

The Language of Disability in the Media, Politics, and Policy in 2008

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This year brought renewed attention to the language used to address disability. A more broad classification of disability became law. Hollywood created controversy with an insensitive advertising campaign. Even the presidential election broached the subject. Still, the language used in the public domain, whether in the media, political debates, or public policy, creates and reinforces public perception and attitudes towards people with disabilities. These attitudes can either construct or dismantle socially exclusionary barriers. It is these barriers, rather than the diagnosis of disability itself, that are often the greatest obstacle in the fight for equality.

On September 25, President George W. Bush signed the Americans with Disabilities Amendment Act (ADAAA) after it passed with an overwhelming bipartisan majority in Congress. The primary purpose of the ADAAA was to reject the Supreme Court's strict interpretation of the definition of disability and who is considered disabled under the ADA. A month prior, a coalition of disability activists called for a national boycott of the Dreamworks film *Tropic Thunder* after the release of marketing material that read "once upon a time there was a retard." The boycott proved effective insofar as Dreamworks cancelled advertising containing the offensive tagline. Although both the ADAAA and the boycott were empowering for people with disabilities, too few people outside of the thriving community of people with disabilities and allies were aware that these incidents even occurred.

Instead, national attention came through the McCain-Palin campaign, which profited from hype around the arcane rhetoric of "special-needs" children. The only actionable policy Palin proposed during the campaign (apart from oil drilling in the arctic) was for private school vouchers for "special-needs" children. While the voucher program is no longer in the public debate, I fear the detrimental effects of the euphemistic language of the McCain-Palin campaign will be lasting and perpetuate negative and inaccurate stereotypes of people with disabilities.

Disability studies scholar Simi Linton has explained the problem with the usage of "nice words" such as "special-needs." She states that while such terms are "attempts to inflate the value of people with disabilities, they convey the boosterism and do-gooder mentality endemic to the paternalistic agencies that control many disabled peoples' lives." Exposing the perniciousness of this vocabulary with regard to children's education, Linton observes that the "special needs" category "can be understood only as a euphemistic formulation, obscuring the reality that neither the children nor the education are considered desirable and that they are not thought to 'surpass what is common,'" as the word "special" would seem to indicate, but in a discriminatory context clearly does not. The language is harmful because it stigmatizes the "special" person to be unequal and sub-human as she rides her special bus and goes to her special education.

"[T]he boosterism and do-gooder mentality" that Linton describes was what the independent living movement of the 1970s struggled against. The disability community no longer wanted to be perceived as the subject of someone else's charity and fought to take control of their lives and services. One of their main slogans was "no pity." During this period they also tried to wrest control of the language that defined them. The primary objective has been to counteract the medicalization and stigmatization of

disability by shifting the definition toward the social, institutional, and physical barriers that construct disability, while also recognizing disability as an identity found in their shared experience of inaccessibility and discrimination. Furthermore, they have tried to replace rhetoric fixated on “the disability” in question with person-centered language: say “people with disabilities” instead of “disabled person.”

The first national legislation that integrated the social model of disability and used people-first language of the independent living movement was the Americans with Disabilities Act of 1990 (ADA). The ADA is a civil rights law written in the spirit of the Civil Rights Act of 1964. The ADA prohibits discrimination based on disability and guarantees equal opportunity for people with disabilities for public accommodations, employment, transportation, state and local government services, and telecommunications. The Rehabilitation Act of 1973 first offered protection to people with disabilities, but it only applied to institutions receiving federal funding, while the ADA extends protection to all people in public and the private sectors.

Since 1990, however, the U.S. Supreme court has been narrowing the definition of disability and therefore the number of people who receive protection under ADA has declined.

The ADAAA, which will go into effect on January 1, 2009, will restore the original intent of the ADA. Again, the primary focus of the act concerns the definition of disability. ADAAA maintains the words that describe disability as involving:

- A physical or mental impairment that substantially limits one or more major life activities
- A record of such an impairment
- Being perceived as having such an impairment

This law affirms that a disability is the interaction between the impairment and the activity.

The ADAAA maintains all the "major life activities" from the earlier act, i.e. walking, seeing, hearing, and expands the definition to include reading, bending, and communicating as well as major bodily functions, such as functions of the immune or respiratory system.

In 2002 the Supreme Court heard the case of *Toyota v. Williams*. Ella Williams developed carpal tunnel syndrome and repetitive stress injuries at her job in a Toyota assembly plant, but her injury was only inflamed when performing specific tasks on the job. It was unanimously decided by the court that if an impairment does not substantially limit daily life then the person is not considered disabled. Therefore Williams was not covered by the ADA. The ADAAA reverses the decision and articulates that an impairment that substantially limits one's major life activities such as a work-related activity does not need to limit other activities central to daily life in order to be considered a disability.

