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About the succession in the royal family. Literary image of disability in the historical and legal context (Joe Abercrombie *Half a King* from *the Shattered Sea* series)***

Wokół sukcesji w rodzinie królewskiej. Literacki obraz niepełnosprawności w kontekście historyczno-prawnym (Joe Abercrombie *Pół Króla* z cyklu *Morze Drzazg*)

Abstract

Introduction. The article presents the issue of disability from the literary and legal perspective. The authors take into consideration the issue of disability as a social phenomenon, which is an inseparable element of every environment and culture, as well as the subject of compelling research. An important thread of the article is the transformation of

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the perception of disability perception throughout the centuries. Joe Abercrombie's Shattered Sea trilogy serves as a concrete example of its presence. The sketch also revolves around the issue of changes in the perception and treatment of people with disabilities, as well as the introduction of regulations and social education which are to serve as means to provide people with disabilities with equal opportunities in order to function in the society. **Aim.** The aim of the article is to present the image of people with disabilities in prose addressed to young readers, taking into consideration the context of the disability studies as well as legal regulations.
Materials and methods. The article is descriptive and analytical; it applies tools characteristic of the work of the philologist (including text explication, children's studies, disability studies) as well as that of a lawyer (literature study, document analysis).
Results. The analysis of the sources as well as observations and research show that the openness to the needs of people with disabilities and education in this area are progressively increasing, also through literature.

Keywords: Law, disability, history, young readers novel, literary cycle.

Abstrakt
Wprowadzenie. Artykuł przedstawia zagadnienie niepełnosprawności z perspektywy literacko-prawnej. Autorzy uwzględniają kwestię niepełnosprawności jako zjawiska społecznego, będącego nieodłącznym elementem każdego środowiska i kultury, a także przedmiotem istotnych badań. Ważnym wątkiem artykułu uczyniono przeobrażenie postrzegania niepełnosprawności na przestrzeni wieków. Za konkretny przykład jej uobecnienia posłużyła trylogia *Morze Drzazg* Joe Abercrombiego. W szkicu poruszona została ponadto kwestia zmian w postrzeganiu oraz traktowaniu osób z niepełnosprawnościami, jak również wprowadzania przepisów i edukacji społecznej w celu maksymalnego zapewnienia osobom z niepełnosprawnościami równych szans funkcjonowania w społeczeństwie.
Cel. Celem artykułu jest przedstawienie wizerunku osób z niepełnosprawnością w prozie adresowanej do młodego odbiorcy, z uwzględnieniem kontekstu studiów nad niepełnosprawnością oraz regulacji prawnych.
Materiały i metody. Artykuł ma charakter opisowy i analityczny, wykorzystuje narzędzia charakterystyczne dla pracy filologa (m.in. eksplikacja tekstu, *children's studies, disability studies*) i prawnika (studium literatury, analiza dokumentów).
Wyniki. Z analizy źródeł oraz obserwacji i badań wynika, że sukcesywnie zwiększa się otwartość na potrzeby osób z niepełnosprawnością oraz edukacja w tym zakresie, również poprzez literaturę piękną.

Słowa kluczowe: Prawo, niepełnosprawność, historia, powieść dla młodzieży, cykl literacki.

Introduction

Statistics reflect the scale of the problem of disability. About 25% of the world's population are people with various disabilities. In highly developed economies (e.g., the European Union) it is estimated that about 15% of the population are disabled. In Poland, it is assumed that every tenth person is disabled in some way and that in every fourth family there is at least one disabled person (Urbanowicz, 2012).

Universal law and natural law are fundamental human rights. The first means that they are recognized all over the world and refer to everyone, the second that they are valid from birth. The second half of the 20th century saw the development of various types of rights for the disabled people, dictating equal treatment and prohibiting discrimination. That fact was also taken into account by the belles-lettres. Noteworthy are the novels by British writer Joe Abercrombie from the *Shattered Sea* series, in which the issue of human rights is intertwined with the way a protagonist with disability is depicted, as well as the image of the personal and social consequences of his condition. It is also related to the paradigms of disability by showing the evolution of various visions and attitudes emphasized by the author.

