

Language, law and disability. Remarks on the linguistic aspects of the reform of art. 49 of the Spanish constitution

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Abstract: *Linguaggio, diritto e disabilità. Osservazioni sugli aspetti linguistici della riforma dell'art. 49 della Costituzione spagnola* - Much progress has been made in the fight for the rights of people with disabilities, but significant discrimination still persists. A central aspect is the use of politically correct language. This element has achieved important triumphs in the struggle for rights, but it has also generated notable controversies and polemics. This paper critically examines the use of politically correct language, highlighting its virtues, but also its problems. The recent reform of Art. 49 of the Spanish Constitution, which adapts the language used by this precept to refer to people with disabilities to current times, is especially valued.

Keywords: People with disabilities; Reform of the Constitution; Politically correct language; Traditionally discriminated groups; Disability

1. Introduction. Language issues of people with disabilities

The concern for achieving the integration of traditionally discriminated groups has increased over time. Democratic societies do not want to fall into self-complacency and subject themselves to self-criticism. Such self-criticism reveals that there are still significant shortcomings in the recognition of human rights for some minorities. However, human dignity demands the full realization of every person, regardless of their situation.

This evolution once again supports Dworkin's assertion that a democracy cannot rely solely on majority rule. Instead, a true democracy is one that respects and upholds the rights of all citizens, including those of minority groups¹.

This struggle for such rights has not been easy. In democratic societies, a great effort has been made to overcome the problems faced by minority groups. Leading to the development of ambitious policies aimed to achieve the full enforcement of their rights and freedoms. Much progress has been made on this path, but we are still far from achieving a fully integrated society free of prejudices.

¹ R. Dworkin, *Taking Rights Seriously*, Cambridge (MA), 1977.

One of the sectors that prove this point has been shown is that of people with disabilities, (“personas con discapacidad”). Societies have paid an unprecedented degree of attention to this group in recent years².

Societies have realized that this is one of the greatest challenges it must face. Firstly, because there are many people who are not fully integrated due to some kind of disability³. But also, secondly, because virtually all citizens experience a situation of disability at some point in their lives⁴.

Thus, a revolution has taken place in the social, political, and legal regime of people with disabilities⁵. In this way, overcoming the barriers faced by people with disabilities becomes a task for everyone. This includes not only public institutions but also civil society⁶. However, much remains to be done. In this regard, it has been noted that people with disabilities continue to be at a higher risk of being subjected to harassment and acts of hate⁷.

The Spanish Constitution itself, in article 9.2, establishes that public authorities must promote the conditions for real and effective equality and freedom of individuals and the groups where they are integrated. This obliges public administrations to eliminate the obstacles that prevent the achievement of this objective.

This is not a simple objective. It is a complex task involving multiple aspects, with language playing a crucial role. Often, both citizens and public institutions have used inappropriate and sometimes hurtful terms when referring to people with disabilities. While this has occasionally been done maliciously, it is more often a result of unconscious bias, stemming from a collective imagination shaped by prejudice and ignorance.

² M.L. Campos Bedollas, B.E. Zardel Jacobo Cupich, V. Hernández Mata, *La pregunta por el sujeto de la discapacidad en un devenir histórico-discursivo*, in *Investigación educativa Duranguense*, 13, 2013, 62 ff., available at <https://dialnet.unirioja.es/ejemplar/369291>, retrieved on May 10 2022.

³ R. De Lorenzo García, L.C. Pérez Bueno, *Delimitación y función*, in R. De Lorenzo García, L.C. Pérez Bueno (coord.), *Fundamentos de Derecho de la discapacidad*, Pamplona, 2020.

⁴ M. Rivarola and R. Rodríguez Díaz, *La discapacidad en los medios de comunicación de los Juegos Paralímpicos de Londres 2012*, in *Revista de Comunicación y Salud*, 5, 2015, 127 ff.; K. Snow, *To Ensure Inclusion, Freedom and Respect for all, it's time to embrace People First Language*, 2007, available at <https://nebula.wsimg.com/1c1af57f9319dbf909ec52462367fa88?AccessKeyId=9D6F6082FE5EE52C3DC6&disposition=0&alloworigin=1>, retrieved on September 30, 2024.

⁵ J. Solves Almela, *Discapacidad: los discursos de la discapacidad en los medios españoles*, in *Discurso & Sociedad*, 7(1), 2013, 51 ff.

⁶ E.M. Cortes López and F. Chávez Sánchez, *Multimodalidad: un lenguaje de inclusión arquitectónica*, in *Revista La Tadeo De Arte*, 7(7), 2021, available at <https://revistas.utadeo.edu.co/index.php/ltd/article/view/1714>, retrieved on May 20, 2022.

⁷ Z.A. Alhaboby, H.M. Al-Khateeb, J. Barnes and E. Short, *The language is disgusting and they refer to my disability: the cyberharassment of disabled people*, in 31(8) *Disability & Society* 1138 (2016).

To overcome the discrimination to which people with disabilities have been subjected, it is therefore necessary to rethink the way we speak⁸.

During this and the last century much improvement has been made in overcoming the language that discriminated against people with disabilities. The struggle for the full validity of the rights of this group has also meant the restoration of their dignity in the linguistic field. As a result, we live in a much more respectful society when referring to people with disabilities.

This change did not happen spontaneously. Society has not embraced it naturally. It is the result of a long process of struggle and vindication by people with disabilities and the organizations that represent them⁹. Furthermore, this does not mean that everything has been accomplished in this area. Remnants of that discriminatory and sometimes demeaning language still persist. Offensive and insulting terms continue to be used, dysfunctions that need to be fully overcome¹⁰.

In this context, a partial reform of the Spanish Constitution of 1978 has been approved, and this affects article 49. The aim of this reform is to eliminate the term “disminuido” (handicapped), a term that did not have the intent to offend, but that nowadays have some negative connotations. This reform affects several important aspects related to the legal framework of disability, of which we are only interested in the linguistic aspects. In this realm, an attempt is being made to modify the way our Constitution refers to people with disabilities.

Therefore, it is necessary to analyze in detail the issue of politically correct or inclusive language in the context of disability. This issue is particularly interesting for one reason: the political and ideological conflict generated by politically correct language is not as strong in this area as it is in others. Specifically, it is not as contentious as it is with gender inclusive language. The absence of this ideological conditioning makes certain aspects of a proper treatment of inclusive language more visible.

The first step we must take is to analyze the relevance of linguistic aspects in the fight for the rights of people with disabilities. This is a contentious issue. Here, we encounter a general controversy surrounding politically correct language: the question of its importance and necessity. The relevance of this matter has been constantly debated, and this discussion is replicated in the context of people with disabilities, where passionate advocates of the virtues of politically correct language coexist with authors

⁸ J. V. Marqués, *Normalidad, peculiaridad y discapacidad*, in *Revista de Estudios de Juventud*, 43, 1998, 9 ff.; B. Haller, B. Dorries and J. Rahn, *Media labeling versus the US disability community identity: A study of shifting cultural language*, in 21(1) *Disability & Society* 72 (2006).

⁹ R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la discapacidad*, in A. Garcés-Manzanera, O. Salem Ould García, and S.A. Flores Borjabad (coord.), *El devenir de la lingüística y la cultura: un estudio interdisciplinar sobre lengua, literatura y tradición*, Madrid, 2002, 302 ff.; C. Kelly, *Making ‘care’ accessible: Personal assistance for disabled people and the politics of language*, in 31(4) *Critical Social Policy* 564 (2011).

¹⁰ X. Zhao, *El lenguaje no discriminatorio y la traducción entre el chino y el español*, Madrid, 2014, 266 ff., available at <https://repositorio.uam.es/handle/10486/661747>, retrieved on May 10, 2022; J. Celada Pérez, *Prólogo” a E. Peñas and P. Hernández*, in E. Peñas, P. Hernández (eds.), *Guía de estilo sobre discapacidad para profesionales de los medios de Comunicación*, Real Patronato Sobre la Discapacidad, Madrid, 2019, 5 ff., available at <https://www.siiis.net/documentos/ficha/544014.pdf>, retrieved on July 5, 2022.

who question its real significance, considering it an artificially created problem.

Secondly, we should examine the different terms that have been used to designate people with disabilities throughout history. This issue requires an assessment of their appropriateness and shortcomings. It also entails studying and evaluating the various proposals that have been put forward to achieve a more inclusive language.

This will allow us to proceed with the examination of the linguistic aspects of the aforementioned reform of Article 49 of the Spanish Constitution. It will enable us to reach some relevant conclusions in this matter.

2. The significance of using inclusive language when referring to people with disabilities

The first issue we must address is whether or not it is necessary to adopt measures for the use of politically correct or inclusive language regarding people with disabilities. This question, has received varied responses.

It is worth noting that it is not advisable to take a maximalist stance on this issue. First, an absolute denial of the need to use politically correct or inclusive language seems difficult to sustain in a context such as disability, where language has been particularly negative, if not downright harmful and demeaning.

In current societies, a mentality or set of prejudices persists in the collective imagination, which ultimately presents individuals with disabilities as being limited. This results in their marginalization and lack of integration¹¹.

The image of a person with a disability as someone limited or of lesser value has historically been reinforced by language, which has employed a long list of words and descriptors that evoked the idea of inferiority or lesser worth.

Thus, a social hierarchy is created based on the notion of normality, where normality is understood as what is frequent or typical¹².

These social constructions have a great capacity for manipulation. They create the myth of a “normal” citizen, portraying them as someone without adaptability issues. This discourse denies normality not only to disability but also to other realities such as illness and old age. These aspects are difficult to avoid since sooner or later, we all go through them. This way, everything that disturbs the ideal image of youth and strength is concealed.

