‘Difference in Itself’: Validating Disabled People’s Lived Experience

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Massumi (1993: 23) argues that each person has a limited range of characteristics that he or she broadcasts through his or her body which then is either visually or aurally received by others. These aural or visual images are filtered through the receiver’s preconceived categories of identity. Thus the body is a medium that helps people define each other’s identity.

I believe that these preconceived categories of identity devalue both a disabled embodiment and sensibility. For example, Adrienne Asch (1976: 28) argues that disability is not part of her self-definition or ‘lived experience’, but it is the basis of most other people’s definition of her. Therefore I call for the validation of disabled people by recognizing their lived experience. In this article I begin by examining Leder’s (1990) distinction between a korper (categorization) and a leib (lived experience) consideration of the body.

Within the realm of the hyperreal world I next illustrate how a korper interpretation of the body continues to devalue the experience of disability. My analysis of a play called Creeps demonstrates that for the audience a simulation of disability was ‘more real than real’ and was given precedence over the ‘lived experience’ of disability. Sobchack’s (1995) experience of using a prosthesis and Clark’s (1995) observations about media representations of embodiment illustrate how the techno-body and cyberbody of the hyperreal world continue to negate a disabled embodiment, by relying upon residual ableist interpretations of what is acceptable and visually desirable in contemporary bodies. I next examine how Deleuze’s (1994) concept of ‘difference for itself’ could validate the lived experience of disabled people.
A Korper or Leib Interpretation of Embodiment

The notion of a leib and korper interpretation of embodiment originates in works in phenomenology and physical anthropology. Physical anthropologist Gehlen (1988: 252) believes the korper body exists independent of its surroundings while the leib is the aspect of the body which interacts with its surroundings. Phenomenologist Maurice Merleau-Ponty (1962: 283) believes that the korper interpretation of the body reduces it to an organism that merely exists. The leib interpretation of the body comprehends the body as a knowing essence with a soul.

Similarly, Leder (1990) maintains that a korper interpretation of the body reduces it to a classification, whereas a leib interpretation considers the body to be an entity which experiences itself and its environment. According to Leder (1990: 5), since the time of Descartes people have interpreted the body as korper rather than leib, which has resulted in a rationalization that views the physical body only as an object to be classified like any other thing. Leder (1990: 6) equates a lived body with an embodied self that lives and breathes, perceives and acts, speaks and reasons. For Leder (1990: 6) the korper body is an aspect of the leib bodily experience.

The ‘Korper’ Interpretation of the Disabled Body

I agree with Leder who argues that the body should be interpreted as a lived experience.2 Nevertheless, the korper interpretation of body is the norm as it lends itself easily to demarcating categories of identity. For example, the identity of disabled people who experience cerebral palsy is reduced to their appearance that is, according to Young (1990: 124), the antithesis of the controlled being associated with rationality, linearity, productivity and normality.

Generally speaking, the devaluation of disabled people’s lived experiences has a long history. Lennard Davis (1997: 1) writes, ‘People with disabilities have been isolated, incarcerated, observed, written about, operated on, instructed, implanted, regulated, treated, institutionalized, and controlled to a degree probably unequal to that experienced by any other minority group.’ Thus, our lived experiences are reduced to a classification or korper reading which demands that the able-bodied take some sort of action that implicitly or explicitly controls our lives.

failure to control the body and everyone’s vulnerability to weakness, pain and death. So pervasive are these projected ableist attitudes that many disabled people also internalize them and replicate a scale of disabilities. Wendell (1989: 116) points out that some people have transformed their disability from a perceived detriment to cultural capital by becoming ‘disabled heroes’.

Wendell (1989: 116–17) believes, ‘While disabled heroes can be inspiring and heartening to the disabled, they may give the able-bodied the false impression that anyone can “overcome” a disability’. Paradoxically, the image of the disabled hero validates the lived experience of a few disabled people and invalidates the lived experience of the majority of disabled people because they cannot meet such expectations. I would agree with Michael Oliver (1990: 91) who writes, ‘Throughout the twentieth century . . . disabled people continue to be portrayed as more than or less than human, rarely as ordinary people doing ordinary things’.