Over the centuries, three basic approaches to disability have developed: the moral, medical, and social models. The first, the oldest, because it spans from the earliest times to the end of the Middle Ages, was based on the belief that disability is a punishment for sins. In the second, which was developed under the influence of medicine and the understanding of human nature at the beginning of the Renaissance, it was assumed that any indisposition could be treated. The social model calling for education and tolerance, i.e., a change in the approach and recognition of people with disabilities as equal members of society, was emphasized in the 1960s. Current to date, it assumes greater openness to different needs, including the adaptation of non-disabled individuals to the requirements and possibilities of people with disabilities, and not the other way around. Abercrombie seems to draw a bit from each of them, which we will discuss in a moment (Linton, 1998).

The growing interest in the social model of disability in the scientific community has resulted in the creation of a new multi- and inter-disciplinary field of research on disability – Disability Studies, and has contributed to the awakening of the literary imagination of writers and readers (Żuraw, 2016). Its foundations are set in the social sciences, humanities, and the knowledge of rehabilitation (Albrecht, Seelman, & Bury 2001; Wiliński, 2010). Mental (meta-) representations of the disability phenomenon differ in many points (Wiliński, 2010). Attitudes towards people with disabilities also vary (Urbanowicz, 2012). It should be emphasized that in the previous centuries people with disabilities were marginalized (Borowski, 2012). Two basic attitudes can be distinguished: acceptance and rejection, although there are many other possibilities between these extremes (Chrzanowska, 2016).

The article is descriptive and analytical, uses tools appropriate for the work of a philologist (text explication) and a lawyer, and its aim is to present the image of a disabled person in the latest prose for a young audience, taking into account the context of *disability studies* and *children's studies* as well as legal regulations (Lenzer, 2001).

Defining Disability

Defining disability, however, takes into account the relationship between human health (including age, gender, and education) and society, as well as the surrounding environment. A comprehensive definition of disability should therefore take into account aspects such as medical, legal, anthropological, sociological, pedagogical, and psychological.

Since 2001, in the International Classification of Functioning, Disability, and Health adopted by WHO (the so-called ICDH-2):

> disability is a collective term that covers damage, activity limitations and participation limitations. Damage is a problem in the functioning or structure of the body. An activity limitation is a difficulty faced by an individual in carrying out an activity or task. Restricting participation is a problem experienced by an individual when engaging in life situations. Disability is not only a health problem. It is a complex phenomenon that reflects the interaction between the characteristics of a person's organism and the characteristics of the society in which that person lives (Twardowski, 2018, p. 113; Word Heath Organization, n. d.).

Currently, the definition contained in the United Nations Convention on the Rights of Persons with Disabilities is adopted, stating that "disabled persons include persons with long-term reduced physical, mental, intellectual or sensory capacity, which in interaction with various barriers may limit their full and effective participation in social life on equal terms with other citizens" (Borowski, 2012, p. 90; *Konwencja Praw Osób Niepełnosprawnych*, 2006, Article 1).

The World Health Organization (n.d.) proposed to systematize and clarify the definitions of disability, by distinguishing three conditions:
– "impairment" as a biomedical category – refers to an organism which, due to damage, does not function properly (in terms of structure and functions);
– "disability" (functional disability) understood as any limitation or difficulty (resulting from inability) to lead an active life, in a manner or scope considered to be typical for a human being;
– "handicap" (disability) as limitations in the social roles performance that prevent full implementation of the social roles corresponding to age and gender and result from socio-cultural conditions.

The World Health Organization modifies, expands, and updates its classifications from time to time.

The *Sea of Splinters* trilogy and the role of literary heroes

British writer, Joe Abercrombie (born 1974) won popularity with the *First Law* trilogy, which included the novels *The Blade*, *Before They are Hanged* and *The Ultimate Argument of Kings*. He is also known for his songs: *Best served cold*, *Heroes*, *Red Land* (nominations for the Campbell Award for the best writer and in 2010 and 2012 for the British Fantasy Award). In 2014, he released the song *Half a King* as the first part of the trilogy entitled *The Shattered Sea*, consisting of: *Half a King*, *Half the World* (2015) and *Half a War* (2015). The novel *Half a King* was awarded in 2015 with the prestigious Locus Award in the "book for young people" category.