The imposition of the idea of presumed normality ultimately marginalizes anything that does not conform to what is understood as “normal.” This results in a negative judgment towards disability, as it does

¹¹ F.J. Rubio Arribas, *El prejuicio y el lenguaje como factores de discriminación en la discapacidad*, in *Nómadas. Revista Crítica de Ciencias Sociales y Jurídicas*, 11(1), 2005, 1 ff.; K. Snow, *To ensure Inclusion, Freedom and...*, cit., 4 ff.

¹² Marqués, *Normalidad, peculiaridad y ...*, cit., 10 ff.

not fit into this artificially constructed notion of normality. Consequently, disability is indirectly negatively evaluated and considered as a deficiency¹³.

We have to bear in mind that a “linguistic dimension” is added to the “social” discrimination of people with disabilities¹⁴.

In the context of disability, the boundaries are clearer and it is more difficult to overemphasize the importance of politically correct language. Social reality is constructed around the idea of a citizen free from problems of adaptability. Thus, there is a wide range of obstacles or barriers that prevent the full development of people with disabilities. The daily challenges faced by people with disabilities are characterized by real situations that require real interventions that language alone cannot resolve.

However, this does not mean that discrimination issues in this field are of lesser significance than those in other areas, nor does it imply that their resolution is less urgent. The difference lies in the fact that the challenges faced by people with disabilities are not limited to linguistic discrimination alone.

This marks a profound difference with other areas where the problems faced by a group are solely attributed to the existence of discrimination. Without discrimination, those issues would not exist.

As a result, it is common for issues related to discriminatory language to be less emphasized in the disability field. It is often argued that language is not considered one of the most serious forms of discrimination against people with disabilities¹⁵.

At the heart of this approach, it seems to us, is an implicit distinction between two different types of discrimination. On the one hand, there are those groups that are simply discriminated against (women, LGTBI people, etc.), whose problems derive exclusively from the existence of this situation of discrimination. On the other hand, there are cases, such as that of people with disabilities, who are subjects with specific problems that are also subject to discrimination.

In the latter case, even if the problems of social discrimination were resolved, there would still be a specific difficulty inherent to this social group that would require solutions. This problem exists independently of discrimination and is only exacerbated by it.

This distinction needs to be nuanced. Many of the problems faced by people with disabilities are not so much due to their own disability status. Society is built on the foundations and needs of people without adaptive problems. Thus, only part of the problems of people with disabilities are

¹³ M. N. Míguez Passada, *Discapacidad en lo social. Un enfoque desde las corporalidades*, in *Revista Extremeña de Ciencias Sociales “ALMENARA”*, 9, 2017, 64 ff.

¹⁴ A. Gascón Cuenca (Tutor), I. Bernabé Padilla, A. Hernández Azón, A. Ramos Miralles, A. Martínez Trigo, C.E. Martínez Cameros, D. Costa Navarro, N.G. Jusue Moñino, R. Muñoz Ruiz, S. Fierrez Soria, and Y. Gregorio Alcaide, *El ordenamiento jurídico español y las personas con discapacidad: entre la autodeterminación y el paternalismo*, Valencia, 2021, available at: <https://ojs.uv.es/index.php/clinicajuridica/article/view/20868/18529>, retrieved on May 5, 2022.

¹⁵ X. Zhao, *El lenguaje no discriminatorio y...*, cit., 1 ff.

intrinsic to them, as others are purely social in origin¹⁶. This means that the problems of people with disabilities ultimately become significant problems of discrimination¹⁷.

This blurs the distinction and gives priority to social discrimination. The idea that the world should be built to the standards of a person who can easily climb stairs, for example, places everyone with disabilities in a problematic situation. Instead, we must begin with the necessity of creating an inclusive world that considers the needs of all citizens, including those with disabilities.

In this sense, the wording of the current Article 49 of the Spanish Constitution is clear, which, after its reform, establishes that “the public authorities shall promote policies that guarantee the full personal autonomy and social inclusion of people with disabilities, in universally accessible environments”.

From here, the fight against discrimination becomes a central element in the struggle for the rights of people with disabilities. They do not need charity from the supposedly normal society, but rather to be taken seriously. Their needs must be considered in the same way as those of other citizens.

We must overcome the idea that normality is an unadapted reality and that measures in favor of people with disabilities are a bonus generously offered by society. We must start from the opposite idea: that the reality should be an adapted society that allows people with disabilities to develop fully. This implies that the failure to adopt the usual measures of adaptation constitutes a case of discrimination.

In order to do so, it is necessary to put an end to the idea of a person with disabilities as a limited individual. This leads individuals with disabilities to resign themselves to being unable to exercise their rights. The concept of a person endowed with autonomy and the right to live their life with the same fullness as the rest of the citizens must prevail.

The legal issue of people with disabilities, like that of other traditionally discriminated groups (women, LGTBI people, etc.), must face the contradiction of having to fight in the legal field for what is already recognized at the constitutional level. In Spain, art. 9.2 and the current wording of art. 49 of the Spanish Constitution, mentioned above, expressly establish this recognition.

The Maximum Standard thus obliges to take all reasonable measures to overcome the obstacles that any group may encounter in the full exercise of its rights. In a society like ours, where technological advances enable us to significantly enhance the rights of people with disabilities through simple and easily achievable measures, such as making buildings accessible, it is unacceptable that these measures remain unimplemented.

¹⁶ S. Castán Pérez-Gómez, *Prejuicios, lenguaje y discapacidad: notas en torno a la terminología antigua y moderna relativa a las personas con discapacidad*, in *Cultura, Lenguaje y representación*, 23, 2020, 49 ff.; S.B. Mousavi, D. Lecic-Tosevski, H. Khalili and S.Z. Mousavi, *To be able, or disable, that is the question: A critical discussion on how language affects the stigma and self-determination in people with parability*, in 66(5) *International Journal of Social Psychiatry* 424 (2020).

¹⁷ K. Snow, *To ensure Inclusion, Freedom and...*, cit., 2 ff.

In advanced societies such as Spain, accessibility is not an advance achieved by advanced public policies; it is simply an essential minimum, the non-respect of which implies a serious violation of the constitutional regime.

This gives language a leading role¹⁸. This is crucial to eliminating the mindset that discriminates against people with disabilities and to promoting the concept of people with disabilities as individuals with the right to live their lives to the fullest.

Non-inclusive or discriminatory language also produces another important negative effect: it creates a stereotyping effect on the group. The whole group is perceived through a generic image, usually determined by the idea of inferiority or limitation. This generic image swallows the individual, the specific person with a disability, who is qualified and labeled under this generic idea that society attaches to the person with a disability. The individual person becomes invisible¹⁹.

This approach is deeply harmful, as the community of people with disabilities constitutes a highly diverse reality, in which a wide variety of situations and needs coexist. However, language tends not only to undervalue the collective but also to pigeonhole it, which prevents us from seeing the wide range of situations that coexist within this social group.

In the face of this discourse, which calls for politically correct language to play a leading role in the struggle for disability rights, we encounter a number of critiques that question its relevance and timeliness. They see it as an anecdotal element that would have no more than rhetorical implications in the fight for disability rights. In other words, they believe that it will not contribute to the advancement of people with disabilities²⁰.

This criticism of the true effectiveness of politically correct language has been expressed, at times, in simply unacceptable terms. Take, for example, the following statement: “In the United States, during the Carter administration, paralyzed people began to be referred to as 'physically handicapped' assuming that this would eliminate discrimination. The name change did not grant them any mobility²¹.”

These kinds of arguments attempt to suggest that politically correct language intends to directly modify material reality. These are deceptive and intolerable assertions. Their apparent attack on the alleged falsity of politically correct language carries an implicit false message: that the problems faced by individuals are not significantly socially rooted and are the result of discrimination that must be addressed.

¹⁸ A. Sharif, A.L. McCall and K.R. Bolante, *Should I Say “Disabled People” or “People with Disabilities”?* *Language Preferences of Disabled People Between Identity- and Person-First Language*, in *The 24th International ACM SIGACCESS Conference on Computers and Accessibility (ASSETS '22)*, Athens, October 23–26, 2022; P. Ferrigon and K. Tucker, *Person-First Language vs. Identity-First Language: An examination of the gains and drawbacks of Disability Language in society*, in *1 Journal of Teaching Disability Studies* (2019).

¹⁹ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 32 ff.; K. Snow, *To ensure Inclusion, Freedom and...*, cit., 1 ff.

²⁰ M. Moscoso, *Tirar la piedra y esconder la mano: el lenguaje políticamente correcto en la discapacidad*, in *Intersticios. Revista Sociológica de Pensamiento Crítico*, 4(2), 2010, 272 ff.

²¹ J. Barraicoa, *Lo políticamente correcto. Una revolución semántica*, in *Verbo*, 391/392, 2001, 56 ff.

Politically correct language aims to generate changes in language that motivate social transformations to eliminate discrimination. Clearly, those linguistic changes lack the ability to alter physical reality, but that is not the point. The important question is whether they are capable of generating the social change necessary to eliminate discrimination.

This leaves us with a more moderate stance. This shows, first, that the use of politically correct language becomes a cover-up for the real problem. In this way, it presents an image of a society that is committed to fighting for the rights of people with disabilities without addressing their real problems and inconveniences. Moreover, it creates a barrier that prevents the real political conflict underlying this issue from being addressed. In fact, it is common for the use of politically correct language to coexist with serious non-compliance with accessibility regulations²².

In this regard, it is noted that inclusive language codes and manuals assume a certain tone of condescension and paternalism in proclaiming how people with disabilities should be referred to²³.

Second, they point out that the use of politically correct language is not beneficial to people with disabilities because it hides the reality of disability. Reality does not disappear with magic words, and it can only be improved by appropriate policies and measures that alleviate the inconveniences and difficulties experienced by people with disabilities²⁴. Nor has it led to greater knowledge and understanding of people with disabilities by people without disabilities²⁵.

