

Disability from the Perspective of Intersectionality

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The fundamental relevance of intersectionality and disability

Esteemed listeners,

It will come as no surprise to you, after this morning, that I begin pre-emptively with the conclusion: *intersectionality* is an equally relevant category for the analysis of disability as the intersectional view of other socially salient categories as interwoven with one another. Why? A simplified yet succinct answer to this question is found in the words of the law scholar and feminist SUZANNE B. GOLDBERG: “It brings neglected issues to mind”.

Intersectionality was first used in the context of law scholarship by the black female professor and attorney KIMBERLÉ CRENSHAW, and denotes the multi-dimensionality or interrelatedness of different forms of discrimination and identities.

Somewhat more specifically to the issue of disability: *disability* or *handicap* is a group-based external ascription category and individual self-identification category that has arisen through social practices. As such, it does not stand *alongside* but in a complex relationship of interdependence *to* other identity and power categories like age, race, ethnicity, class, gender or religion. In this sense, *ableism* is a form of structural and attitudinal stigmatization and discrimination on the basis of a disability – or a form of social norming of physical, intellectual and psychological capacities and limitations – which interacts with other powerful axes of inequality (AXELI KNAPP). According to TERESIA DEGENER, a female German law scholar with a disability, these other axes of stigmatization or discrimination corresponding to ableism include ageism, racism, antisemitism, antiziganism, classism, sexism and heterosexism.

The female social scientist CHRISTIANE HUTSON illustrates the phenomenon of intersectionality in disability from a black perspective in relation to ableism and sexism as follows:

“Sick and disabled people of color can (...) be subject to ableist and racist structures which neither *white* sick and disabled people nor ‘healthy’ non-disabled people of color experience”.

In her statement HUTSON refers to an entry made by the black lesbian feminist and mother AUDRE LORDE in her cancer diary, written in 1994 in Berlin. LORDE is describing her experience with a *white* doctor in Berlin:

“When I was shown into the doctor’s consulting room and he looked at my x-rays, he treated me like a child, which was obviously his customary method.” (...) “Racism and sexism linked hands across his desk when he saw that I taught at a university. ‘You look like an intelligent girl’, he said (...) “The whole time he was talking, he was staring at my one breast”.

In summary, what becomes clear, says HUTSON in her interpretation, is “that a powerful strategy – namely that of infantilization – is not only linked multi-dimensionally with other axes of power like racism, sexism and ableism, but at the same time these multiple linkages produce a multiplicity of injuries”.

Objectification, or discriminating ascription, also occurs in relation to adults; for instance if a woman in a wheelchair is viewed as asexual and a man in a wheelchair as an impotent yet libidinous being.

Thus, intersectionality proves to be a significant category for the analysis of social identities, social power positioning or of discrimination manifested on the level of subjective victimization or self-ascription, but also on the level of discursive representation and power structures. Numerous other examples of this exist: in Switzerland, the workforce participation rate of women with disabilities, at 44%, is far lower than that of men, at 61%; worldwide the discrepancy is even more striking. Chronic illnesses combined with gender or age lead to a host of disadvantages in the insurance system. Children and older people with a disability suffer deeper impacts on their right to health than adults between the ages of 25 and 60.

Furthermore: As brutal and potent as intersectional power positionings and forms of discrimination can be, it is also apparent in disturbing cases like the following, where sexism, anti-disabled attitudes, racism, classism and ageism ingloriously link hands:

“A young, attractive female wheelchair user with dark skin colour, employed in a travel firm, is bullied by her new superior in a discriminatory manner: ‘it’s not right that you come to work up to half an hour late every day because of your child!’ To her answer ‘I’m a lone parent and I need time in the morning to take my child to the nursery; it was agreed with my previous boss’, he retorted with the words ‘Yes, yes, making eyes at a Swiss man, not taking the consequences after the divorce, yet still wanting to benefit. This is how they are, the naive young good-for-nothings. In any case I wonder how they managed in bed?’. After a three-month conflict-ridden working relationship, the young woman was dismissed on the grounds of neglecting her duties as an employee, failing to comply with her line-manager’s instructions, and having stood up to him several times with ‘extraordinary disrespect’.”