It is worth mentioning that the hero, especially in texts for young people, is defined by, apart from aesthetic premises, by educational considerations. Those aspects also mean that such heroes are characters with whom the young audience feels connected, and sometimes even identifies with. The heroes not only constitute the building blocks of the presented world, but also become carriers of significant axiological values. In the author's *Shattered Sea* cycle, the way of leading the character with a disability deserves attention. The heroes created by the author, with their attitudes and actions, have a chance to influence the underage recipient undergoing development, who not only can observe the surroundings, but also compare himself and his behaviour with that of characters.

The plot of the *Shattered Sea* cycle (Głowiński, Kostkiewiczowa, Okopień-Sławińska, Sławiński, 1988) is set in a fantasy convention (Trębicki, 2012), showing similarity to myths, fairy tales, heroic epics, and chivalrous romance. The novels also fit into the structure of the initiation story (leaving the house, putting the protagonist to the test, and finally the ending as a symbolic picture of the maturity achieved (Propp, 1968).

In the plot, the reader focuses on the adventures of Yarvi, the young prince of Gettland. In the first part – *Half a King*, Yarvi (as a disabled person, cannot take succession), he prepares for the ministerial exam (a function that combines the skills of a herbalist-healer, diplomat, scholar, judge, and advisor). His father and brother die in surprising circumstances, which means that he has to change his life plans because unexpectedly, he becomes the king. When he goes with a group of soldiers to avenge the death of his relatives, he is betrayed by his uncle. He miraculously avoids death, but becomes a slave. He enters a ship as a boatman, then is promoted to a messenger, and a steward. He manages to escape from captivity. Before he returns home, he experiences many hardships, but also finds extraordinary allies. *Half the World,* as the second part of the series, is connected with the first one. The link is both the setting (the capital of Gettland, Thorlby, and the Sea of Splinters) and the choice of heroes. The figure of Yarvi returns, this time older and acting as the king's minister-adviser, as

well as people known from the previous part, including Rulfa, Uthila, Laithlin, Isriun. However, this time the author decides to introduce a pair of antagonistic teenagers, Thorn and Brand. They travel halfway around the world with Yarvi to win Gettland's allies and prevent a war with the High King. During a dangerous journey, full of danger and diplomatic struggles, they mature and discover the truth about themselves and make their dreams come true. The last part of the trilogy, *Half a War*, shows the fate of the teenage Skara, the daughter of King Throveland, as a skilful diplomat who can win by using the right arguments. Its history is intertwined with the lives of previously met heroes (including Yarvi, Thorn, Gorm) and new characters, including twin brothers, Raith and Raki. The thread of the minister with a deformed hand gains the expected, and at the same time surprising, finale.

Let us also remember that a literary cycle is defined as a set of works that belong to the same genre and are linked in a superior whole by the community of elements of the represented world, or by the similarity of compositional solutions. Each work, however, can retain a structural autonomy and be perceived as an independent whole. This is what happens with the epic tale *Shattered Sea*.

It should also be emphasized that the introduction of the disabled prince motif may induce young (but also adult) readers to become interested in the issues of people with disabilities, to delve into various, including social, medical, historical, and legal aspects of disability. Yarvi, as one of the most important characters of the cycle, is subject to limitations in activity and participation, and is also affected by damage (under-developed, deformed left hand). The emerging awareness of multi-factorial influences and diversity in the surrounding world, may help to break down mental and social stereotypes in recipients, foster in-depth reflection, and get rid of beliefs leading to intolerance or discrimination. What are the established beliefs, what is this paradigm shaped in the social environment, and what is the model of attitude towards external reality? More on those in a moment, because the modern approach to supporting people with disabilities is a result of all the achievements of mankind, and not only the effect of the regulations of the last century (Borowski, 2010).

Historical view

Within the way of understanding and perceiving disability throughout history, two basic epochs can be distinguished: pre-industrial (and industrial) and post-industrial. In each of them, slightly different factors influenced the attitude of societies towards disability. It seems that the story is set in pre-industrial and industrial times (although found and used elven artifacts may arouse discussion).