Thirdly, they point out that placing the term “person” before the expression “disabled” has become an obsession²⁶, forgetting that the problem does not lie in this expression, but in denying the person with a disability their evident humanity²⁷.

On the other hand, politically correct language is based on full integration. It carries an implicit negative judgment towards disability and coercively imposes a mandate for maximum conformity to normality. The idea of surpassing limits at any cost. However, this process is not always possible, nor does it depend solely on the will of the person with disabilities. In this way, politically correct language implies a certain denial of the issues surrounding disability. It places the entire responsibility for rehabilitation on the person with disabilities and implicitly condemns those who do not want to or cannot achieve maximum conformity to normality. It forces them to hide or conceal their true selves²⁸.

Furthermore, this concealment of disability separates the person with disabilities from their own reality, preventing them from fully embracing

²² M. Moscoso, *Tirar la piedra y esconder...*, cit., 271 ff.

²³ T. Titchkosky, *Disability: A Rose by Any Other Name? “People-First” Language in Canadian Society*, in 38(2) *Canadian Review of Sociology and Anthropology* 131 (2001).

²⁴ M. Moscoso, *Tirar la piedra y esconder...*, cit., 272 ff.

²⁵ T. Titchkosky, *Disability: A Rose by Any...*, cit., 132 ff.

²⁶ *Ibidem*, 126 ff.

²⁷ M. Moscoso, *Tirar la piedra y esconder...*, cit., 272-275 ff.

²⁸ M. Moscoso, *Tirar la piedra y esconder...*, cit., 272 ff.

and accepting it²⁹. Thus, there is a risk that the person with a disability may give up their own identity in order to fit more closely into socially imposed parameters of normality³⁰, which means that disability is treated as a personal problem rather than a social problem³¹.

In contrast, embracing their condition as a person with disabilities facilitates the visibility of the collective and fully affirms their dignity as an individual with disabilities³².

In our view, all of these criticisms point to the same factor: the use of politically correct language as a tool for manipulating public opinion, by imposing a sanitized version that hides the real issues of disability, it closes the door to true acceptance and normalization of disability.

This creates an idealized image of a person with a disability that applies only to those who have achieved greater success in integrating into the unadapted world in which we live, implicitly condemning the rest. This amounts to a denial of their dignity and rights.

The problem is that this discourse is disguised as a normalization of the rights of people with disabilities. However, it treads a dangerous line that can lead to discrimination against people with disabilities who are less able to adapt to the unadapted world. This risk reaches its highest expression with the adoption of regulatory laws regarding phenomena such as euthanasia. In some cases, these laws implicitly convey the dangerous idea that certain situations of disability lead to a life that is not worth living.

So, we are faced with a supposedly correct language that contradicts its own goals and nature. Politically correct language implies a commitment to the social importance of diversity, acceptance of all social groups, and recognition of their contributions to society. It emphasizes the necessity to regain a perspective of discriminated social groups that is free from prejudices that devalue them.

This excessive policy of politically correct language is limited to the imposition of euphemisms and establishes an artificially constructed vision detached from reality. It condemns all those who do not conform to that idealized view. This creates two major problems with dramatic consequences for rights.

First, what was intended to be a reevaluation of the discriminated social group and its dignity turns into a condemnation of all those who do not conform to this idealized view. This vision can only survive by censoring those parts of reality that do not fit into this discourse.

On the other hand, it hinders the other major goal of politically correct language: the visibility of the problems and realities of marginalized groups.

The imposition of an idealized vision of disability closes the way to an open discussion of its real problems and the public policies aimed at addressing them. For example, the successes of adapted sports should not

²⁹ A. Gascón Cuenca et al., *El ordenamiento jurídico español...* cit., 20 ff.; P. Ferrigon and K. Tucker, *Person-First Language vs. Identity-First Language: An...*, cit.; T. Titchkosky, *Disability: A Rose by Any...*, cit., 133 ff.

³⁰ M. Moscoso, *Tirar la piedra y esconde ...*, cit., 275 ff.

³¹ T. Titchkosky, *Disability, A Rose by Any...*, cit., 135 ff.

³² A. Sharif, A.L. McCall and K.R. Bolante, *Should I Say "Disabled People" or...*, cit.

serve as a barrier that prevents us from seeing the resounding failure in the implementation of the Dependency Law.

The use of language that creates a false reality constructed by euphemisms hides the actual reality.

This critique should not be taken as a denial of the importance and achievements of politically correct language. It is simply a critique of an incorrect way of understanding it. In fact, what we are questioning is whether or not an effective policy of politically correct language is being implemented.

The concern about distancing from the reality of people with disabilities is evident in the politically correct language itself, which emphasizes the need not to present an idyllic image of people with disabilities³³.

In this sense, it has been criticized that a discriminatory effect can be created if too euphemistic language is used. For example, when special emphasis is placed on the achievements and overcoming of difficulties by a person with a disability, it is implicitly suggested that people with disabilities are not normally expected to achieve this kind of success³⁴.

From this perspective, it is not appropriate to give additional value or importance to individuals solely because they have disabilities. Each person should be evaluated objectively based on their personal merits, without their disability influencing the assessment³⁵.

Treating people with disabilities who achieve great things as superheroes obscures the everyday accomplishments of people who may not achieve those great goals, but who still have to deal with the significant challenges that come with having a disability³⁶.

In this context, it is considered negative to overemphasize the great achievements of people with disabilities. It is not considered appropriate to present the challenges faced by people with disabilities from a perspective of heroism that turns them into superhumans. They should be portrayed as ordinary individuals who, with appropriate support, can achieve what others can³⁷.

It is necessary to determine exactly what is meant by the preceding statements. It is important to consider that a crucial element in achieving the integration and normalization of individuals and groups who have been previously discriminated against is visibility, especially in the media. The

³³ Real Patronato Sobre la Discapacidad, *Guías de estilo para...*, cit., 12 ff.

³⁴ X. Zhao, *El lenguaje no discriminatorio y...*, cit., 273-274 ff.

³⁵ Real Patronato sobre la Discapacidad, *Guías de estilo para...*, cit., 12 ff.

³⁶ A. Gascón Cuenca et al., *El ordenamiento jurídico español...* cit., 36 ff.

³⁷ Conferencia Española De Personas con Discapacidad Física y Orgánica (from now on, COCEMFE): *Manual de Lenguaje inclusivo*, 20 de diciembre 2022, 5 ff., available at: <https://www.cocemfe.es/wp-content/uploads/2022/12/cocemfe-manual-lenguaje-inclusivo-discapacidad.pdf>, retrieved on May 4, 2024. In a similar way, Consejería De Salud Y Bienestar Social (Junta De Andalucía), *Guía de buenas prácticas sobre personas con discapacidad para profesionales de la comunicación*, Junta de Andalucía, 2013, 11 ff; R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 306 ff.

social perception of disability is greatly influenced by the image presented by social media³⁸.

This issue is far from being resolved. Although there has been increased visibility of people with disabilities in recent years, it is still necessary to further enhance this visibility, especially in the media³⁹. The media plays a crucial role in shaping the collective mindset regarding the current perception of people with disabilities, based on integration and normalization⁴⁰. Increasing the presence of people with disabilities in the media would significantly facilitate their integration into society⁴¹.

It is not just a matter of including the disabled people in the media. On the one hand, it is about overcoming the invisibility resulting from years of guilt-ridden concealment of a community and its reality. This has led to it being largely unknown to the general public. On the other hand, in addition to invisibility, there is the problem of denigration. This is the result of a long historical process in which this social group has been perceived in an unfavorable and sometimes offensive way. There is a need of positive visibility that places special emphasis not only on the challenges they face but also on their achievements.

It is, therefore, not only right but also positive to have a balanced representation of the great achievements of people with disabilities. This social group also needs its role models and inspirational figures.

The problem arises when the media portrays people with disabilities only when they achieve these great accomplishments. All people with disabilities should be regularly featured in the media, reflecting their everyday lives without sensationalism or emphasis on heroism⁴². This is a challenging goal in an environment where the media tends to shy away from the ordinary and normal, always seeking the sensational and the extraordinary, even the morbid.

It is not about forcing the inclusion of people with disabilities in the media, as they have enough merits to be part of it. It is simply about providing a neutral space to accommodate a reality that is still unknown to a large part of the population. This means that people with disabilities should be portrayed in all their diversity, not just focusing on their specific disability situations⁴³.

There is a significant imbalance between the presence of people with disabilities and their contributions to society, as well as their reflection in the media, which pays little attention to both the group itself and their issues. This imbalance cannot be corrected solely by highlighting acts of heroism or extraordinary achievements, though such stories are valuable

³⁸ A. Soto Rosales, *Periódicos y discapacidad: conformación de una imagen*, in *Estudios sobre el mensaje periodístico*, 21(2), 2015, 1243 ff.

³⁹ M. Rivarola and R. Rodríguez Díaz, *La discapacidad en los medios...*, cit., 129-140 ff.

⁴⁰ D. Aparicio Sánchez, and M. Gómez-Vela, *De criados mudos, jóvenes sordas y otros estereotipos. Las personas con problemas de audición lenguaje en el cine*, in *Revista de Medicina y Cine*, 6(2), 2010, 47 ff, available at: https://revistas.usal.es/index.php/medicina_y_cine/article/view/13794/14218, retrieved on May 18, 2022.

⁴¹ A. Soto Rosales, *Periódicos y discapacidad...*, cit., 1243 ff.

⁴² B. Haller, B. Dorries and J. Rahn, *Media labeling versus the...*, cit., 63 ff.

⁴³ Real Patronato Sobre La Discapacidad, *Guías de estilo para...*, cit., 12-13 ff.

and necessary in the media. It also requires portraying the everyday lives and challenges faced by people with disabilities.

Now, let us return to the issue of politically correct language concerning disability. It seeks to find a delicate balance within the realm of disability. On one hand, it aims to avoid terms, expressions, or ways of speaking that have a negative impact or in some way stigmatize individuals. On the other hand, it also aims to avoid imprecise or abstract words that might invisibilize this social group, denying their differences and homogenizing them with the rest of society⁴⁴.