**Baudrillard’s Simulation: Through Foucault the Broadcasting of the Korper Disabled Body**

A few years ago I was a technical adviser for the play called *Creeps*, which focused on the problems faced by institutionalized disabled people. This play illustrates both Foucault’s concept of disciplining of the body and Baudrillard’s concept of simulation. In Foucauldian terms, through functional, continuous and hierarchical surveillance (Foucault, 1984: 192), Tom McCamus, who played a person with cerebral palsy, had to discipline his body in order for him to mirror the spasms that are inherent in people who experience spastic cerebral palsy. For Tom these disciplining techniques became all-encompassing and pervasive as they permeated his body and caused him to experience pain which, ironically, is similar to that felt by many disabled people as they contort their bodies in an attempt to appear normal.

Often audience members stated that they had a better appreciation of cerebral palsy because of the play. At first I thought this was only natural as the play concentrated on the discrimination against disabled people. However, these same people always remarked on Tom’s disabled/non-disabled persona. Both Tom and I felt others were losing a sense of us as individuals in their appreciation of this simulated disabled/non-disabled persona.

For Baudrillard (1988: 20–1) appearance is the only thing that matters in the realm of hyperreality. In short, the concept of representation is no more, it’s been replaced by simulation that is reality. Baudrillard (1988: 16) asserts that in the era of hyperreality we no longer exist as playwrights or actors on the world’s stage, but as terminals of multiple networks. Tom was no longer an actor on stage
portraying a person who experiences cerebral palsy. He had become a terminal that broadcast disabled and non-disabled networks. Tom’s simulation had become ‘more real’ than ‘real’.

Tom had become a vulnerable, non-threatening person who had the strength to overcome any (imagined? or real? perhaps simulated?) disability. Agreeing with Linda William, Norden (1994: 6) believes that disabled people embody the paradoxical objectification of being both an object of desire and an object of horror for non-disabled people. Whenever the audience found his disability repugnant or grotesque they easily perceived Tom as having a non-disabled identity.

Within the hyperreal world the audience ‘desires’ the exotic, but only if such observations take place in an environment that is safe for them. For example, in his discussion about the San Diego Zoo, Umberto Eco (1983: 51) argues that in the world of hyperreality one can witness savagery in a fabricated jungle setting while still feeling safe and secure.

In the same manner, I argue that the audience with an able-bodied sensibility satisfies their ‘desire’ for the exotic ‘disabled’ by witnessing the simultaneous ‘absolutely fake but real’ spectacle of Tom’s wild and savage disability within a safe environment. They could be immersed in the experience of disability and feel the heightened titillation of the exotic without risk. To speak with disabled people the audience risks having to confront their own fear of disability as it manifests itself in our experience.

I believe that the audience’s reaction to both Tom and his performance typifies what Derrida calls:

... the theological stage [that] comports passive seated public, a public of spectators, of consumers, of ‘enjoyers’... attending a production that lacks true volume or depth, a production that is level, offered to voyeuristic scrutiny. But what is this God who not only controls the audience but is also simultaneously ‘nowhere’ and ‘everywhere’? (Derrida, 1978: 235)

The audience that attended the play Creeps, in Derridean terms, ‘defers’ (perhaps unwittingly and without awareness) to an able-bodied sensibility. This non-disabled sensibility in fact is a ‘God’ that is both ‘everywhere’ and ‘nowhere’, it is so pervasive that it permeates every pore of their being and in doing so is ‘naturalized’ and ‘normalized’.

The Continuation of the Negation of a Disabled Presence in the Techno/Cyber World

Baudrillard (1988) predicts that disabled people and their sensibilities will have a pivotal role in this hyperreal world. Baudrillard writes,
Such are the blind, and the handicapped; mutant figures, because mutilated and hence closer to commutation, closer to this telepathic, telecommunicational universe than we others: humans all-too-human, condemned by our lack of disabilities to conventional forms of work.

By the force of circumstance the disabled person is a potential expert in the motor or sensorial domain. And it is not by chance that the social is aligning itself more and more with the handicapped, and their operational advancement: they can become wonderful instruments because of their handicap. They may precede us on the path towards mutation and dehumanization.

While I admire his intent I feel Baudrillard’s position is marred by his negation of disabled people’s presence, bodies and their flesh.

Vivian Sobchack (1995), who is disabled, makes some interesting observations about embodiment and flesh within our techno-body world. At first she is enamoured by her prosthesis which is aesthetically pleasing with its lack of cellulite. Sobchack (1995: 208) admits, ‘The truth of the matter is that I feel more, not less, attractive than I used to. Hard body (however partial) that I am, I feel more erotically distracting and distracted than I have in years.’