Thus far, a few introductory words on the fundamental relevance of intersectionality in relation to *disability*. Before I go further into the question of relevance, I would like to clarify briefly the personal perspective from which I approach the phenomenon of intersectionality.

My professional perspective on intersectionality and disability

Firstly, I am a law scholar and, as such, engaged in research, teaching and policy. One of my main focuses is antidiscrimination law. Antidiscrimination is a field of law that reflects an important part of the human rights discourse in that it classifies certain disadvantages as human rights violations. The claim to nondiscrimination is a structural human right; that is to say, a human right that runs through all human rights and yet at the same time operates independently from them. As human rights law scholar I have an interest in how intersectionality can be operationalized in law. What interests me, then, is gaining knowledge for use in legal practice. Intersectionality as a category of analysis is legally useful when it has, or can have, consequences at the level of legal dogmatics and legal policy.

Hence my question as a law scholar is this: do we need the analysis category of intersectionality for the application of antidiscrimination law?

For example, it would be necessary to examine whether introducing the concept of intersectional discrimination leads to more effective prevention of discrimination; for a primary function of law is to steer people’s behaviour. Otherwise it would be necessary to clarify the extent to which intersectionality is helpful as an instrument for settling social conflicts after a breach of law; for example how useful it is in the legal assessment of statistical risk differentiation in the insurance sector, where age, gender, sickness, disability or even place of origin often play a role. I will pick up this question once again later.

Secondly, a further viewpoint from which I approach intersectionality is that of someone who counsels victims of discrimination. I spent several years working at the Égalité Handicap advice centre which

specializes in counseling people affected by discrimination based on a disability. As a counselor I was, and still am, interested in supporting people exposed to discrimination based on their disability as effectively as possible in finding the right solution to their problem. In doing this I was primarily guided by legal methods, since that was the discipline I trained in. At the same time, if my aim is good counsel, I am obliged to provide transdisciplinary counseling, which also includes competence in psychosocial and social-work methods as well as legal know-how.

Hence my question as a counselor is this: how can the “concept” of intersectionality help me to give good counsel to victims of discrimination? This is another question I will return to.

Thirdly – and I make no secret of it – as a person engaged in political activism I am interested in analytical knowledge about societal power. Only in this way can I put myself in a position to use political pressure intelligently to exert a countervailing force, so as to influence societal areas of inequality and lack of freedom.

Hence my question as a political activist is this: how can I use intersectionality in my political work in order to fight discrimination more effectively?

Such were my initial thoughts on the relevance of intersectionality and my own perspectives on intersectionality. I now turn in more depth to the question of why we need an ‘intersectional turn’ with regard to disability.

Why do we need an “Intersectional Turn” with regard to disability: Answering my own question

1) The concept of disability: a one-dimensional category?

According to Art. 1 of the Convention on the Rights of Persons with Disabilities, people with disabilities are defined as follows: “(...) Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.

The definition results from a legislative process within the UNO that took many years and was influenced unlike any other by the affected people themselves. People with disabilities gathered together to exert their power to create a human rights instrument that effectively strengthens the rights that they already have. Both this legislative process as well as the definition of people with disabilities that results from it are *prima vista* one-dimensional, monocategorical – in other words, anything but intersectional – perspectives on disability.

And this mono- or uni-categoriality is no mere chance, for the strength of the one-dimensional perspective is that it allows discrimination against people with disabilities to be captured in concrete terms and hence also combated.

At the same time, the one-dimensional perspective on disability has problematic consequences.

2) The dilemma of difference

In feminist scholarship the problem has been referred to as the dilemma of difference. What does this mean with reference to disability?

On the one hand – by hard-fought grassroots political effort and/or top-down advances in human rights resulting from historical events – socially salient groups such as handicapped people are designated, so

that instances of unequal treatment based on membership of precisely these groups can be combated – we can call it strategic essentializing. On the other hand, by naming particular groups in this way, we run the risk of overvaluing the common factors and undervaluing heterogeneity: a disabled person is not just a disabled person, as we have already discussed.