This impeccable approach effectively situates the theoretical context in which politically correct language should operate in this field. It aims to express the real and ordinary situation of this social group in a neutral, objective and faithful manner. It seeks to avoid pejorative language that belittles or devalues them in any way, as well as any form of euphemism that hinders understanding of the objective reality of this social group.

Finding this balance is essential to achieving the goals of politically correct language. Especially in a context where there is a growing tendency to question its principles, considering them excessive or unattainable. This makes it necessary to examine its specific proposals from this perspective. The best defense of political correctness is to address its dysfunctions and weaknesses. We must not forget that the ultimate goal of inclusive language is to stimulate social reflection and contribute to educating society through language about the rights and respect of others.

The growing questioning of politically correct language is coming not only from political entities or specific social groups, but also from society itself, from the citizens. This indicates that the battle is being lost. Therefore, we need to reflect on whether we are pursuing an appropriate strategy to achieve the important goals that politically correct language seeks to achieve.

3. The different ways to name disability

Throughout history, people with disabilities have been and continue to be referred to in very different ways⁴⁵. This evolution in terminology is a clear indicator of the reality of a group that has traditionally been discriminated against⁴⁶, as they have often been referred to in pejorative terms, using such unacceptable names as “diminished”, “handicapped”, “disabled”, “incapable”, etc.⁴⁷

⁴⁴ COCEMFE, *Manual de...*, cit., 4 ff.

⁴⁵ R. De Lorenzo García, L.C. Pérez Bueno, *Fundamentos de Derecho de la discapacidad*, cit.; G. Polonio De Dios, *La discapacidad desde la perspectiva del estado social*, Córdoba, 2016, 185 ff., available at: <https://helvia.uco.es/xmlui/bitstream/handle/10396/13577/2016000001413.pdf?sequence=1>, retrieved on May 10, 2022.

⁴⁶ J. Díaz Santa María and J. Molina Saorín, *La discapacidad del pasado todavía en el presente: el lenguaje de la negación*, in *EduNovatic 2020. Conference Proceedings. 5th Virtual International Conference on Education, Innovation and ICT*, December 10 -11, 2020, 950 ff.

⁴⁷ S. Castán Pérez-Gómez, *Prejuicios, lenguaje y discapacidad: notas...*, cit., 48 ff.; X. Zhao, *El lenguaje no discriminatorio y...*, cit., 267 ff.; A. Sharif, A.L. McCall and K.R. Bolante,

However, the use of these terms has been frequent in our pre-constitutional legislation. Polonio de Dios has examined this evolution, noting that the use of inadequate terms such as “inútiles” (useless), “deficientes” or “inválidos” (mentally or physically handicapped), has been common⁴⁸. However, it should be remembered that these terms, however inappropriate, were the ones commonly used to refer to people with disabilities, even by public and official institutions⁴⁹.

It has been criticized that, although these terms have been removed from the public language used to refer to people with disabilities, they are still sometimes used in other contexts where they continue to unfold their harmful effects⁵⁰.

Unfortunately, historically, it has been common for language to emphasize the idea of abnormality or lack of normality⁵¹, a tendency that clearly needs to be reversed. There is also a need to avoid the equally common opposite tendency, i.e. the use of paternalistic terms that accentuate the characterization of people with disabilities as weak or in need of help (“desválidos” ‘helpless’, “pobrecitos” ‘poor things’, etc.)⁵².

In any case, the first Spanish laws aimed at regulating the problems of people with disabilities tended to use terms that are unacceptable today, such as “minusvalido” (“handicapped”), even though these were the usual ways of referring to disability at that time in history⁵³.

This tendency continued in the Spanish Constitution of 1978, which referred to people with disabilities as “disminuidos físicos, sensoriales y psíquicos” (physically, sensory and mentally diminished) (Article 49 of the Constitution). This term has been criticized as derogatory and therefore unsuitable for promoting inclusion⁵⁴.

Subsequent legislative developments have replaced the term “handicapped” with “disabled”. In this regard, article 7.1 of Law 13/1982 of April 7, on the Social Integration of Disabled Persons states that “for the purposes of this law, a disabled person is any person whose possibilities of educational, occupational or social integration are reduced as a result of a foreseeable permanent deficiency, whether or not congenital, in their physical, mental or sensory capacities”.

This provision is also open to criticism because it defines persons with disabilities in terms that emphasize the lack of normal capacity, defining them by their “diminished” capabilities and by suffering from an “impairment”.

Should I Say “Disabled People” or... , cit.; T. Titchkosky, Disability: A Rose by Any..., cit., 128 ff.

⁴⁸ G. Polonio de Dios, *La discapacidad desde la... , cit., 186-187 ff.*

⁴⁹ R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la... , cit., 304-305 ff.*

⁵⁰ B. Haller, B. Dorries and J. Rahn, *Media labeling versus the... , cit., 65 ff.*

⁵¹ J. Díaz Santa María and J. Molina Saorín, *La discapacidad del pasado... , cit., 951 ff.*

⁵² Rubio Arribas, *El prejuicio y el lenguaje como... , cit.; Marqués, Normalidad, peculiaridad y... , cit., 9 ff.; COCEMFE: Manual de... , cit., 10 ff.; G. Escudero and M. Pilar, *Lenguaje político y lenguaje políticamente correcto en España (con especial atención al discurso parlamentario)*, Valencia, 2003, 101 ff.*

⁵³ J. Solves Almela, *Discapacidad: los discursos de la... , cit., 51 ff.*

⁵⁴ A. Gascón Cuenca et al., *El ordenamiento jurídico español... , cit., 9-10 ff.*

The use of these terms has been understandably criticized as unacceptable, although they represent some improvement over the terminology used in earlier times⁵⁵.

It has been pointed out that in 1980 Spain celebrated the International Year of the Physically, Mentally and Sensory Diminished, while in United Kingdom they celebrated the Year of the People with Disabilities. This shows how far behind our country was in this matter⁵⁶.

The fundamental change in the way people with disabilities are referred to is marked by the general evolution of the subject. Specifically, disability policy is based on a medical or rehabilitative conception of persons with disabilities as people with an impairment or lack of capacity that should be repaired as much as possible. Over time, however, these policies have evolved toward an inclusive or human rights-based perspective that focuses not on the person with a disability but on the environment. Thus, the lack of adaptation to this environment would be the real cause preventing the full integration of the person with a disability⁵⁷.

According to this human rights-based perspective, the previous terms used to describe people with disabilities are considered intolerable⁵⁸. As such, all expressions that emphasize the lack of ability or the lack of normality are rejected⁵⁹.

Terms such as “minusválido” (handicapped) or “disminuido” “diminished” are considered unacceptable because they carry a certain connotation of inferiority and are stigmatizing and offensive⁶⁰. Also rejected are terms that convey the idea of low or deficient performance or capacity, such as “bajo desempeño funcional” (low functional performance)⁶¹.

In the face of these types of expressions, the term disability is preferred. This term implies an inability to perform certain functions, but it does not imply a diminution of the individual's worth. In reality, every person is capable of some functions and not others⁶².

In this way, there is an evolution towards a terminology that is not based on the person with a disability, but on the lack of adequacy of the social environment⁶³. The term “person with a disability” is used to emphasize that

⁵⁵ *Ibidem*, 10 ff.

⁵⁶ G. Polonio de Dios, *La discapacidad desde la...*, cit., 188 ff.

⁵⁷ A. Sharif, A.L. McCall and K.R. Bolante, *Should I Say “Disabled People” or...* cit.; P. Ferrigon and K. Tucker, *Person-First Language vs. Identity-First Language: An...* cit.; K. Snow, *To ensure Inclusion, Freedom and...*, cit., 3 ff.

⁵⁸ J. Solves Almela, *Discapacidad: los discursos de la...*, cit., 53 ff.

⁵⁹ J. Romáño Cabrero, *Lenguaje y cultura. La percepción social de la diversidad funcional (discapacidad)*, in *Libre Pensamiento*, 66, otoño, 2010.

⁶⁰ J. Solves Almela, *Discapacidad: los discursos de la...*, cit., 56 ff.; G. Polonio de Dios, *La discapacidad desde la...*, cit., 188 ff.; R. Ruay Garces, H. Perines Véliz, L.M. Espinoza Pasten, *Tensiones de un lenguaje inclusivo en la educación superior*, in *Revista de educación y pensamiento*, 27, 2020, 45 ff.; K. Snow, *To ensure Inclusion, Freedom and...*, cit., 2 ff.

⁶¹ J. Díaz Santa María and J. Molina Saorín, *La discapacidad del pasado...*, cit., 951 ff.

⁶² G. Polonio de Dios, *La discapacidad desde la...*, cit., 190-191 ff.; A. Gascón Cuenca et al., *El ordenamiento jurídico español...* cit., 19 ff.; R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 306 ff.

⁶³ J. Romáño Cabrero, *Lenguaje y cultura. La...*, cit.; J. Díaz Santa María and J. Molina Saorín, *La discapacidad del pasado...*, cit., 952 ff.; T. Titchkosky, *Disability: A Rose by Any...*, cit., 129-130 ff.

the problem is not with the person with a disability, but with the social barriers that prevent integration⁶⁴.

Second, because disability cannot define or qualify the totality of a person. The person is not “disabled,” they simply have a disability⁶⁵.

It should also be noted that this is the name that the majority of the disability community has chosen for themselves⁶⁶.

As a result, the official level has adopted the term “person with a disability” in legal texts. For example, in Article 1.1 of Law 41/2003, of 18 November, on the *Protection of the property of persons with disabilities and on the amendment of the Civil Code and the Civil Procedure Code*.

