

**“Disability, Global Popular Media, and Injustice
in the Notorious Trial of Oscar Pistorius”**

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Abstract:

The South African sporting celebrity Oscar Pistorius has long been a subject of fascination for what his rise to fame tells us about disability and society. His trial for the murder of his girlfriend Reeva Steenkamp in 2012-2014 saw the global sporting icon’s reputation shattered, and a furious, wide-ranging debate rage about his guilt or innocence. Central to how this international debate unfolded were the meanings of disability. This chapter discusses the role of disability and global popular media in the case of Pistorius, exploring the representations of disability, and the way that social media and participatory cultures played a key role in their interpretation — and how publics viewed him.

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“I’m not disabled.”

— Oscar Pistorius (cited in Booher, 2011)

“...[T]he effect of disability, vulnerability and anxiety
could be triggered at any time.”

— Barry Roux, defence advocate for Oscar Pistorius (cited in Barbash, 2014)

“He [Pistorius] rarely saw himself as disabled and, against odds, excelled as a top
athlete, became respected worldwide and even went to compete against able bodied
persons. For some reason, that picture remains obscured in the background.”

— Judge Thokozile Masipa, sentencing hearing
(*S v Pistorius*, 2014, 21 October, p. 13)

Introduction

On 12 September 2014, in the South African high court in Pretoria, the sportsman and international celebrity Oscar Pistorius was found not guilty of the murder of his girlfriend, the actress and model Reeva Steenkamp (*S v Pistorius* 2014, 12 Sept). Instead, Judge Thokozile Masipa found Pistorius guilty of culpable homicide, for which he was sentenced to the maximum of five years jail (*S v Pistorius* 2014, 21 Oct). On separate firearm charges, Judge Masipa pronounced Pistorius guilty of one count of unlawfully discharging a Glock 27 pistol, in an unrelated previous incident at a restaurant (*S v Pistorius* 2014, 12 Sept) — for which he received a suspended

sentence of 3 years' imprisonment (*S v Pistorius* 2014, 21 Oct). The judgement and sentencing brought to a close the sensational, controversial, and highly publicized trial of Pistorius, a *cause célèbre* not just in South Africa, where Pistorius was a national hero, but around the world.

Central to the legal arguments and proceedings of Pistorius' case was his disability, and its implications for his innocence or guilt, as well as the circumstances, events, and significance of his life. How disability mattered, and what it meant, was neither just a matter for the South African tribunals, nor simply the pivot of its legal arguments and analysis. Disability was central to the deep cultural and social underpinnings of how the death of Reeva Steenkamp and the inextricably woven actions of Pistorius were understood by their fellow South Africans, and indeed audiences around the world.

Accordingly, in this chapter, we argue that, to understand the Pistorius affair (as it became, revolving around him rather than Steenkamp), one needs to understand the dynamics of disability — and in particular, media and disability. It is no coincidence that the Pistorius trial was a major, popular media event. In turn, how media represented Pistorius, the discourses surrounding this, how audiences responded, and what implications this had in material terms are interrelated and consequential matters for inquiry and debate. In short, the Pistorius affair offers an important case study of the cultural meanings of disability, and the way disability is implicated in narratives, and governing of, race, gender, sexuality, and normalcy (Barnartt & Altman, 2013; Garland-Thomson 2006; McRuer, 2006; Rodan, Ellis, & Lebeck, 2014).

As such it is a fitting example of how disability is deeply implicated in the popular. Shaping, engaging with, and communicating via the popular, is central to how “disabled” and “non-disabled” people understand, go about, and advance their lives — and how power is exercised. As we shall discuss, there is now growing recognition, and emerging evidence, of the role that government of disability and impairment plays in contemporary power — because these notions go to the heart of how bodies, identities, resources, and indeed life itself.

This kind of perspective provided by critical disability and media studies is vital to make sense of the obvious, stark issue posed by the Pistorius affair — and indeed in the stay-of-play of disability generally. Via fame and infamy, Oscar Pistorius became the best-known South African with a disability. Yet there is a yawning gap between what he came to represent (and the multiple meanings that he might convey) and the universe of experiences, realities, myths, fantasies, and signs of disability in South Africa as an imagined national community.

Official statistics remind us that the majority of people with disability in South Africa are non-white, female, and poor. The most recent survey data shows that in 2011, disability prevalence was 7.5%. (SSA, 2014). Disability was more prevalent among females (8.3%) than males (6.5%) (SSA, 2014). Black Africans had the highest proportion of disabilities (7.8%), followed by the white population group (6.5%), with no observable variables among the coloured and Indian/Asian population groups (although disability types vary across populations) (SSA, 2014). (We here note the problematic nature of such racial population group categories, but these remain the official statistical concepts; in addition to which, there are numerous issues to be raised concerning the conceptualization of disability in the South African statistics). Generally, people without disabilities earn a higher income than those with

disabilities; and among people with disabilities, ‘males earn double what females earn, regardless of degree of difficulty’ [imputed to impairment type] (SSA, 2014, xiii).