The UN Convention on the Rights of Persons with Disabilities also takes up this concern, initially by leaving the definition of disability quite open, in the abstract, to accommodating other dimensions like race, gender and age etc., and by deliberately directing attention to women with disabilities, children with disabilities and older people.

So in the wording of the Convention, Art. 6: “States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.”

Similarly, it reads in Art. 7: States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

The problematic consequences of a one-dimensional view can be demonstrated in more depth with reference to the example of B.P. versus Switzerland.

Case example: B.P. versus Switzerland, currently pending before the United Nations Anti-Racism Committee

1) The 1st Open Council Decision

B.P. is a man who uses a wheelchair and in 2003, at the age of 25, made an application for naturalization in the municipality of Oberriet in the Swiss canton of St. Gallen. The nerves of his spinal column were irreparably damaged when he underwent treatment as a baby. Due to this, his motor function is impaired (functional impairment). The case is currently – nota bene: 10 years later – pending before the United Nations Anti-Racism Committee. A decision is expected in 2015.

At the open council of 30 March 2007 the application for naturalization of the Appellant was rejected again. The discussion about the Appellant’s application took up a relatively large amount of time. Both, supporting and rejecting opinions were voiced:

- *P.P.* supported the application, underlining the Appellant’s efforts to “integrate into the village life” and his “open and talkative character”, which contributed “a lot to this village life”.
- *B.W.* criticized that the Appellant lived “practically off the State” since 1998. The head of the municipality, *W.H.*, objected, clarifying that “he had never received social benefits; he never lived off the municipality. He lives with his family, which supports him also financially.”
- *P.W.* retorted: “According to the rumors he does live off the municipality. But he shall have the benefit of a doubt.” *P.W.* also reproached the Appellant that “he can also be ruthless and molest people with his wheelchair.” *P.W.* filed the petition to reject the application for naturalization, “because Mr. Pjetri does not behave correctly towards the other citizens.”
- *M.Z.* thinks by now, “that Mr. Pjetri only wants to obtain Swiss citizenship in order to abuse our social system.” The head of the municipality objected again, saying: “I would like to reject this notion of abuse. I can only abuse the social security system if I do not suffer from any disability.”
- After a supportive vote from *P.J.*, who emphasized the cordiality and frankness of the Appellant and made clear that the Appellant does not want to force anything, *R.Z.* voiced her discontent about the fact “that Mr. Pjetri only worked at the Union for 4 years. He may be severely

disabled, but I know many severely disabled people who have been working at the Union for years.” The following vote was used by F.L. to point out the loyalty of the mother of the Appellant, who worked at the company of B.L. She also said that she did not believe “that anyone present here today would be one franc poorer if we naturalized Benon.”

- *R.L.* reproached the Appellant for having repeated his application “after only” one year. He had also “heard that he is said to be very brash, but I cannot confirm this as I have never spoken to this man.”
- *U.G.* thought of “the future of our children and grand-children. If we naturalized everyone then we are outnumbered in 10-20 or 30 years. Then there will be mosques everywhere.”

After the end of the discussion the head of the municipality asked the open council to cast its vote: “The result is clear. The application of Mr. Pjetri Benon is rejected.”

The media picked up on this issue after the municipal assembly and reported about it extensively. In a letter to the editor of the *St. Galler Tagblatt* of 5 April 2007 one reader by the name of *A.S.* complained under the headline “Moderne Hexenjagd” (“Modern witch-hunt”) about xenophobic tendencies that become apparent during the naturalization process when a decision is made “obviously and exclusively based on emotions.” *“People with certain nationalities are being blamed for all kinds of bad things because of a vague feeling on the part of the accusers of having lost control over their future – speeding, abuse of social benefits, domestic violence, drug and alcohol abuse, juvenile crime, etc.”* Another reader, *N.L.*, wrote in a letter to the *Rheintalische Volkszeitung* of 4 April 2007 that she is not surprised “that people from the Balkans who are willing to become naturalized and who have an impeccable record face such a level of distrust.” She declared, however, to be “tremendously bothered and shocked by the condescending tone of the objections that were raised last Friday. This makes me wonder. People who think they need to behave in such an indecent and discriminatory way are in fact shedding light on their own moral deficiencies.”