This is indeed an important step, as it is common for the use of incorrect terms in legal texts and other official documents to influence everyday language⁶⁷.

This term becomes mandatory with the 8th Additional Provision of the Law 39/2006, of 14th December, on Promotion of Personal Autonomy and Care for Dependent Persons. This provision stipulates that “from the entry into force of this Law, the normative provisions developed by Public Administrations shall use the terms 'person with a disability' or 'persons with disabilities’”.

This evolution implies that the nominalization of adjectives (“disabled,” “blind,” “deaf”) is considered poor practice. Instead, the term “person” should be used together with these adjectives, using expressions such as “people with disabilities”⁶⁸.

The rejection of nominalization is justified by the fact that its use leads to “generalization,” which categorizes the entirety of a person based on just one aspect of their identity (having a disability)⁶⁹. It is important to recognize that a person's disability is only one of their many circumstances and should not define their entire being.

In the English-language literature, there are articles that question this approach based on first-person language (person with disability) and ask and discuss whether it would not be more appropriate to use terminology based on identity-first language (disabled people). They argue that the tendency, however well-intentioned, is to use person-first language for people with disabilities more often than for people without disabilities, thus reinforcing rather than alleviating the stigma associated with disability⁷⁰. In addition,

⁶⁴ J. Solves Almela, *Discapacidad: los discursos de la...*, cit., 54 ff.; X. Zhao: *El lenguaje no discriminatorio y...*, cit., 297 ff.

⁶⁵ COCEMFE: *Manual de...*, cit., 8 ff.; P. Ferrigon and K. Tucker, *Person-First Language vs. Identity-First Language: An...*, cit.

⁶⁶ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 6 ff. and 30 ff.

⁶⁷ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 10 ff.

⁶⁸ COCEMFE, *Manual de...*, cit., 10 ff.; R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 306 ff.; T. Titchkosky, *Disability: A Rose by Any...*, cit., 128 ff.

⁶⁹ J. Solves Almela, *Discapacidad: los discursos de la...*, cit., 56 ff.; X. Zhao, *El lenguaje no discriminatorio y...*, cit., 292-293 ff.; R. Ruay Garces, H. Perines Véliz, L.M. Espinoza Pasten, *Tensiones de un lenguaje inclusivo en...*, cit., 45 ff.; B. Haller, B. Dorries and J. Rahn, *Media labeling versus the...*, cit., 70 ff.

⁷⁰ M.A. Gernsbacher, *Editorial Perspective: The use of person-first language in scholarly writing may accentuate stigma*, in 58(7) *Journal of Child Psychology and Psychiatry* 859 (2017).

this terminology is intended to be unambiguous, thus excluding the possibility of critical analysis⁷¹.

These changes have not put an end to calls for changes in the way people with disabilities are referred to. For example, there are those who stress that it is necessary to emphasize that the problem lies in failing to adapt the environment. They propose to replace the expression “personas con discapacidad” (“people with disabilities”) with “personas en situación con discapacidad” (“people in a situation of disability”)⁷².

Others advocate the use of language that moves away from the concepts of lack of normality or deficiency and instead embraces the idea of diversity or difference⁷³. They therefore suggest the use of the term “functional diversity”. This term does not refer to the idea of abnormal functioning, but to diverse or different functioning⁷⁴. For the same reasons, the use of terms such as “people with different abilities” or “people with disabilities” is also defended⁷⁵.

However, this approach is challenged by advocates of inclusive language who oppose these types of expressions. In their view they are just euphemisms. They are condescending and do not solve any problems⁷⁶. Though well-intentioned, they argue that such language has several negative effects.

First, they place disability on the same level as a person's simple lack of ability to perform an activity⁷⁷. As a result, it obscures the concept of disability and creates confusion⁷⁸.

Secondly, these denominations segment the different sectors that make up the group of people with disabilities⁷⁹.

Suggestions for politically correct language cannot be reduced to the way we refer to people with disabilities. Linguistic discrimination against people with disabilities does not only result from the use of humiliating, offensive, or negative terms. It can also be introduced through more subtle and seemingly innocuous language⁸⁰. There are other linguistic practices that can also be harmful to this community.

For example, it is common to use phrases that explicitly refer negatively to people with disabilities and may therefore offend them. Expressions such as “dialogue of the deaf” or “lame excuse” can be mentioned in this context⁸¹.

⁷¹ T. Titchkosky, *Disability: A Rose by Any...*, cit., 128 ff.

⁷² M.N. Míguez Passada, *Discapacidad en lo social. Un...*, cit., 65 ff.

⁷³ J. Romáñao Cabrero, *Lenguaje y cultura. La...*, cit.; S.B. Mousavi, D. Lecic-Tosevski, H. Khalili and S.Z. Mousavi, *To be able, or disable, that...*, cit.

⁷⁴ J. Romáñao Cabrero, *Lenguaje y cultura. La...*, cit.; S. Castán Pérez-Gómez, *Prejuicios, lenguaje y...*, cit., 48-49 ff.

⁷⁵ G. Polonio de Dios, *La discapacidad desde la...*, cit., 191-192 ff.

⁷⁶ COCEMFE, *Manual de...*, cit., 9 ff.

⁷⁷ *Ibidem*.

⁷⁸ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 34 ff.; R. Ruay Garces, H. Perines Véliz, L.M. Espinoza Pasten, *Tensiones de un lenguaje inclusivo en...*, cit., 45 ff.; COCEMFE: *Manual de...*, cit., 9 ff.

⁷⁹ R. Ruay Garces, H. Perines Véliz, L.M. Espinoza Pasten, *Tensiones de un lenguaje inclusivo en...*, cit., 45 ff.

⁸⁰ X. Zhao, *El lenguaje no discriminatorio y...*, cit., 12 ff.

⁸¹ *Ibidem*, 286 ff.

Second, it is important to avoid using terms that refer to people with disabilities to insult or demean others⁸².

Third, it is inappropriate to use the term “normal” to refer to people without disabilities, as it implicitly suggests that people with disabilities are not normal. This practice should be avoided and the term “people without disabilities” should be used instead⁸³.

Fourth, it is important to avoid using terms or language that equate or associate illness with disability, as this implicitly treats persons with disabilities as if they were sick individuals⁸⁴.

Fifth, it is hurtful to use expressions and adopt a paternalistic or pitying attitude when referring to people with disabilities⁸⁵. Terms such as “suffering” or “afflicted” should be avoided and replaced with more neutral terms such as “have” or “are in a situation of”⁸⁶.

It is also advisable to name the instruments used by people with disabilities, avoiding the use of diluted terms such as “sillita” or “carrito” (small chair or cart)⁸⁷.

It is important to remember that people with disabilities are a social group that does not seek pity or compassion, but rather to be treated with the respect and dignity that every citizen deserves⁸⁸.

Sixth, the use of certain expressions to refer to public interventions or policies aimed at protecting the rights of persons with disabilities is criticized because they may imply that they are a burden to society. Such language should be avoided.

In this regard, it is requested that the term “expenditure” should not be used when referring to public funding in relation to persons with disabilities. This term has a negative connotation and it is suggested that the term “social spending” be used instead⁸⁹.

⁸² *Ibidem*, 287-288 ff.

⁸³ COCEMFE, *Manual de...*, cit., 11 ff.; Consejería de Salud y Bienestar Social (Junta de Andalucía), *Guía de buenas prácticas sobre...*, cit., 11 ff.; R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 306 ff.; Real Patronato sobre la Discapacidad, *Guías de estilo para...*, cit., 59 ff.

⁸⁴ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 34 ff.; Real Patronato sobre la Discapacidad, *Guías de estilo para...*, cit., 57 ff.

⁸⁵ COCEMFE: *Manual de...*, cit., 5 ff.; Consejería de Salud y Bienestar Social (Junta De Andalucía), *Guía de buenas prácticas sobre...*, cit., 11 ff.; X. Zhao, *El lenguaje no discriminatorio y...*, cit., 290 ff.; Guitart Escuder, *Lenguaje político y...*, cit., 101 ff.; T. Titchkosky, *Disability: A Rose by Any...*, cit., 129 ff.; B. Haller, B. Dorries and J. Rahn, *Media labeling versus the ...*, cit., 65 ff.; K. Snow, *To ensure Inclusion, Freedom and...*, cit., 2 ff.

⁸⁶ Consejería de Salud y Bienestar Social (Junta De Andalucía), *Guía de buenas prácticas sobre...*, cit., 17 ff.; A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 35 ff.; R. Ruay Garces, H. Perines Véliz, L.M. Espinoza Pasten, *Tensiones de un lenguaje inclusivo en...*, cit., 45 ff.; R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 306 ff.; Real Patronato sobre la Discapacidad, *Guías de estilo para...*, cit., 59 ff.

⁸⁷ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 35 ff.; R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 307 ff.

⁸⁸ COCEMFE, *Manual de...*, cit., 5 ff. (previous edition).

⁸⁹ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 35 ff.

Similarly, it is considered inappropriate to use the term “positive discrimination”. Instead, other terms such as “affirmative action” should be used⁹⁰.

It is also considered inappropriate to use the term “integration” as it implies an effort by the people with disabilities to integrate themselves. Instead, the term “inclusion” is considered more appropriate, as it implies a mutual effort on the part of both the person with disabilities and society⁹¹.

Seventh, it is noted that when referring to the problems faced by people with disabilities, the term “deficiency” should be avoided. Instead, terms such as “accessible” or “accessibility” should be used⁹².

Finally, eighth, it is important to avoid referring to disability status when it is not relevant to the information or message being conveyed⁹³.

Assessments of the success of these proposals for inclusive language have been mixed. On the one hand, some argue that the shift to more respectful language has had its strengths and weaknesses. For example, although these processes of inclusive language have become more widespread in recent years, the old ways of referring to disability still exist in private settings. This means that there is a public sphere where the official discourse prevails, and a private sphere where the perception of disability as something abnormal is maintained⁹⁴.

