This paper explored the issue of legally defining disability within a discrimination law context. It first reviews the definition of disability in the German disability discrimination laws, the Act on the Prevention of Discrimination against Persons with Disabilities (BGG) and the Social Security Code IX (SGB IX) (Neumann, 2003, p. 897; Reichenbach, 2002, p. 485; Zinsmeister, 2004, pp. 76-92). Often the impairment of the victim does not matter at all, except for being a vent for prejudice and discrimination. Limitations in sensory or notional function are not always necessarily underlying the disabled status and might be of different kind and cause. An extensive approach defines disability as an impairment-related condition which might exist presently, as persons with impairments which cause functional limitations or social exclusions, the Austrian disability discrimination law not only covers people with disabilities, but also those persons who are not disabled but are treated as if they were disabled, or persons who are family members of such persons. The definition of disability in German law does not accurately reflect the ICF concept. And in German legal practice and interpretation, a person is only considered as disabled if the related medical condition is severe enough. If the impairment degree is below 50%, a person is not considered as disabled (Reichenbach, 2002, p. 485). The definition of disability in German law is based on the idea of the medical model of disability. The importance of the medical model in Germany is emphasized by the fact that only severely disabled persons with a disability degree of at least 50% are covered by the BGG, and by the fact that the social security system pays disability compensation only to persons who are severely disabled (Zinsmeister, 2004, pp. 76-92).

In addition to the BGG and the SGB IX, the German constitution encompasses a disability-specific provision. Article 3 (3) of the German constitution (GG) prohibits discrimination against persons with disabilities. Article 3 (3) states that "none of the persons referred to in section 3 of the Basic Law shall, on account of their disability, be subjected to any form of discrimination" (Zinsmeister, 2004, pp. 76-92). This provision is often referred to as the "handicap clause". The purpose of the law is to ensure that disabled persons are treated equally with non-disabled persons and that they are not discriminated against on the basis of their disability. This provision is significant because it has been used to challenge discriminatory practices and to demand equal treatment for disabled persons. However, the constitutional prohibition against discrimination of persons with disabilities is limited to a certain degree. It only covers the situation where a person is treated differently because of his disability. The constitutional prohibition does not cover the situation where a person is treated unfairly because of his disability. For example, a person with a disability who is rejected for a job because of his disability is not protected under the constitutional prohibition against discrimination of persons with disabilities (Zinsmeister, 2004, pp. 76-92).

This paper aims to examine the relationship between the social welfare model and the civil rights model of disability in German law. These two models are often seen as diametrically opposed, with the social welfare model emphasizing the medical model of disability and the civil rights model emphasizing the social model of disability. The medical model of disability focuses on the impairment itself and its impact on the individual. The social model of disability, on the other hand, focuses on the barriers that disabled people face in society and the ways in which these barriers can be removed. The relationship between these two models is complex and depends on the context in which they are applied. While the social welfare model and the civil rights model of disability are often seen as opposing each other, it is possible to see them as complementary. The social welfare model can be used to provide resources and support for disabled people, while the civil rights model can be used to challenge discriminatory practices and to demand equal treatment for disabled people.