2) The 1st Court Decision

In his submission of 13 April 2007 and amendment of 2 May 2007 the Appellant appealed against the ballot decision of the municipality of Oberriet to the Department for Home Affairs of the canton of St. Gallen. He requested that the contested decision be quashed and put again before the open council. The appeal was successful. A violation of the constitutional prohibition against discrimination on the ground of disability (art. 8, para. 2 Federal Constitution) was found (consideration 4.3). The court explained that the lack of employment of the Appellant was the main reason for his rejection by the open council. The council’s accusation that the Appellant was dependent on social welfare or that he would abuse the social welfare system was based on this argument. If the ability to pursue gainful employment is emphasized as a criterion in such a strong way then this would effectively mean that disabled people would hardly ever have a chance of being naturalized by the relevant municipality. This constitutes an act of indirect discrimination against people with disabilities and subsequently, against the Appellant. The decision to reject the application for naturalization, dated 30 March 2007, was quashed and „sent back to the municipality of Oberriet for the naturalization council to put the application for naturalization to the open council of Oberriet again at their next meeting, provided that Benon Pjetri still fulfilled the conditions for naturalization at that point.” The municipal council of Oberriet appealed against this decision on 15 July 2008 to the administrative court of the canton St. Gallen. Thereafter the appeal was retracted by the municipality on 26 August 2008 and the appeals procedure was cancelled.

3) The 2nd Open Council Decision

On 27 March 2009 the naturalization council again put the application for naturalization of the Appellant to the open council. The head of the municipal council, *W.H.*, referred to the decision of the Department of Home Affairs and read the pertinent sections of this decision to the open council. It was also mentioned, albeit without apparent reason, that the municipality of Oberriet was obliged to pay CHF 2’000 towards Benon Pjetri’s legal costs. Once again the open council demanded that sufficient

time was devoted to debate the application. Before the discussion was opened up, W.H. asked to “consider that Mr. Pjetri does not have the same chances to integrate into the community as a healthy person” and that the council members “adapt their benchmark accordingly.”

- During the first round of votes *B.W.* accused the Appellant of being “naturalization crazy”. He further reproached the Appellant for not having considered it necessary “to take part in this preparatory meeting” and for not having “offered to answer all questions.” He also accused the Appellant of having lied to the open council at the first naturalization attempt regarding his membership in the local gun club. *B.W.* also said that he does believe that “he [the Appellant] meets up with friends, but I do have doubts about the quality of these friends.” *B.W.* finished by declaring that “this is an outrageous situation“ and demanded, under “enthusiastic” (NZZ am Sonntag, dated 29 March 2009)¹ applause by various citizens, that the application for naturalization be rejected. The head of the municipality, *W.H.* requested that the applause cease.
- In the ensuing vote *G.E.* accused the Appellant of a lack of willingness to integrate into the community: “To me integration means that if a person is disabled he participates in a club for disabled people or works at a workshop for disabled people. To say, for example, that he earns too little with this type of job and that the salary doesn’t even cover the travel costs to his place of work are lame excuses.”
- *W.H.*² too accused the Appellant of attempting the naturalization procedure for the fourth time, “this is pushing it.” In addition to this, “the way Mr. Pjetri behaves (...) is not part of our culture and if I speak of behavior I do not wish to elaborate further on his behavior.” *W.H.* also maintained that a Swiss passport is “not just a piece of paper or a rag or a driving license.” “If the canton should force the naturalization“, then he thinks that “this is not a democracy anymore but a dictatorship.”
- *L.R.* was of the opinion that it is not possible to naturalize just everyone. “We also have to pay taxes and accept this.” In the same manner Mr. Pjetri should accept his situation, too. “We did not want him three times already and now we still don’t want him.”
- *G.R.* had “a problem regarding your country of origin. Looking at world history these last couple of years and in Albania, where Kosovo-Albanians come from, these people leave a bitter taste in your mouth what we experience with these people here in Switzerland. During the last couple of weeks those cultures were featured in the media, and their differences. I think that we, here in Switzerland, are not willing to fully integrate those cultures. We should have the choice.”
- *W.H.* requests to “not pass judgment on the origin of the person but on the person himself”. *G.R.* added, “That’s true, I don’t like this neither. If there is only one of them in Switzerland this usually doesn’t cause any problems. If there are two then we still got some order, with three we’re in a ‘mess’. That’s just the way it is. The media is going on about this all the time. You can’t see through anymore, except if it’s a Swiss who committed a crime at the same time. Then they have to be more precise on the other side, too. On the other hand, the Albanian comes to Switzerland via Kosovo and the entire story comes from down there. You too could only go through Kosovo in order to get to us in Switzerland during the war. For me his origin is dubious, who he is, because in these countries the registry isn’t kept as it is in Switzerland. You can bribe a bit here and hand out a bit there.”