It is important to notice how Yarvi perceives himself and is seen through the eyes of other people. The first part, *Half a King*, is significant in this respect. Abercrombie repeatedly quotes the thoughts and words of a character who clearly feels inferior to his peers, and also feels disgust and contempt for himself. He is sure that others feel the same about him. He remembers many times when the king-father showed him disrespect and reminded him that he did not ask for "half a son". The significant person for the boy is not the parent, but Mother Gundring, the king's advisor and teacher of the "half prince". Finally, life's turmoil leads Yarvi to find friends who will value him and his potential, rather than focus on his physical difference.

It is worth mentioning that in historically distant times, when the issue of disability was considered, it was approached in different ways (Delattre, 2007). Disability often aroused fear, became the subject of mockery, and was associated with pity (Barnes, Mercer 2008, Ryan & Thomas ,1980). There was also consent to the extermination of deformed and different creatures (Barnes & Mercer, 2008; Frazier, 1997; Sumner, 1995; Żuraw, 2016). Sometimes these people were placed in the mainstream life of a given community, but the most often it was in a circus, or the houses of rich people (where they played low-status roles.)

In the pre-industrial and industrial period, the history of the social location of people with disabilities begins in ancient times, specifically Greece, where body shapes were idealized, physical fitness was glorified, supranaturalism dictated the causes and consent to the extermination of deformed creatures (transgressing taboos). In later centuries (moral model), everyday life and folk culture were associated with beliefs that treated disability as a punishment for wrongdoing. Dysfunction was a sign of sin (Douglas, 2007). For a long time, there was doubt regarding the humanity of people with birth defects. There was a strong biological determinism – a direction that excessively linked physicality with the psyche (Lukrecjusz, Arystoteles, & Juwenalis, in: Korniszewski, 2003; Żuraw, 2016).

The Middle Ages brought some changes in the perception of disability. St. Augustine's view of the dysfunctional man as God's work (see the work *The City of God*) had a strong impact. Unofficially, however, the need to exterminate creatures whose appearance or way of functioning differed from the norm (the theme of Victor Hugo's *The Hunchback of Notre* Dame (1831). People with congenital deformities were still allowed to be present in the mainstream of social life, but they were treated as an object of entertainment or people predisposed to less important social functions (Gleeson, 1997; Olivier, 1990; Żuraw, 2016). Echoes of this attitude can be seen in the novel *Half a King*. The title itself signals an incomplete ruler, although Yarvi's degree of exclusion is toned down due to the fact that he is the king's son. Perceived as defective, he is not considered a candidate for the throne. Only in the face of the unexpected death of his father and his heir, is he crowned as the only blood heir.

From the 17th century (in some countries), the beginnings of the welfare state ideology (interference in solving the problems of people with disabilities) can be traced (Stone & Priestley, 1996; Żuraw, 2016). Moreover, the legal existence of disability was sanctioned. In 1601 in England the Relief of the Poor was stablished, whereby a division was introduced between people who should be held responsible for their disadvantage and those who were disadvantaged through no fault of their own and deserved support. Over the next two centuries the category in question was expanded to include the physically ill, the mentally ill, the handicapped, as well as the old and infirm, and people with sensory problems. However, these regulations, instead of creating care and understanding, led to the exclusion of the sick and disabled from the mainstream of collective life. The development of science and research tools has resulted in the isolation and confinement of people in special centres, and subjecting them to social oppression (including marginalization, violence, exploitation, powerlessness, and cultural imperialism). It can even be concluded that such people were colonized like other minorities (Żuraw, 2016). Their places of stay were, for example, care centres or traveling menageries (Barnum's circus). In the 18th century, museums of curiosities became popular – this fact immortalized by Charles Dickens in his novel *The old curiosity shop* (1841). Segregation and isolation became a common practice (Cohen & Scull, 1983; Żuraw, 2016).

In the nineteenth century, the image of disability as a "personal tragedy" began to emerge. The disabled body was considered to be inefficient. Standards of time and production led to the removal of the disabled from mainstream working (Gleeson, 1997). At the same time, the first special schools were established, and the importance of the role of science in explaining the genesis of congenital defects grew (Żuraw, 2016).

