extra layers... into the creative process of creative captioning like audio description, and some of those elements... are also representations of the disability world’ [Interviewee 1].

Accessibility as derived from layering was also apparent from the questionnaire administered to audience at the initial ‘scratch’ performance. One respondent to that questionnaire indicated that accessibility also adds ‘an extra layer to the audience experience’.

Complexity emerged strongly in the interviews with members of Stopgap, but also was acknowledged both by audience answers to the open-ended sections of the questionnaire and in the focus group whereby positive comments about access overlapped with expression

of conflicting needs and preferences. However, all participants acknowledged that accessibility represents a ‘challenge’ for the dance company, and, I would argue, more generally. As participants talked through conflicting access needs, some interesting points emerged that allude to the need for ‘compromise’ and, as noted above, ‘care’. One participant in the focus group mentioned that accessibility was reached through a ‘compromise in flex and stretch’.

An embodied understanding, thus, shines a light on that accessibility is an iterative layered process. Making something accessible does not only require collaboration or a collaborative effort, but entails a procedural approach.

5. Conclusion

Article 9 is considered ‘one of the most-debated provisions in the CRPD’ and ‘undeniably one of the most significant and radical ones’ (Seatzu 2017: 229). In that connection, ‘[t]he best way to achieve the transformative potential of Article 9 is for [States Parties] to enact a wide notion of accessibility’ (Seatzu 2017: 236). To better understand the normative content of such a wide notion, this article leverages on arts-based research, and namely on inclusive dance. It does not intend to focus on dance itself or on the promotion of the right of people with disabilities to participate in cultural life, or on accessibility of cultural goods and services. It has a more ambitious goal. In fact, this article endeavours to produce a change in the way accessibility is conceived of and applied in all ambits of life. In other words, this article uses inclusive dance as non-conceptual way to apprehend and comprehend the legal principle of accessibility and to translate Article 9 CRPD into practice. In this way, the article also endeavours to making accessibility obligations laid out in the CRPD comprehensible and compelling to a broader public.

Within a wider socio-legal approach, the use of arts-based research allows for an embodied understanding of accessibility. As Greenwood (2019) suggests, ‘the argument for the value of art as a way of knowing is multifarious, embodied, and tolerant of ambivalences and ambiguities’. In particular, inclusive dance allows to look at accessibility in a different, alternative way. In line with what McGrath et al. (2022: 97) suggest, the article places the ‘the traditionally more “peripheral” corporeal knowledge generated by dance’ on equal footing ‘with what is typically viewed in an increasingly scientifically oriented knowledge economy as the more “centred” knowledge of sociological enquiry’. In that connection, inclusive dance also permits to co-interpret with disabled dancers what accessibility means in a mutual exchange and co-creation of knowledge. This article, and more broadly the DANCING research project, would not have been possible without the leadership and involvement of Stopgap, and persons with disabilities as audiences and as participants in the focus group. In that regard, besides its epistemological cipher, this article hence encompasses a participatory approach to research and to engaging with legal concepts included in the CRPD.

The embodied understanding that is put forward recognizes three inherent and intertwined facets of accessibility—facets that unsurprisingly speak to the overall spirit and principles of the CRPD: respect for difference, collaboration and care, and layered complexity. Accessibility implies an adaptation, to a certain extent a re-shaping, of a good, service or an environment to meet a range of different needs and it entails respect for those different needs and diversity more generally. Accessibility is collaborative and iterative. It arises from a partnership with people with disabilities, and involves an attitude of care towards anyone using or engaging with a particular good, service or environment. Further, different layers (or additions) are required to render something accessible, making accessibility inherently and fundamentally complex. Such complexity may necessitate compromises, which however need to be achieved with careful consideration. Article 9 CRPD is vital ‘for accomplishing positive change for persons with disabilities’ (Seatzu 2017: 238), and an embodied understanding of accessibility may help achieving this change and the overall paradigm shift of the CRPD. As one interviewee simply put it, ‘accessibility is really helpful for everyone, and everyone benefits from more accessible experiences’ [Interviewee 7].

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Conflict of Interest

I have no conflict of interests to declare.

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