Others, however, see the absolute lack of implementation of these proposals as a consequence of their relative importance. They point out that people with disabilities have very different perceptions of the problem of politically correct language. While there are some who are deeply affected by it, others would care little or nothing about it⁹⁵. To which they add that it is the people with disabilities themselves who use the terms they are trying to avoid, such as the old formula “handicapped”⁹⁶.

In our opinion, politically correct language has achieved very important goals. It is so widely accepted and integrated into society that we are almost unaware of it. In the field of human rights, however, every triumph is bittersweet. No matter how much has been achieved, there is always much more to be done.

What concerns us most is a certain radicalization of the discussion around the principles of politically correct language. Politically correct language is a tool of persuasion for educating society. Constant conflict hinders the achievement of its goals. It is necessary to reflect on the reasons that distance it from society.

In Spain, the ideological conflict generated by politically correct language in the context of disability is not the same as that which has arisen in other areas, such as inclusive language based on gender. However, it is not completely exempt from this trend of ideological conflict.

From this perspective, an examination of the proposals regarding politically correct language in the context of disability seems to indicate a

⁹⁰ A. Gascón Cuenca et al., *El ordenamiento jurídico español...*, cit., 35 ff.

⁹¹ Real Patronato sobre la Discapacidad: *Guías de estilo para...*, cit., 59 ff.

⁹² R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 306 ff.

⁹³ Real Patronato sobre la Discapacidad, *Guías de estilo para...*, cit., 58 ff.

⁹⁴ J. Solves Almela, *Discapacidad, Los discursos de la...*, cit., 64 ff.

⁹⁵ R. Ávila Ramírez, M. Rivas Carmona, *El lenguaje peyorativo y la...*, cit., 310 ff.

⁹⁶ J. Solves Almela, *Discapacidad: los discursos de la...*, cit., 66-69 ff.

clear positive outcome in terms of the correctness and overall timeliness of these proposals. It is consistent with the pursuit of language that eliminates any pejorative or overly sugarcoated elements when referring to or expressing oneself about people with disabilities.

This general judgment, however, does not mean that some excesses should not be critically evaluated. These excesses, perhaps well-intentioned, can have the fatal effect of alienating society from these goals. This is a luxury that politically correct language cannot afford.

The various criticisms we will make can be divided into two main levels of intensity. On the one hand, there are some marginal proposals of politically correct language that we feel are somewhat excessive and should therefore be reconsidered. On the other hand, we would like to highlight a number of elements where the problem is not with the proposals themselves. They are entirely appropriate and correct. Rather, it is a certain flaw in the tone and manner in which they are implemented.

Starting with the first level of criticism, we believe that some of the proposals that inclusive language codes and manuals seek to implement are excessive. They can be interpreted as an attempt to unilaterally change reality and impose one's own view of the world. We are referring to proposals that aim to formulate alternative terms for “public spending”, “positive discrimination” or “integration”. In our view, these proposals censor terms that are completely neutral and in no way discriminatory or exclusionary.

In our view, such proposals are a clear example of what politically correct language should not be. They represent an ideological stance that takes the form of equality politics. It is crucial that politically correct language remain true to its foundations and philosophy, which make it a tool in the service of full equality for all social groups and the elimination of all forms of discrimination. It should not become an ideological tool for advocating particular ways of thinking or personal evaluations.

We must remember that politically correct language is ultimately a public policy and, as such, has its limits. In particular, it is essential that this public policy, by its very nature, not go beyond the realm of discrimination. It should not operate where there is no discrimination. Otherwise, it turns from an activity in support of human rights into an ideological stance. There is nothing discriminatory about using terms such as “public spending”, “positive discrimination” or “integration”. Not only do these terms have no pejorative connotations, but they are also prestigious terms in the legal field. They have a positive meaning for society.

At the core of the proposal is an intention to convey that public policies regarding disability are exempt from any questioning and have a certain preferential character. This assessment can be understood as an unjustified aggression towards other public policies. The high value of any policy aimed at ensuring the full realization of the rights of people with disabilities cannot be denied to others, such as the fight against poverty or disease.

Disability policy should not seek this dialectical justification. Society values them very positively precisely because they are the opposite - something whose importance can be perceived, because they provide solutions that improve people's lives and contribute to creating a more just and better world. There is a growing hostility in civil society to policies that

are justified by political or ideological rhetoric, but without clear evidence of their necessity in reality. We believe that disability policies are the opposite; they benefit from transparency. The more society is informed about how public and private resources are used and the more it is aware of the results, the more it will support these policies.

Much of the political fragmentation we have seen in recent years seems to stem from an unjustified overreach of public policy. This leads citizens to believe that the aspirations of certain interests that are better organized or closer to power are given priority over others that are more important. However, it is important to convey to citizens the opposite idea: that all social needs are taken into account and valued equally. We believe that policies for people with disabilities should not be defended with euphemistic language, but should be known and understood by the public.

The second group of criticisms does not question the proposals of politically correct language. It is a matter of rethinking certain elements of the strategy followed in its implementation in order to make it more effective.

The main problem with inclusive or politically correct language policies in terms of their effectiveness is that in some cases they adopt an overly critical or harsh tone toward violations of the adopted codes. Sometimes it becomes inquisitorial. The difficulty of putting some of their suggestions into practice is often overlooked. Moreover, some of these evaluations are highly theoretical in nature, becoming a laboratory product that does not take into account how language is actually used in everyday life.

With the good intention of achieving the highest level of elimination of discrimination in language, there have been occasions where an artificial discourse has been constructed. This discourse is based on the uncritical imposition of one's own judgments, which ultimately leads to the demonization of terms and expressions that do not have the negative connotations attributed to them in real language usage. This is the Achilles heel of politically correct language: the distancing of some of its proposals from the vast majority of society, which largely dooms them to failure.

The underlying approach of politically correct language proposals may indeed be sound, and the expressions they suggest may be more appropriate to guide language use in this context. However, their use is sometimes only feasible within a secluded sphere, detached from reality and the true language of the street. If the goal is to achieve widespread acceptance, it is necessary that these proposals be practical.

The condemnation of certain common and widespread linguistic expressions in everyday language (such as the use of the noun “discapacitados” (“disabled”) and its replacement with the term “persona con discapacidad” (“person with a disability”)) is essential to achieving the goals of politically correct language, and its theoretical justification is impeccable. However, its full implementation in reality is currently a challenge. When formulating policies to achieve this goal, it is important to consider that its full implementation in society is not easy. The vast majority of society does not have sufficient prior knowledge and information to be aware of this approach. The average Spanish citizen strives to speak correctly and has no intention of offending a social group, such as people with disabilities, whom

they value and respect. However, they use language as a means of communication in their daily lives and do not have the time to take a master's degree or specialized course in politically correct language.

It is evident that the elimination of expressions that have a negative or derogatory connotation has been widely accepted. The majority of citizens have eliminated such expressions and try to avoid them. However, these citizens are lost in a series of highly technical proposals that they do not understand and cannot accept. Despite the justified argument against the nominalization implied by the use of the term “disabled”, the reality is that when people use the term, at least in Spain, they do not attach a negative or derogatory meaning to it. It is simply an expression that, for the vast majority of the population, means “person with a disability”. It does not inherently carry a value judgment that seeks to categorize a person on the basis of their disability.

As Jhering points out, the attainment of authentic law always involves a process of struggle, a struggle for law. The stage of this struggle changes over time⁹⁷. Today, the rights of groups such as people with disabilities are well recognized in law, but in many ways, they are not truly enforced in practice. This means that the defense of rights requires actions that achieve their acceptance by society, which implies the creation of a correct political language that is shared and respected by the social majority.

This factor does not mean that we should abandon the goal of generalizing the use of this term as a central way of referring to people with disabilities.

The real problem lies in the fact that the term “disabled” still contributes, albeit unconsciously, to a prejudiced mentality that reinforces the deeply rooted social belief that being a person with a disability implies a life marked by limitations. This hinders the central objective of getting citizens to perceive disability as just another aspect of a person's life, with its individual consequences, but not necessarily leading to a lower quality of life. Like any other citizen, persons with disabilities should be assessed on the basis of the totality of their personal circumstances.

The term “disabled” may not be intended to convey such a judgment, but its use can inadvertently reinforce prejudicial attitudes. On the other hand, using the term “person with a disability” helps to avoid perpetuating such judgments. Therefore, it is important to continue to emphasize the use of the latter term to promote a more inclusive and nonjudgmental perspective.

However, it should not be overlooked that the vast majority of the population is not aware of this fact. This is a factor that must be taken into account when designing an effective politically correct language policy.

First, we believe that it is an inappropriate strategy to consider the use of the term “discapacitado” (disabled) in general as an offense that must be socially condemned. It makes no sense to punish ordinary citizens for their use of language that is not intended to be offensive and is done completely

⁹⁷ M.Á. Sendín García, *La nueva lucha por el derecho. Breves reflexiones sobre la crisis y el desprestigio de lo jurídico en la sociedad española actual*, in *Cuadernos de Mariñan 2015. VII Jornadas de Derecho Administrativo Iberoamericano “Buena administración y nuevos retos de la contratación pública: una perspectiva iberoamericana*, 2018.

unconsciously. The somewhat inquisitorial tendency that is sometimes perceived in this regard is, in our opinion, very counterproductive.

On the one hand, it casts a negative judgment on individuals who use these terms or expressions without malicious intent. This creates a backlash against policies that are perceived as excessive and out of place. The reality, however, is quite different. Policies in favor of people with disabilities are still very much needed, and there is still much to be done to ensure that they can enjoy their rights to the fullest.

Presenting the simple use of expressions that have no offensive intent from the perspective of the general public as a major offense gives citizens a sense of lack of seriousness. It gives the impression that time and money are being wasted on things of little importance. This verdict in some way affects other policies in favor of people with disabilities and hinders public awareness of the need to develop fundamental policies for the full integration of people with disabilities.