Abercrombie does not go that far in his novel; nevertheless, the concept of an inefficient (damaged and limited) body is important. Yarvi is not able to physically meet the demands of a warrior's life – the defective hand cannot bear the weight of the shield; the battlefield isn't for the hero. But he still educates himself in diplomacy, historical and herbal knowledge, and under the supervision of his long-term carer, Mother Gundring, he prepares for the exam for the king's minister-adviser, which he successfully passes. The adversities that he had to overcome also contributed to changing the approach to his own disability. It turned out that a disabled hand can row, medical knowledge saved a drowning girl's life, and diplomatic efforts allowed him to achieve the position of the minister in the Shattered Sea and the title of Father, and then Grandfather, Yarvi. The aforementioned change in his attitude echoes the post-industrial times, where one of the most important factors was the perspective of the disabled themselves.

The British writer therefore examines the way of understanding the negative consequences of disability, which may contribute to regulations, the effect of which is not only the awareness of what social expectations are, but also what norms they impose

on specific members of society, who take responsibility for overcoming disability and its consequences (attribution of responsibility). The way in which this counteracting takes place is related to the understanding of the phenomenon of disability according to a given model, and also (to a lesser extent) results from the available means and regulations or traditions and customs (Wiliński, 2010). It also suggests that the writer draws from various disability paradigms (e.g., moral, medical), but emphasizes the importance of the social model. It is worth recalling at this point M. Foucault's thesis that the evolution of the way of thinking "from a physically controlled body to self-discipline" was the basis for creating norms of normality of bodies and behaviour (Young, 1997, pp. 147-160). By emphasizing the role of the relationship between knowledge and power over the body, he influenced the attitude of the community towards the sick and the disabled (positive), which was captured and recorded in Joe Abercrombie's novel *Shattered Sea*.

Attitudes towards the phenomenon of disability

As this brief historical overview shows, the perception and attitudes of people with disabilities depends on many factors, including personality, social and cultural ones. There is a link between the values we believe in, and the stereotypes shared regarding people with disabilities. On the one hand, the stereotype may be in the social consciousness and on the other hand, it may function in the mind of an individual (based on individual experiences, a person broadens his knowledge about the whole group, which translates into his reactions towards people classified by him as his representatives) (Urbanowicz, 2012). Therefore, it is worth taking into account the behaviour of the interested parties themselves, as emphasized by Abercrombie. People with disabilities seem to be particularly vulnerable to stress and confusion. In some cases, they may withdraw from public (social) life and even auto-marginalize (Yarvi's initial attitude), with passivity and a lack of motivation to change, a sense of abandonment and loneliness, and consequently social isolation (or self-isolation) (Urbanowicz, 2012).

There is much evidence in the novel that the trope of marginalization and auto-marginalization is right. Yarvi is not able to use weapons skilfully, which is one of the most important qualities of a leader in times of wars and conquests. The hero repeatedly emphasizes his inferiority caused by the lack of training of his left hand which cannot even hold a shield. Physical otherness makes him feel stigmatized and excluded. It is also perceived by peers and subjects as different (in the sense of "inferior", disabled, incomplete). He must demonstrate cleverness and intellectual prowess, especially where others skilfully use a sword and physical strength.

The concept of understanding the mechanism of auto-marginalization is Martin Seligman's theory of learned helplessness. It belongs to the group of cognitive theories (it adopts the assumptions of cognitive psychology). It is based on two types of phenomena: internal mental processes and learning processes that are shaped by the experiences of the individual (relatively persistent patterns of thought and behaviour). Two concepts are mentioned as key: learned helplessness (ceasing to act) and attributive (explaining the causes of events) style (Seligman, 1996; Urbanowicz, 2012). Initially, under the pressure of his environment, Yarvi condemns himself to isolation and marginalization. Gradually, however, under the influence of life experiences and a group of people who see him not only as a disabled prince, but as a man of many talents, he increases his self-esteem, which results in numerous positive events and successes. As a consequence, the hero does not function on the margins of social life in Gettland, but becomes an important part of it. It can even be considered the "spiritus movens" of many decisions (e.g., traveling in search of allies, building alliances, defeating the High King's army, seizing the power in a ministry).

The role of characters and the process of fictionalization in the context of the social model

Yarvi as a literary character is a component of the represented world made up of various components, including features (appearance and character), thoughts, actions, and statements attributed to him. Their connection is determined by a specific pattern of integration, the external exponent of which is a proper name (Yarvi), special attributes (left hand defective), behavioural characterization (e.g., vigilance, distancing, caution). The aforementioned pattern is the result of three basic factors, i.e., a literary stereotype established in the tradition of a given genre, a non-literary personal model shaped in social conditions that are subject to the writer's observation, and finally the model of an attitude towards life (external reality) promoted by the author.