4) The 2nd Court Decision (Supreme Court)

In its decision of 12 June 2012 the Supreme Court rejected the appeal. It reasoned as follows (consid. 3.4): „*The assessment of a voting citizen during a vote at a public council, that in order to foster his integration the Appellant can be expected to participate in a club or workshop for disabled people, is not discriminatory. The vote rather demonstrates the idea that the local integration expected of the Appellant is manifested (also) in his engagement in clubs or other organizations of the community. The court does not deny that it might be more difficult for a disabled person to participate in village life and in public events generally. But this does not mean that the accusation of refusing to make ef-*

¹ The journalist H. Gmür was present at this municipal council session.

² This is a voting citizen, not the head of the municipal council, Walter Hess.

forts towards integration and not participate in public life constitutes discrimination. The mere assumption of the Appellant that the voting citizens rejected his application for naturalization on the ground of his appearance (wheelchair, difficulties to speak, spastic movements) is not capable of proving that the negative decision about his naturalization constitutes a discriminatory act.

The consideration of the fact that a voting citizen at the open council made a direct and discriminatory reference to the origins of the Appellant leads to the same conclusion. In a federal procedure a cantonal decision on appeal will not be quashed because of a single element of its reasoning, but only if the overall result is unconstitutional. Negative decisions on naturalization are considered to be acceptable if their reasoning contains also non-discriminatory besides the discriminatory reasons. This is here the case, since the reproach advanced during the open council, namely that there was a lack of local integration, in itself is not discriminatory. As long as the entirety of the reasons given can be seen as an indication of a lack of integration and if this constitutes a viable reason, then other elements, even if they might be discriminatory by themselves, do not render the entire decision unconstitutional. (cf. BGE 134 I 56 E. 3 S. 59).“

5) The Argument against the Supreme Court’s Decision – pending before the UN-Committee

Legally the case can be assessed as follows:

The Supreme Court insufficiently reviewed the argument that and to what extent the disability of the Appellant informed the racist and discriminatory decision of the open council. This too constitutes a violation by the Supreme Court (respectively Switzerland) of its obligation under art. 2, lit. a CERD to ensure that all public authorities and public institutions act in accordance with their obligations under CERD. The Supreme Court (respectively the Contracting State) violated the obligation in art. 5, lit. d) iii CERD to eliminate all forms of racial discrimination – this includes multi-dimensional discrimination insofar as it is related to racial discrimination - and to guarantee the Appellant the right to nationality or to request nationality, regardless of his race national or ethnic origin. The Supreme Court failed to take all effective measures to review the actions of public and local authorities insofar these actions constitute racial discrimination, in accordance with art. 2, lit. c CERD.