From a more modest perspective of inclusive language, they also pose problems because, in our view, they introduce a discourse that is impossible to implement in practice. Apart from the difficulty of getting the population to accept the non-use of terms that they do not consider offensive, it becomes impractical in real language to adhere to a mode of speaking that designates a reality in a singular way, without the possibility of using other terms with synonymous or equivalent meanings. This leads to a somewhat affected and artificial language. This factor contributes to the constant questioning of politically correct language policies.

It should be noted that the current recommendations not only prohibit terms with any negative or offensive connotation, but also the nominalization of expressions based on the term “disability” (“disabled”), as well as terms that deviate from the official proposal because they are too euphemistic (“functional diversity”, “people with different abilities”).

This forces the constant and repeated use of the term “person with a disability”, imposing an unnatural and challenging way of expression, especially in spoken language. This imposition of a single term places us in a context more typical of technical or scientific language. It is a proposal that is not easy to maintain, even in written expression, where it is more feasible, but almost impossible in everyday spoken language.

Aware of this problem, the latest edition of the *Manual of Inclusive Language* suggests using the terms social group, group of people, and collective as alternatives. However, we believe that this does not really solve the problem, since these are not terms that can function as synonyms on their own, but rather calls to a previously used term.

There is nothing to prevent these suggestions from being enforced more strictly in certain contexts, such as written language in its more formal manifestations and official documents. However, their strictness should be relaxed in oral language, as long as the use of these terms is not accompanied by elements of discrimination. In particular, in longer verbal discussions, it should be considered acceptable to combine different terms to refer to persons with disabilities, as long as negative terms are not used and the discourse is focused on the term “person with a disability”.

Style guides emphasize this perspective by stating that their suggestions are recommendations, not mandatory rules⁹⁸.

However, the practice of non-inclusive language does not conform to these conciliatory statements in style guides and manuals. Instead, there is a growing tendency toward an inquisitorial tone that condemns any use of non-recommended expressions. This seems to contradict the purpose of inclusive or politically correct language, which is essentially educational. Its power is persuasive, not coercive. When citizens begin to perceive it as disproportionately coercive, as has happened recently, it not only loses its effectiveness but becomes counterproductive.

Prohibiting or eliminating terms is valuable in itself only when their use inherently implies discrimination because they are offensive or negative in nature. However, other aspects of politically correct language, such as avoiding the use of nouns, have the purpose of opening society's mind to reflection. They aim to introduce an evaluative element into language that leads to a deeper understanding of the situation of people with disabilities and their rights. The term “discapacitado” (disabled) or “persona discapacitada” (disabled people) is not inherently discriminatory or exclusionary. It is the introduction of the idea that a person with a disability is defined and characterized solely by their disability and not by their individual characteristics and traits that can be discriminatory.

Emphasizing the need to adopt a linguistic habit that includes the term “person” aims to make us aware of this fact. It aims to prevent us from relying on societal images or prejudices that offer stereotypical and false evaluations of people with disabilities. Ultimately, the goal is not to eliminate insults, but to educate about rights and equality. The goal is to promote a mindset that recognizes and respects the individuality and inherent worth of every person, regardless of ability or disability. By using inclusive language, we contribute to creating a more inclusive and just society.

The problem in the context of disability lies in the pre-existing collective imaginary, shaped by years of discriminatory treatment, which creates the prejudice that having a disability condemns a person to a certain inferiority or prevents them from achieving the same achievements as others. Breaking free from this notion through language is essential. However, it must be done with the understanding that this elevated discourse will not spontaneously resonate with the general population. One reason for this is that, let's face it, the general population is unaware of the theoretical underpinnings of this construct, without which it lacks meaning. A citizen who has not been previously educated and trained in these principles does not understand them because it is not something that can be grasped intuitively or spontaneously.

When this discourse is taken out of its context, that of formal and specialized language, and rigorously applied to the everyday language of the street, it creates confusion and is counterproductive for two reasons.

⁹⁸ In this way, M. J. Montero Cuadrado points out that they have not “tried to censor or impose terms without contributing with terms that disabled people feels more identified with”. Consejería de Salud y Bienestar Social (Junta De Andalucía), *Guía de buenas prácticas sobre...*, cit., 7 ff.

First, because citizens without specialized knowledge who use such language may unconsciously feel unfairly criticized or judged, which can lead them to develop resentment or hostility. This hostility is not directed at people with disabilities, but rather at policies that promote their rights. In many cases, it leads individuals to refrain from referring to this social group for fear of inadvertently saying something that could lead to punishment. This hinders greater citizen involvement in this cause.

Second, it undermines the strength of the term “discapacidad” (disability), which is considered a neutral term, neither derogatory nor euphemistic, and is considered more appropriate to refer to disability. It seems naive to assume that by demonizing the use of the term “discapacitado” (disabled), the general population, without specific training, will automatically understand that it is necessary to use the term “persona” (person) first. It is more likely that the idea will spread that the condemnation stems from the inadequacy of the root term “discapacidad” (disability). As a result, many people will interpret the reference to “discapacidad” as something offensive, thus having the opposite effect of what politically correct language should aim for.

In addition, it is important not to overestimate the importance of generalizing the use of the term “persona con discapacidad” (person with a disability). In our opinion, this is a necessary but not sufficient measure. The goal of eliminating social prejudice against people with disabilities cannot be achieved through this aspect alone. The effect of valuing a person with a disability on the basis of all their circumstances and not only on the basis of their disability cannot be achieved simply by putting the word “persona” in front of it. This struggle requires, first and foremost, a correct assessment of disability itself.

The law also requires a certain nominalization. It should be remembered that, according to the law, people with disabilities are a group of people who receive a public policy of positive discrimination. In order to implement this policy, the legal framework needs an object of imputation. The law needs criteria to define a concept that is essentially relative, such as disability, since any person can have a lack of capacity in certain aspects. Thus, without a conceptual delimitation, any individual could enjoy the benefits of this public policy.

It has been suggested that the use of “person-first” sends an implicit message that only people with disabilities are part of this group, which, far from limiting differences with people without disabilities, reinforces them⁹⁹.

The inclusive public language is correct in pointing out that justification based on a particular characteristic of a person can lead to discrimination. However, it must be kept in mind that such justification is necessary for all forms of discrimination, not only negative, but also positive. However much one may wish to minimize such justification, the implementation of a public policy of positive discrimination always requires a legal definition of the subject who is the target of such action. This means that the legal concept of “person with a disability”, or any other term or expression that is used, will always generate a certain amount of nominalization, since its purpose is to differentiate. To understand the term

⁹⁹ T. Titchkosky, *Disability. A Rose by Any...*, cit., 130 ff.

in its most neutral sense, that is, to distinguish those who can benefit from this policy from those who are excluded from it.

This nominalizing effect cannot be avoided by language alone, but only by revaluing the idea of disability¹⁰⁰. Therefore, educational measures that advocate for and increase the visibility of the disabled community are essential. It is urgent and necessary to have a greater representation of people with disabilities in the media, asserting themselves from their differences. Society needs to learn what those who work with and are close to people with disabilities know: that they are an essential part of our society. This includes the visibility of people with disabilities as they are.

However, the increased visibility of the disabled community and its recognition as an active and productive sector of society cannot be divorced from reality. The normalization of the community should not become a smokescreen that marginalizes and hides the situation of those with more severe disabilities or with less ability to adapt to the barriers imposed by social life. Inclusive language treats the entire community equally, as it should, with respect and dignity, but it cannot lead us to believe that it represents a homogeneous reality with the same opportunities to adapt to the environment.

This is not merely an aesthetic issue. The discourse of what we could call “normative normalization,” which is the imposition of normalization on individuals with disabilities at all costs, is providing an excuse for the authorities to avoid addressing the greater needs of those who are unable, for whatever reason, to integrate to a higher degree. But language is not the only problem, just walk through any Spanish city and you will notice how many architectural barriers there are. It is obvious that families have to bear most of the economic costs of people with severe disabilities, as there is a clear lack of support from administrations. All the successes and triumphs in adapted sports are highly praiseworthy, but the economic and personal cost of the disabled is enormous. The imperative to achieve full inclusion of people with disabilities should not overshadow the existence of individuals with disabilities who have specific challenges. The integration of these individuals with greater assistance needs can be compromised if they are abandoned and deprived of the support they require under the pretext of the normalization discourse.

To give just one example, the Olivenza Report highlights that two out of three people with disabilities over the age of 16 say they face accessibility difficulties in some of the areas asked about in the survey. In particular, 41.7% of respondents reported difficulties in the area of transport¹⁰¹.

Likewise, the most recent report of the Observatorio de la Dependencia states that between December 2022 and November 2023, 40,447 people on the dependency waiting list died. They did not die from this cause, but they died while waiting to be able to exercise their rights and

¹⁰⁰ B. Haller, B. Dorries and J. Rahn, *Media labeling versus the...*, cit., 64 ff.

¹⁰¹ *Informe Olivenza 2022 Sobre la situación de la discapacidad en España*, 99 ff., available at <https://www.observatoriodeladiscapacidad.info/informe-olivenza-2022-sobre-la-situacion-de-la-discapacidad-en-espana/>.

receive care. This means that more than 111 dependent people will die every day without having received benefits or care¹⁰².

Finally, there is the problem of public expenditure, which is difficult to solve but, in some cases, unavoidable. It is necessary to continue to provide the specific assistance that some people with disabilities require, and only the State can assume this responsibility, since most families are not in a position to do so. It is not possible to turn a question of financial resources into a question of words through the magic of inclusive language. Linguistic respect for people with disabilities should not be used as a means of concealing the special needs of certain individuals within this social group, needs that society is obliged to address adequately and sufficiently.