In the social paradigm of disability, the perception of the disability phenomenon may take the form of fictionalization (art space), which, on the one hand, is expressed by assigning a labelling or discriminatory attitude to society (social structure) and on the other hand – by reducing the bodily dimension of the disability phenomenon (Hughes & Paterson, 1997). This story is about developing Yarvi's intellectual potential in order to break the causal relationship between damage and disability (Terzi, 2004) and to create a relationship between the individual and his environment, which the author manages to create in the space of the represented world. The protagonist as

the fictional character is created in a human likeness (a materialization of the author's concept); on the other hand, certain qualities are exaggerated or emphasized in him. Therefore, in this process, literature becomes a source of information and a form of education, a school of shaping attitudes and beliefs. The very introduction of the hero with a physical disability, drawing attention to the right of the presence of various people in society, is an added value. It is worth combining it with the strategy of orientation towards reception and reading orientation.

This strategy may be important due to the age and sensitivity of the reader. Such division is derived from the concept of the noosphere, introduced by Pierre Teilhard de Chardin into theoretical thought. He stated that the noosphere is a space around the earthly consciousness, understood as a thought created by individuals, societies, nations, races, and cultural circles (*noos* – the Greek mind, reason, spirit), it is a kind of protective sphere around the recipient (Pacewicz, 2010; Starzec, 1980). Polish researcher of literature, Grzegorz Leszczyński, suggested paying attention to the needs of the reading subject while reading (Leszczyński, 2012). Following Bartheres and Culler, the author reminded that reading is based on taking or creating references, because as a process spanning over time, it is related to understanding the language of a text, which consists of recognizing the world to which it relates. He also saw that the choice of genre was a conventional function of language, a special relationship to the world, and also served as the norm or expectation that governed the reader's encounter with the text (Culler, 1977). Orientation, therefore, is associated with the awareness of reading (the nature of the text) and taking into account the reader's self-knowledge, which in turn is an important stage in the personal and spiritual development of the recipient.

G. Leszczyński explains that literary works can focus on the reading subject himself. Works of this type can be described as the introverted noosphere, and the style of their reception as contemplative. Other texts are oriented more towards the outside world, which they familiarize with and the creation of which they activate; their noosphere can be described as the extroverted, and their reception style as activating (Leszczyński, 2012). Therefore, it can be assumed that in Abercrombie's novel, the protagonist (the novel's prince-minister) is entrusted with a task, which he treats as a mission. If the reader tries to get closer to the character's emotions or even identifies with them, he becomes the active subject himself. Then, both – contemplative and activating – seem to accompany the character and reading of the novel *Half a King*. Additionally, multi-volume formats (cycles) allow the reader to build emotional relationships with the text. Abercrombie uses this procedure. In this context, it is not surprising that the novel won awards in the "book for young people" category.

Legislation and culture

The law (Stiker, 1995), creating definitions, criteria, and degrees of disability, gave disabled people an existence and status that they once did not have. At the same time, it offered a double social identity – first, it contributed to the emergence of an injured and damaged people's group; second, it allowed for the formation of a community of citizens who enjoy the same rights as non-disabled people. In the opinion of many researchers, however, people with disabilities are limited because their lives are associated with a special industry, specialists, classification processes, e.g.: when granting benefits or allowances. Different countries have developed separate criteria for granting pensions (e.g., in the USA, people suffering from constant pain can obtain a pension, in Scandinavia – registered alcoholics) (Żuraw, 2016).

Law in the service of disabled people

Given the above, it is worth pointing to specific rules and documents. In the context of the rights of disabled people, it is necessary to highlight the principle of equality before the law. The very idea of equality (Zieliński, 2018) dates back to the times of ancient democracies (Greek isonomy) (Chojnacka & Olszewski, 2004) and also refers to early Christianity (*Twoja Biblia*, n. d.).