A multi-dimensional discrimination can exist in additive, enforcing or inter-sectorial form. Additive discrimination means that discrimination results out of various different reasons. Enforcing discrimination means that there are at least two discriminatory elements that affect the person and one element enforces the effect and severity of the other. An inter-sectorial discrimination means that neither one of the discriminatory elements by itself would cause discrimination, but both together create a situation where the person experiences discrimination. Although reprimanded in the appeal of the Appellant, it was never established by the courts, including the Supreme Court, to what extent and in which way the Appellant was multi-dimensionally discriminated. Thus the Supreme Court violated its obligations to review whether or not discrimination exists or whether the lower instance courts have substantially reviewed the existence of discrimination.

The considerations of the Supreme Court do not comprehensibly reveal how it came to the conclusion that the votes of the open council overall do not constitute multi-dimensional discrimination on the grounds of origin and disability. The articles in the media (incl. letters) and the minutes revealed that the open council was taking place in a hostile atmosphere. During the two open council meetings, when the application of the Appellant was discussed, there were several votes which accused the Appellant of using the application for naturalization to abuse the social welfare system. There is reason to suspect that the disability of the Appellant was instrumentalized in a racist way – whether consciously or not. This assumption is supported by the vague mix of votes by voting citizens at the open council who reproached the Appellant for his origin, warned of mosques and islamization and heavily accused the Appellant of wanting to abuse the Swiss social welfare system. The possibility of a racist motive is enforced by the fact that the accusations of an intention to abuse the social welfare system did not subside, although the head of the municipality repeatedly reminded the voters that the Appellant had the right to social welfare benefits because of his disability and that the Appellant did not even claim

all such benefits. From this it is apparent that the disability of the Appellant very likely contributed to the racist discrimination. It does not matter whether the Appellant suffers from an inter-sectorial discrimination – meaning his application would have been successful had he not been disabled – or from an enforcing discrimination – meaning his application would have been rejected anyways but with fewer references to his disability. In any case it is highly probable that his disability played a central role in the racist element of the rejection of his application for naturalization. And this is a point which the Supreme Court did not review.

The Appellant was furthermore reproached for not, or not anymore, working in the workshop for disabled people and not being active in the sports club for disabled people. Those are, admittedly, important institutions because they enable people with grave disabilities to lead an active life and take part in their community. However, both institutions are of a segregative, not integrative nature. This context shows that the disability very likely played an important role in the racial discrimination. The voting citizens used arguments which violate the constitutional prohibition of discrimination and which nurture the suspicion of racial discrimination. The Supreme Court failed to fully review the possible existence of multi-dimensional discrimination on the basis of origin and disability in the subsidiary constitutional appeal.

The Supreme Court should at least have elaborated on why it came to the conclusion that there was no discrimination despite evidence pointing to the contrary. Considering the superficiality of the line of argumentation the Supreme Court definitely failed to do so.

To sum up

In summary, the authorities failed on all levels to analyze the case from an intersectional perspective. This had concrete consequences on several levels. I would like to explore these briefly now.

Analysis of the case of B.P. versus Switzerland on three levels

As an analytical framework for intersectionality I rely on the three-levels concept put forward by GABRIELA WINKER and NINA DEGELE. According to Winker/Degele intersectionality, and hence also disability, is manifested firstly on the level of symbolic or discursive representation, secondly on the level of structure (or structural power relations) and thirdly on the level of identity construction.

The first level, that of *symbolic representation*, denotes the space where values and images are negotiated and transmitted. In this public space, identity policies and power, or categories like disability or sub-categories like the “man in wheelchair from former Yugoslavia”, are also constructed.

The case of B. P., for instance, is a manifest allusion to the public stereotype of a foreign parasite on Swiss social security, whose background suggests little interest in integrating, who is recalcitrant by tendency and who represents a risk to our culture: a man who arouses fear and antipathy.

The second level to be mentioned is that of *structural power relations*. These are power relations that are manifested in the form of access to cultural resources like education, economic resources like work, social resources like networks, or political resources.

In the case described, B.P. is denied citizenship. Among other consequences, this means that he is impeded from exercising political rights.

Thirdly, on the level of *identity construction*, positions of identity and power (or powerlessness) are assumed or sublimated by the affected people with disabilities (doing difference, undoing difference). Identity categories, then, are categories that define the relationship to oneself.