Although Sobchack (1995) celebrates her prosthesis she understands that it must be incorporated into her embodiment. While she realizes the limits of both her flesh and her prosthesis Sobchack gives preference to ‘her flesh’ over her prosthetic tool. Sobchack (1995: 213) writes:

Living – rather than writing or thinking – my ‘newly extended body of technological engagement’, I find the fragility of my flesh significantly precious. While I am deeply grateful for the motility my prosthesis affords me (however much in a transformation that is perceptually reduced as well as amplified), the new leg is dependent finally upon my last leg. Without my lived-body to live it, the prosthesis exists as part of a body without organs – techno-body that has no sympathy for human suffering, cannot understand human pleasure and, since it has no conception of death, cannot possibly value life.

Ironically, her prosthesis allowed Sobchack (1995) to conform more closely to an embodiment and mobility that has become normalized as the prototype for what is human. But this prosthetic solution that offered her ‘normalization’ proved unsatisfactory for Sobchack because it failed to meet the requirements of her lived experience.

Many advocates of the cyberworld contend that the future seamless post-human body of the cyborg will be free from oppression. Thus cyberworld bodily differences are situated knowledges located as sites on the equal textual plane of postmodernity (Caddick, 1995: 159). Caddick (1995: 159–61) points out these situated knowledges – such as body-image – are not equal sites on the playing field because these new technologies are concerned only with the surface of the body (in essence its image) and negate its visceral depth. Caddick (1995) contends that the difference between the ugliness and beauty is not diminished but heightened by a greater fetishism of a particular body – the body beautiful.
Similarly, Nigel Clark (1995) argues that the notion that we are on the verge of a new age society is premature because the cyberworld relies on prior beliefs about what constitutes desirable bodies. Clark (1995: 125) argues that ‘the focus of contemporary digital body construction seems to lie neither in an unembellished “naturalism” nor in the unconstrained mutability of forms’. Instead digital body construction defers to the past by resurrecting images of dead film stars such as Marilyn Monroe, James Dean and Elvis Presley.

Yet these spectacular digital bodies prove inadequate for this cyberworld and have been eclipsed by a constellation of still more spectacular bodies epitomized by the steroid and silicon enhanced physiques of human actors (Clark, 1995: 125). Clark (1995: 126) adds, ‘What we seem to be dealing with here is not the ultimate in cybernetic bodies, but a recursive corporeality which arises out of the transition from one generation of mediated affects to another.’ With its emphasis on ‘spectacular bodies’ this new generation of mediated affects continues the devaluation of disabled bodies. Thus, the oppression of disabled people extends from the analogue period to this post-analogue period.

**Difference in Itself and Repetition in Itself**

Baudrillard (1988) and Deleuze (1994) both use the term ‘dehumanization’ to denote a shift to the hyperreal or cyberworld. However, the term ‘de-humanization’ has often been evoked as a justification for the eradication of disabled people. For example, the government of Nazi Germany began the annihilation of disabled people by socially constructing their dehumanization (Proctor, 1995). More recently, under the auspice of ‘caring for his child’, Robert Latimer argued successfully that he was justified in killing his disabled daughter because her existence was ‘less than human’.

In spite of my reservations I agree with both Baudrillard (1988) and Deleuze (1994) in their rejection of the restrictive aspects of humanity. Perhaps one could escape the shackles of this restrictive humanism by incorporating the sensibility of disability as it manifests itself in the lived experience of disability. Kroker and Kroker (1997: 24) have argued that the postmodern body is not as unsettling for women because their bodies have often been reduced to visual texts. In the same manner I argue that the notion of simulacra or ‘difference in itself’ has been an unrecognized part of disabled people’s existence. Deleuze (1994: 262) argues that difference has been thought of solely in terms of representation: identity in the concept; opposition in the predicate; analogy in judgement; and resemblance in perception.

Identity of the concept derives from the formation of the thinking subject
which desires through memory, recognition and self-consciousness not only to make common sense of the world but to tame it. From the perspective of disabled people ‘identity in concept’ has meant the negation of a disabled presence. The desire to tame the world points to an extreme independent liberalism that negates the lived experience of many disabled people who are interdependent on others. This exclusion of disabled people can be traced to the fact that dependency has been, and continues to be, devalued and attributed to persons perceived as inadequate (Siegal, 1988: 113–14).