   In addition to the principle of equality genesis, the current reference formed during the French Revolution through the slogan: "Freedom, equality and fraternity" should be mentioned. The first article of the Declaration of the Rights of Man and Citizen of 1789 indicated that people are born and remain free and equal in rights. It also laid the foundations for civic freedom, manifested in various dimensions (Garlicki, 2009), because "all subjects of law characterized by a given significant feature are to be treated equally, i.e. measures, without discriminating or favouring differentiation" (*Wyrok Trybunału Konstytucyjnego*,1988, U 7/87, No. 1, item 1).

   Following the path of legislation and application of the law, it is worth emphasizing that the rights of disabled people are protected practically in all areas of human rights. This taxonomy is so vast that its development would require at least a monograph, but for the purposes of this work, key sectors will be highlighted. Firstly, the United Nations Convention on the Rights of Persons with Disabilities, adopted on December 13, 2006, ensures the protection of the rights of the disabled, Poland ratified that Convention on September 6, 2012. Its overriding task has been to protect and ensure the full and equal exercise of human rights and fundamental freedoms by people with disabilities, without discriminating against other citizens

in any area of activity. Countries that have adopted the Convention are obliged to implement and adhere to standards of conduct aimed at ensuring the realization of those rights.

The documents of the European rank also contain numerous regulations, directives, decisions, resolutions, and conclusions, the content of which includes provisions emphasizing the need to look at the rights related to people with disabilities. They concern areas such as: transport (bus, coach, sea, air, rail), *de minimis* aid, support and protection of crime victims, equal treatment, work, culture, and social life.

Under European Union law, the principle of equal treatment does not stand in opposition to maintaining or adopting specific measures to prevent or compensate for inconveniences. An example is the Employment Equality Directive. It gives the possibility of applying special measures in relation to the disabled and obliges employers to implement improvements that will provide disabled employees equal access to work, its performance, the process of education, or development (Brzozowski, Krzywoń, & Wiącek, 2018).

Conclusion

The emancipation movements as well as the self-organization of people with disabilities, initiated in the 1970s, led to criticism of social institutions that created barriers and prejudices (Finklestein, 1993). It should be remembered that, amongst other things, it was found that a damage is a defect at the organic level, while disability is a derivative of barriers constructed by the society (that is a limitation of a functional nature showing a sociocultural dependence); impairment was defined as the combined effect of damage and disability (Żuraw, 2016).

As part of the summary, it is also worth pointing to the basic determinants and assumptions of the disability paradigms. And so, in the medical model, the phenomenon of disability is considered in terms of the features of the human body, which amounts to the belief that disability is both internal and objective in nature, hence quantitative methods should be used primarily for research. On the other hand, there is a social model in which the phenomenon of disability is identified with prejudices, barriers, and discrimination. In that concept, disability is evoked by external factors and subjective prejudices, which is why qualitative methods are the most appropriate form of the study (Twardowski, 2018).

In the 1980s and 1990s, the social model of disability mobilized the community of people with disabilities to fight for equality. A number of practical activities were commenced, including campaigns for the implementation of anti-discrimination legal solutions. In Great Britain, a pertinent law was passed in 1995. A year later, regula-

tions were introduced that allowed for the payment of money for the employment of personal assistants by people with disabilities. Gradually, solutions and devices adapted to the needs of people with disabilities began to appear (e.g., elevators, ramps, telephones, toilets, public transport, properly equipped apartments, workstations, signage in public spaces, and technical aids). Accessibility to offices, public buildings, and cultural institutions has been increased. The introduced improvements were also conducive to education in generally accessible schools and universities. The artistic creativity of people with disabilities began to flourish, including literary, art, music, film, and theatre (Twardowski, 2018). Literature has also been entrusted with the tasks of the social tribune, as well as the tools of therapy (even as means of self-therapy).

Nowadays, thanks to the achievements of science, including medicine and technology (biotechnology), but also to the growing awareness of society and legal regulations, man can decide about his individuality, adjust his or her self-esteem, change himself. Moreover, certain dysfunctions begin to lose their deprecating connotation, are treated as a value, and are no longer taboo (Żuraw, 2016). Sometimes they even become unique, attract attention with their otherness (without stigmatization), gain a unique character, as in the novels of J. Abercrombie, while the otherness itself is fragmented or segmented without a discriminatory assessment. To sum up, in the era of postmodernity, the boundaries between the norm and otherness become fluid, and often depend on individual sensitivity as well as the scale of social awareness.

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