In 1999, the Supreme Court found that if a person has a medical diagnosis of a disability but is taking medication or using a device to mitigate the disability they would no longer be considered disabled. The ruling allowed the ADA to protect people with diabetes, epilepsy, and other conditions if they were untreated; if a person receives treatment, however, they were not considered a person with disabilities. The ADAAA reverses this decision as well and states that an impairment that is episodic or in remission is still considered a disability if it substantially limits a major life activity.

The broadening of the definition of disability is an important step given the extent to which physical and social barriers that impact people with disabilities remain pervasive in all sectors of American society. For example, the Center on Disability Statistics at Cornell University documented that in 2007, the employment rate of working-age people with disabilities in the U.S. was 36.9 percent, compared to 79.7 percent for working-age people without disabilities. Other policies that have been passed to increase employment participation among people with disabilities since the ADA include the Workforce Investment Act (1998) and the Ticket to Work and Work Incentives Improvement Act (1999). Despite these policies, people with disabilities are still significantly unemployed or underemployed compared to their nondisabled peers. The low-level of workforce participation is in part due to the fact that some people are unable to work or unable enter the work force because it is not financially feasible. If they began working they may lose their medical, in-home support services and other government benefits. However, for many the stigma that disability carries limits workforce participation. In job interviews, people with disabilities who are visibly regarded as disabled are often put in the position of trying to prove they would not be a burden before they are able to demonstrate their assets to an employer.

Much of the discrimination that exists is due to media portrayals, such as those represented by the film *Tropic Thunder*. This film, starring Ben Stiller and Robert Downey Jr., is a spoof that repeatedly uses the term “retard” when referring to Ben Stiller’s character, an actor seeking an Oscar by portraying someone with intellectual disabilities in a Vietnam War movie. A coalition of more than a dozen disability groups worked against the movie’s ad campaign. They opposed the use of “hate speech” toward people with disabilities and noted how the filmmakers were careful to avoid offensive references as Robert Downey Jr. played a white actor who changes his skin color to play a black soldier, but did not extend the same respect to people with disabilities. Why don’t people with disabilities receive the same level of respect as other minority groups? Why is there blatant discrimination in the media?

During the 2008 presidential election there was a subtle form of discrimination where “special-needs” became a buzzword that Palin took ownership of due to her role as a new parent of a child with Down syndrome. She was regarded as an expert and an ally of people with disabilities, but she never discussed the importance of treating people with disabilities with dignity or pursuing equal rights through policy. Instead, the special-needs children were instrumentally objectified in anti-abortion rhetoric that absurdly redirected a focus on policy reform to the injunction of “choosing life.” Her pervasive use of “nice words” has perpetuated the stigma of her own son’s identity. He is not perceived as a unique individual who will grow up to be his own person. Palin’s rhetoric on the issue was never challenged and the importance of the passage of ADAAA went unmentioned throughout the presidential campaign.

People with disabilities have fought for equal rights over the past three decades and we have confronted many social, institutional, and physical barriers. The pervasive use of words like “retard” and “special” reflect the glaring extent to which social barriers to access and equal rights persist. During Barack Obama’s victory speech in Chicago he gave a list of the diversity represented in the United States, including the “young and old, rich and poor, Democrat and Republican, black, white, Hispanic, Asian, Native American, gay, straight, disabled and not disabled.” Recognizing the disabled as a part of diversity gave me hope that the word “disabled” will someday no longer be a

pejorative that reinforces prejudice and discrimination. The language used to describe and define people with disabilities is essential in shaping public perception and advancing the journey towards equality.

Suggested Further Readings:

“ADA Amendment Fact Sheet.” Cornell University, ILR School.

Cieply, Micheal. “War May Be Hell, but Hollywood Is Even Worse.” *New York Times*. August 13, 2008.

Linton, Simi. *Claiming Disability, Knowledge and Identity*. New York University. 1996.

O'Brien, Ruth, Rogers M. Smith. *Voices from the Edge: Narratives about the Americans with Disabilities Act*. Oxford University Press US, 2004. “United States 2007 Disability Status Report.” www.disabilitystatistics.org. Cornell University. 2008.

The U.S. Equal Employment Opportunity Commission website.
<http://www.eeoc.gov/types/ada.html>. 2008.