Cheryl Wade (1994) argues this emphasis on independence created a new image for disabled people – the able-disabled. Wade (1994: 35) writes, ‘What was missing in the political identity, able-disabled crip identity was a true esteeming of the Cripple body.’ Agreeing with Wade, De Felice notes:

The disabled movement has purchased political visibility at the price of physical invisibility. The cripple and the lame had bodies, but the handicapped, or so the social workers say, are just a little late at the starting gate. I don’t like that; it’s banal. When we speak in metaphorical terms we deny physical reality. The further we get from our bodies the further we get from the body politic. (De Felice, 1986: 13)

The rhetoric of equality of rights is a cornerstone of identity politics movements with its liberal individualistic embodiment. By arguing that disabled people must demand equality of rights for themselves, supporters of ‘equality of rights’ deny the ‘lived experience’ of disabled people. For example, Bickenbach (1993: 163) argues that disabled people may have the ‘equal right’ to enter government offices, but if these offices are not accessible then many of us cannot exercise our ‘equal rights’. The obtaining of equal rights that maintains the systemic discrimination against disabled people does not resolve problems for us. It only exacerbates them.

In respect of ‘identity in concept’ Deleuze (1994: 266) writes, ‘To restore difference in thought is to untie this first knot which consists of representing difference through the identity of the concept and the thinking subject.’ Applying Deleuze’s insights to disability I believe that by untying this knot that garrottes our lived experience and imposes an identity on us, we can begin to rid ourselves of the twin concepts of ableism and extreme liberal individualism that often lead others to see us as an abomination.

Rather than an ‘equality of rights’ based on identity politics, I call for an ‘equality of condition’ that validates both a disabled embodiment and sensibility. Our physical, mental and emotional manifestations of disability as well as the social, political, moral and physical environment will continue to have an impact upon us. But shifting the notion of an identity which is devalued to a lived experience that is validated causes a change in approach.

No longer would we be ‘done to’, and ‘done for’, or even ‘done with’ as so often
within non-disabled and extreme liberal individualism parameters and with the restrictions of an ableist sensibility. The shedding of the illusion of identity allows for our ‘lived experience’ to come to the forefront. Thus our ‘lived experience’ would be an integral part of the atmosphere and tone for any change within our lives and our interaction with others, whether they be disabled or non-disabled.

The second concept is the subordination of difference to resemblance. Deleuze (1994: 266) believes that ‘difference’ necessarily tends to be cancelled in the quality of the concept which covers it, while at the same time inequality tends to be equalized within the extension in which it is distributed. Thus ‘difference’ that reveals itself in the embodiment and sensibility of disabled people is cancelled (as the prefix ‘dis’ designates) in favour of an able-bodied corporeality and ‘common’ sense.

When we overcome our disabilities, as in the case of ‘disabled heroes’ (Wendell, 1989: 116), we necessarily feedback into this loop by not validating our previous sensibility and by accepting the great equalizer – normality, the benchmark for humanity. I believe that the term ‘person with a disability’ demonstrates and is underscored by a ‘normative’ resemblance that we can attain if we achieve the status of being deemed ‘people first’ (with the term’s emphasis on independence and extreme liberal individualism) in the eyes of an ableist-centred society.

But our negation or inequality is equalized and extended because other disabled people fail to meet normative expectations and are deemed ‘damaged goods’ (Bauman, 1988). For those disabled people who fail to achieve this status there is a legitimization of their position because of the fairness of distribution. One has failed because one does not meet the legitimized basic standards required for acceptance into the ‘people first’ circle. The decision is not based on a discrimination against this particular person but a matter of ‘objective fact’.

The ‘naturalness’ of the notion of the able-bodied liberal individual coupled with the negation of a disabled sensibility makes many disabled people queue for the chance to be anointed as ‘people first’, while simultaneously disavowing their previous embodied positions as ‘gimps’ and ‘cripples’. Ironically, disabled people who achieve ‘people first’ status are not achieving full normative status but are only legitimizing an able-bodied resemblance through their desire for normality. Moreover, they reinforce an extension of the legitimacy of this resemblance by validating a continuum of disabled persons ranging from the successful ‘people first’ to the pitiful ‘gimps’ and ‘cripples’ who are deemed worthless failures.