B.P. feels inferior, partly because of the injustice experienced in the municipality of Oberriet as a person with a disability and on the basis of his non-Swiss origin. This has impacts on both his mental and physical well-being. He withdraws from daily life, not least to avoid being exposed to insults and risks of violence. On the other hand, he develops a spirit of activism to combat racist and ableist injustice by insisting on pursuing the battle as far as the international courts. Problematically, however, he does not feel at home in any activist group in which he might get involved or might feel supported – neither among people with disabilities, who neglect antiracism, nor among antiracist campaigners, who do not discuss ableism.

The three levels that Winkler/Degele use as an analytical support for intersectionality interact with each other. The category of “disability” as it applies in the discursive representations and in the power structures, is ontologized and embodied in self-identification and external identification, and helps to determine the life realities of classified people (looping effect). Power structure, symbolic representation and identity construction interact with one another.

As a result of the undermining of B.P. and his withdrawal from public life (identity construction), the public image of the asocial disabled person from Kosovo is cemented (symbolic representation), thereby accentuating the risk of discrimination (structure). If it is not possible to acknowledge the injustice in a way that is acceptable to B.P., the injuries that he has already experienced as a victim of racism and ableism may be further exacerbated as a result. This in turn amplifies the association with stereotypical images about people like B.P.

I hope that in discussing the case of B.P. versus Switzerland, I have been able to show that the analysis of intersectionality on the three levels is helpful for a better conceptualization of identity, stigmatization and discrimination processes. In conclusion I would like to return once again and further explore what that means for me, from my perspective, in concrete terms on the operational level.

Operationalization of the intersectional view: Bring neglected issues to mind

An intersectional perspective on cases of discrimination has the following practical effects:

1) Recognize the problems

On all three of my own perspectives – counseling, use of law and political activism to reduce structural discrimination – the analysis category of intersectionality helps me to recognize multi-dimensional identity constructions and asymmetries of power.

Illustrated by the case of B.P. versus Switzerland, this means: only by perceiving the discrimination against B.P. is multi-dimensional can I categorize the problem in a nuanced way. Racism and ableism play a role here. And to recognize this may be of benefit to me later, in the course of counseling, in potential legal intervention and in political action.

2) Taking the person seriously

Anyone who refers to identity, stigmatization and discrimination of people with disabilities as multi-dimensional takes their feelings, thoughts, discrimination and underlying power relations seriously –

so that the person is taken seriously as an individual. This is a decisive factor, in psychosocial counseling for instance, in enabling victims to seek solutions to the problem autonomously.

Illustrated by the case of B.P. versus Switzerland: through several discussions, during which B.P. and the advisers analyzed the discrimination, B.P. was able to form an independent picture of his feelings and articulate them. This in turn is a prerequisite for an autonomous decision on how to resolve the problem, as well as effective counseling and joint development of strategies to counteract the injustice.

3) Utilizing problem-solving approaches effectively

In order to point out possible solutions, it is necessary to understand a problem. This can be demonstrated relatively easily, looking at the law as a possible problem-solving route: only someone who recognizes that racism also contains an element of sexism can use the laws on gender equality as an instrument to combat discrimination. In addition, a stricter scale of justification may have to be set for multi-dimensional discrimination, and the legal claims resulting from it may vary.

Illustrated by the example of B.P., for example, this means: articulating the racism in ableism and *vice versa* leads to more appropriate remediation of the injustice. This occurs both on the psychological level – which can also be called the symbolic level – and on the material level – for instance in the form of a higher level of compensation due to the mental harm inflicted on B.P. by the discriminatory refusal of naturalization.

4) Promotional measures

The intersectional view makes it possible to formulate measures for reducing multidimensional discrimination more effectively.

Illustrated by the case of B.P. versus Switzerland: only by recognizing the problematic criteria for integration as ableist (namely the requirement to work in a sheltered workshop to prove willingness to integrate) can legal criteria be devised jointly with the authorities for measuring such willingness, ability and degree of integration.

And rounding off

That concludes my thoughts so far. Many thanks!