4. The reform of article 49 of the Constitution. Conclusions

As mentioned above, a reform of Article 49 of the Constitution has recently been launched. The aim of this reform is to correct the terminology used in the provision, which refers to “physically, sensorially and mentally diminished persons” (Article 49 of the Constitution), and replace it with the more accurate expression “persons with disabilities”.

The government, through Minister Bolaños, Minister for the Presidency, justified this aspect of the reform on the grounds of the impossibility of maintaining such a hurtful and outdated term as “diminished”. They also emphasized the need to adopt the term “person with a disability,” which is the internationally accepted term and conveys the idea that people with disabilities should not be defined by their disability, but rather their personhood should take precedence¹⁰³.

¹⁰² J.M. Ramírez-Navarro, A. Revilla Castro, M. Fuentes Jiménez, D. Sanz Yagüez, M. Martínez I Llopis, E. García Alonso and G. Caveró Cano, *XXIV Dictamen del Observatorio Estatal de la Dependencia*, Málaga- España, 2024, 3 ff.

¹⁰³ This is how the Minister for the Presidency, Parliamentary Relations and Democratic Memory, Mr Bolaños García said in a parliamentary debate, pointing out that in this reform process, “the terminology is modified and updated. Honourable members, the text in force uses the term handicapped. The political powers, according to the current article 49, conduct a political forecast, treatment rehabilitation and integration of physical, sensorial and psychic disabled people. I don’t think that anybody in this Chamber is comfortable using the term handicapped in a conversation. We propose to substitute it with the term disabled people, a term appropriate with the guidelines of the politically correct language which is inclusive and respectful. A disabled person is another characteristic, it is not the only one a woman, a man or a child should be recognized with. What is important is to give preference to the word person and to use this term. People are not disabled, they have a disability that should not define them. (...) People with disability is the only agreed and valid expression that the United Nations convention considers. It is the expression that defines the social movement on an international scale and it is the term that is being used in the current legislative frame. For these reasons, I think that this change of terms should be discussed in this Chamber.” DS. Congreso de los Diputados, Pleno y Dip. Perm., núm. 128, de 30/09/2021.

¹⁰³ Giménez Giménez, points out, as representant of the political party *Ciudadanos*, that “when we talk about the situation of the disabled people and the progress in their rights, of course, this problem will not be solved with a reform of all those things we should improve: incorporation into the workplace, the no discrimination or an inclusive

These are strong arguments that justify the change, regardless of one's political orientation. In fact, it can be said that this aspect of the reform, although heavily criticized in other areas, was not particularly contested by representatives of other political tendencies.

On one hand, there were those who simply highlighted the opportunity and accuracy of this transformation, such as the political party Ciudadanos¹⁰⁴ or the Council of State¹⁰⁵.

In more ambiguous terms, the Popular Party acknowledged the inadequacy of the term used in the Constitution. However, they emphasized that it was also inadequate at the time, without preventing proper work on the advocacy for the rights of people with disabilities¹⁰⁶.

However, there was no open criticism of this change. As mentioned above, the difficulty in approving the reform of Article 49 of the Constitution was related to other aspects unrelated to this terminological change.

As we emphasized earlier in this paper, there is a need for a balanced reflection that seeks to recalibrate the issue of inclusive or politically correct language in the context of disability, without demonizing or exaggerating it. It seems to us that the constitutional reform in Spain allows us to draw two important conclusions in this regard.

First, it seems to us that it demonstrates the validity of inclusive language. The Spanish constitutional reform clearly supports this judgment. The wording of Article 49 of the Spanish Constitution forces us to look back with the eyes of the present and shows us that not all the past was better. Despite the criticisms and shadows that politically correct language can raise, its achievements are evident. It is not a serious proposal to suggest that there is nothing to be gained by modifying the old discriminatory vocabulary. We believe that the change that the reform project seeks to achieve in this regard is truly urgent, because it is not reasonable that a text of the importance and emblematic nature of our Fundamental Law continues

education, when we talk about people with disabilities. But the way we use the language also improves and implies progress in their rights, and therefore, we should keep in mind what our Carta Magna still uses the term handicapped. Having in mind what CERMI says about this, we should modify it because we should not use an offensive language with disabled people". DS. Congreso de los Diputados, Pleno y Dip. Perm., núm. 128, de 30/09/2021.

¹⁰⁴ As Giménez Giménez, on behalf of Ciudadanos, points out "when we talk about the situation of people with disabilities and the advances in rights, it is clear that a reform does not solve everything that we need to improve: job placement, non-discrimination or inclusive education when we talk about people with disabilities. But the use of language also improves and implies advances in rights and that is why we have to take into account that our Magna Carta continues to talk about the handicapped. Considering what CERMI itself says in this regard, we must modify it because we should not use language that is offensive to people with disabilities." DS. Congreso de los Diputados, Pleno y Dip. Perm., núm. 128, de 30/09/2021.

¹⁰⁵ *Dictamen del Consejo de Estado*. Referencia: 1030/2018 Asunto: Anteproyecto de reforma del artículo 49 de la Constitución Española. Approved: Feb 28/2019.

¹⁰⁶ As representant of the political party Partido Popular, Bórrego Cortes, mentioned that "although the terminology of 49 Article isn't correct today, it is today. This terminology has not stopped us from working and the Constitution has the frame, and the frame fits perfectly in the content of the convention we have quoted". DS. Congreso de los Diputados, Pleno y Dip. Perm., núm. 128, de 30/09/2021.

to refer to people with disabilities as “disminuidos” (“diminished”). There is something degrading in this expression that cannot be eliminated by legal interpretation.

Despite the problems that a constitutional reform may entail, there are some adaptations to modernity that we believe are necessary. In this regard, Minister Bolaños pointed out that the absence of offensive terms in the Constitution “reflects the social status of a society”¹⁰⁷.

We believe that we must agree with this position. Although it may seem that some things are being overlooked in our current political climate, there are issues that transcend politics and its debates. This is one of them. We can understand the use of a term that, although offensive today, was commonly used in our country during that historical period. However, its continued presence cannot be justified. Some aspects of the past become venerable over time. Others, like this one, become increasingly intolerable and unacceptable.

Indeed, the challenges of changing a constitutional text have delayed the change in the way we refer to people with disabilities longer than it should have. However, this delay has the advantage of making it easier to see the past from the perspective of the present. From this perspective, the importance of politically correct language policies cannot be denied. The accusations of purely aesthetic or rhetorical implications pale in the face of a world in which it was considered normal to label some of its citizens as “diminished”. From a rights perspective, politically correct language policies have been significant advances because they have simply led us to a better world. They demonstrate the importance of challenging linguistic constructs that, however justified in tradition, are false.

Second, they show that the ultimate goal of politically correct language policies is to achieve social sensitivity. Although the term “diminished” was once a common way of referring to people with disabilities, today society itself, not just politicians or interest groups, does not tolerate the use of such offensive terms. The success of politically correct language policies lies in the fact that they are understood and accepted by society.

From this perspective, it is unquestionable that current policies should be articulated on the basis of this fact. It is not a battle that can be won through threats, sanctions or social condemnation, but through persuasion and civic education. The widespread use of politically correct language, including the recommendations set forth in the Guidelines, must strive to maintain a connection with the general public. It should avoid alienating or being rejected by citizens because it is perceived as excessive or disproportionate.

We believe that, in general, the very detailed and ambitious guidelines for politically correct language in the context of disability are valuable and accurate proposals. However, they may not be fully achievable in certain aspects. It is necessary to start with more achievable recommendations that

¹⁰⁷ Statements from the CERMI News, Jun 20/2022, available at: <https://www.cermi.es/es/actualidad/noticias/bola%C3%B1os-urge-los-partidos-de-la-oposici%C3%B3n-alcanzar-el-consenso-necesario-para-la>, retrieved on June 30, 2022.

can be effectively implemented in practice. These recommendations should be based on social reality and be feasible to be successfully applied in it.

If this seed is planted correctly, we believe that the vast majority of society will understand this message and internalize these measures as their own.

Politically correct language policies should return to the path they should have never deviated from: the path of human rights education. It involves enlightening a society that aspires to do the right thing but often lacks the knowledge on how to achieve it. This implies abandoning the censorious stance that has been assumed in recent years and instead being open to dialogue and understanding. This applies in general, it seems to us, to all forms of politically correct or inclusive language. Even more so in an area such as disability, where political conflict is of a lesser degree, as it is based on a high appreciation shared by the vast majority of society for its policies and objectives.

The political process leading to the approval of the reform is equally significant. As previously noted, the purely linguistic aspect of the reform received minimal debate, whereas other factors incited political conflict. Nevertheless, the linguistic change ultimately took precedence over these other elements.

There came a point when the major political forces had no alternative but to advocate for change. Once the issue was presented to society, it became particularly challenging to justify to citizens the retention of such an evidently offensive term in the Constitution.

Politically correct language is undoubtedly one of the most controversial issues in Spanish society. However, this statement requires qualification. While many citizens disagree with certain perspectives and policies related to politically correct language, it is challenging to find anyone who deems the use of the term “disminuidos” in the Constitution appropriate.

This suggests that citizens have not only embraced the basic principles of politically correct language but have fully integrated them into their mindset. The controversy emerges primarily around the more advanced measures.

In the analysis of gender equality reforms, there is often a tendency to highlight unmet goals rather than acknowledge achievements. Nevertheless, it is crucial to recognize and celebrate the advancements made. Constitutional reform provides a stark illustration of this evolution. Norms that were deemed acceptable and enshrined in the constitution of 1978 are now widely seen as unacceptable. This transformation is so pronounced that political entities struggle to justify their inaction.

In this sense, the approval of the reform of art. 49 CE, in a political climate like the one we are currently experiencing in Spain, which is totally toxic, shows that it is possible to find common ground. In spite of the political conflict we are experiencing, our political forces have been able to recognize the importance of giving all their citizens the linguistic dignity they deserve.

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