To facilitate a notion of ‘difference’ that validates a disabled embodiment as well as a disabled sensibility I prefer the term ‘disabled persons’ because it implies that their disabilities not only inform their lives but may also be a positive factor in many aspects of their lives. Employing the term ‘disabled people’ allows for the ‘leib’ experience of all ‘gimps’ and ‘cripples’ to come to the forefront. If we accept
the notion of ‘difference in itself’ then we do not have to accept the normative benchmark and its reliance on resemblance which sets the parameters of what constitutes a favourable difference. Disabled people may or may not choose to reject the notion of resembling a liberal individualistic able-bodied template. Hopefully, they will find desire in their own embodiment and sensibility ‘in and of itself’, as well as when it interacts with others.

According to Deleuze (1994: 266) difference has been represented as opposition and limitation, which has led to hierarchical levels that have been counterproductive for people. For example, in his discussion about opposition and revolution Deleuze (1994: 268) writes, ‘Contradiction is not the weapon of the proletariat but, rather, the manner in which the bourgeoisie defends and preserves itself, the shadow behind which it maintains its claim to decide what the problems are.’

Similarly, by framing the argument within a non-disabled/disabled restriction the able-bodied have been able to preserve and defend their superior position because their normalized embodiment and sensibility sets not only the parameters of ‘what the problem is’, but also the limits of the discussion and the type of communication required to take part in the dialogue. Thus, an able-bodied sensibility often excludes a disabled embodiment (such as a spastic embodiment), which is interpreted by others as conveying that this individual lacks the intelligence to partake in a discussion in any ‘meaningful’ or ‘appropriate’ manner.

Disabled people may want to problematize the ableist assumptions that underscore their interaction or meetings with able-bodied people. But we are unable to articulate or communicate our position because often we have to attend to our disability rather than voice our opinion. At other times we are too tired.

Given our subordinate position in our interaction with the non-disabled we might fear the negative consequences of ‘speaking our mind’. Or a disabled person may not want to speak because the lines of communication may not be open to them. For example, the linear rationality of the able-bodied subject has difficulty in understanding a somewhat chaotic communication that is informed by the ‘disruptive’ embodiment of a disabled person. In any case, others interpret disabled people’s silence as tacit agreement.

Instead of hierarchy of levels, Deleuze (1994: 267) calls for a ‘diagonal’ approach that recognizes difference without negation. A diagonal approach would allow a disabled embodiment and sensibility to be perceived as one way of being without its automatic negation, or without inversely giving it prominence over non-disabled continuance. For example, disabled people have a sense of time which is informed by our embodiment. If we were to look at difference as ‘diagonal’ rather than ‘hierarchical’ then disabled people’s embodied sense of temporality and thinking would be neither valued or devalued but only exist.
I illustrate a diagonal approach by explaining how my lived experience of cerebral palsy informs my thinking. In my brain linear thought-process pathways have been damaged which requires an alternative route for my thoughts. An unintended consequence of this meandering through various avenues is the possibility of exposing the obscure. My spasms part of my embodiment informs this meandering method.

On a personal level I read an able-bodied sensibility diagonally through my experience of cerebral palsy. Generally, a diagonal approach would allow for able-bodied and disabled narratives to be read across and against each other. Reading both embodied narratives in this way allows for origins or ‘originary experience’ not in the sense of either an essential disability or ability, ‘but as a continuous generative source’ as Ann Game (1991: 47–8) suggests. Thus as Deleuze (1994) and Game (1991) argue, moments of difference that inform each other may bring about other origins.

Fourth, according to Deleuze (1994), difference has been relegated to the separation of ‘this’ from ‘that’ according to the need to categorize. There is a distribution of difference that is entirely dependent on representation. For example, most disabled people would be primarily classified as disabled persons, which separates them from others with the exception of other disabled people. Although they would also be cross-referenced under the terms sex, race, age, education, employment and familial position the category of disability overshadows all other categories that are indexed.

Yet sometimes disabled people do not fit neatly into these categories. For example, initially I was judged to be abnormal in comparison to the able-bodied population (Foucault, 1980). In some ways I could accept this designation because I was classified (albeit negatively) as having cerebral palsy which gave me a sense of ‘identity’ (albeit devalued) and ‘place’ (albeit marginal).

However, an incident in my life began my questioning the classification of people. While undergoing a physical examination the head orthopaedic surgeon told the observing medical students that I failed to reach the recovery levels expected of cerebral palsy patients. I was shattered because not only was I not ‘normal’ but now I was also judged to be a ‘freak’ among people who experience cerebral palsy.

In terms of cerebral palsy or able-bodied embodiment there was no prior template from which I came. It could be argued that I was born into a family that through genetics and socialization left me with some sort of ‘blueprint’ to follow. But, as I have argued, the representation of disability often negated my lived experience that includes my genetic background as well as my familial influence. Moreover, it is not a given that a family will provide a supportive environment for
disabled people as the Latimer case illustrates. The difference between my upbringing and that of Tracy Latimer stems from my family’s willingness to validate my lived experience.

The classification of disability and, more specifically, cerebral palsy derived from the ‘desire’ of society to impose a category upon me. After I overcame the uncertainty and the fear of being ‘different for itself’ (to use Deleuze’s term) with no category with which to anchor my existence or no place to belong, I felt a sense of freedom because I was released from the restrictions of the ability/disability categories. It was only then that I was able to validate my experience of cerebral palsy (I realize that the term ‘cerebral palsy’ is a restrictive category itself, but presently I do not have a language that adequately describes my experience).

But no matter how detrimental the devaluation of a disabled sensibility, the temptation to be safe and fall back on the familiar ability/disability continuum and its understandings is seductive. Thus for me there is an on-going struggle to escape these understandings that to some extent are embedded in my lived experience. I feel the risk in applying ‘difference in itself’ will be beneficial to myself and others in my interaction with them. Hopefully, both myself and others will be able to shed our preconceived notions about ableism.

Perhaps Nietzsche was right. Speaking of the notion of ‘Eternal Recurrence’, Philip Kain (1996: 138–9) argues that the ‘new heaven’ is not an escape from the suffering of this world. You must see and interpret the world in a different way. Based on his own experience, Nietzsche believes that we need to embrace illness and have it no other way. Through illness Nietzsche hopes to create new meaning.

While I do not necessarily associate disability with illness I realize that both physical manifestations are considered to be negations of able-bodiedness. Therefore, I feel that Kain’s (1996) interpretation of Nietzsche has pertinence for validating a disabled sensibility. No longer will we be considered the negation of a ‘quality’ life. No longer will we be considered heroic representations to be put on a pedestal. Nor will we be vilified or pitied as representations of what can go wrong with humanity’s fragile existence. Our experience of disability must be embraced in order for there to be the creation of a new meaning of life.

Notes

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1. In this article I follow the lead of Michael Oliver (1990) who prefers the term disabled persons. For Oliver: ‘It is sometimes argued, often by able-bodied professionals and some disabled people, that “people with disabilities” is the preferred term, for it asserts the value of the person first and the
disability then becomes merely an appendage. This liberal and humanist view flies in the face of reality as it is experienced by disabled people themselves who argue that far from being an appendage, disability is an essential part of the self. In this view it is nonsensical to talk about the person and the disability separately and consequently disabled people are demanding acceptance as they are, as disabled people' (1990: xiii). Moreover I argue that a person’s disabled embodiment not only informs an individual’s life but also can be a positive factor in one’s life.

2. Although I am using Leder’s (1990) notion of Leib bodily experience to help refigure the notion of disability, Leder himself employs a korper interpretation when he considers a disabled embodiment. He reduces disability to a dysfunctional state.

3. While I advised all the actors, most of my time was spent with the lead actor.

4. In October 1993, Robert Latimer admitted to murdering his daughter, Tracy, who experienced cerebral palsy (Jenish, 1994: 16). In his first trial Mr Latimer was convicted of second-degree murder, which carries a mandatory sentence of 10 years without parole. On appeal his conviction was overturned because the prosecution had screened the jurors for their views on ‘mercy killing’.

In his second trial, Latimer was convicted of second-degree murder on 5 November 1997 for killing 12-year-old Tracy by carbon monoxide gas in 1993. Latimer then applied for a constitutional exemption from the minimum sentence of life imprisonment with no chance of parole for 10 years. Justice Noble granted the exemption and ruled that Latimer killed Tracy out of mercy and the minimum sentence would be cruel and unusual punishment. Noble then sentenced Latimer to two years less a day, with half to be served in a provincial jail and half on his farm (O’Hanlon, 1997: A1, A14). A higher court in the province of Saskatchewan ‘struck down’ Judge Noble’s provision for a constitutional exemption and restored minimum sentence of life imprisonment. Nevertheless, most Canadians believe Latimer deserves leniency.

References


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