Accounts of South Africa’s recent history testify to the links between impairment and colonialization, the *longue durée* of disability in this part of Africa (see, for instance, Jones, 2012). The decolonialization period, which continues, was marked by the terrible decades of apartheid, its unique oppression, and systems of violence, exclusion, and exploitation that produced new forms and social relations of disability (Seedat et al., 2009). The health crisis of HIV/AIDS and the politics of its response in South Africa are another obvious area of disability experience. The liberation struggles, the dismantling of apartheid, and the dawning and great hopes of the *Rainbow Nation* with Nelson Mandela as President, are also a time of the rise of the disability movement and the recognition of disability as an integral element of social justice and democracy (Watermeyer et al., 2006). A great symbol of this achievement and aspiration comes with the landmark new South African Constitution, in which disability is explicitly recognized in the definition of equality:

9. Equality. — ... (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. (RSA, 1996)

These democratic, affirmative, even at times redemptive aspects of disability in South Africa are not so well known internationally. They do receive media attention and coverage, but have been discussed and brought to attention as the Pistorius affair

unfolded (e.g. Raphaely, 2014a & 2014b). However, they have not often drawn the same attention or elicited the kind of emotional investment and affective response, we see accompanying the cultural and media embrace of the rise and fall of Pistorius.

This striking imbalance — related to what David Mitchell and Sharon Snyder famously explored as the complex, contradictory, and dynamic “discontents” of representation (Mitchell & Snyder, 2001) — has everything to do with disability and justice, and the heightened role media play in these struggles. In the Pistorius affair, as analysis and debate over its meanings and social functions deepens, we also wager that the “very discontent produced by representation provides a fulcrum for identifying the culture that *should be* rather than that which is” (Mitchell & Snyder, 2001, p. 215). In what follows, we explore how disability is represented in the Pistorius affair via readings of three parts of what is a large, complicated corpus of media texts, events, and reception. Schematically, these three parts relate to the discourses of disability that circulated in: the wake of Steenkamp’s killing, Pistorius’ arrest, and public responses; the use of disability as a defense in the trial; the representation of disability in the judgement and sentencing phase.

Disabled Global Sporting Icon

Like other such categories of identity, categorization, and subjectivity, disability is increasingly recognized as an indispensable category of analysis in media and cultural studies. In his representation, reception, and circulation internationally, disability is key to how Pistorius functions as global signifier across various genres, formats, and platforms of news and entertainment. There is a body of research on global popular cultures, as it has been evolving via media and globalization since the 1990s (Miller,

2015; Schulte, 2013). What is striking about the global popular as it evolves as a transnational symbolic realm through the 2010s is the place that disability plays in this. The various figures, texts, images, narratives, affects and emotions of Oscar Pistorius can easily be read in terms of such global popular cultures. In his rise and fall, Pistorius has attracted avid interest globally, as a exemplary celebrity with disability — in line with celebrity theory. Yet there is something more in play, and at stake here.

What little research and critical discussion on media and disability we have so far — which is now finally developing apace — is centred in societies of the global north (to hazard a very broad, though still useful generalization). For a long time, it has been recognized that much of the incidence of disability and impairment is in the majority world (as the global south is often termed), yet little disability research exists that discusses this. Now there is work emerging on disability and the global south that begins to fill this gap, and in doing so change the fundamental terms, concepts, and theories by which we have hitherto understood disability — globally, and especially in the global north (Connell, 2007; Grech & Soldatic, 2015; Soldatic & Grech, 2014; Soldatic & Meekosha, 2014). From another angle, research has emerged highlighted the challenges for disability studies from taking colonialism and postcolonialism seriously (Barker & Murray, 2010; Campbell, 2009; Chapman, 2012; Sherry, 2007). This research helps us to locate a key issue in approaching popular media and disability. We know little about how Pistorius appears, is represented across different media, and is emotionally responded to, in various places, especially in the global south, and in relation to the contest over the legacies of colonialism (Wheeler, 2014). This is an important enquiry for media and disability studies, and goes directly the question of the popular also.

We can see this when it comes to the avid pursuit of sport, something highly popular around the world — spawning various global icons. The topic of sport also traverses many of these areas of concern to contemporary society culture (Brabazon, 2006), and further, provides insight to the ways different identities and master narratives are created around the person with disability. The conjunction of media and sport is massive, and extended sport into new areas of everyday life (Hutchins & Rowe, 2012; Rowe & Hutchins, 2013). In recent years, media sport as a networked global phenomenon has incorporated disability sports, sportsmen and women, and disabled audiences. Yet we know little about how this has played out in the global north, let alone the majority world (Abbas & Erni; Goggin & McLelland, 2009; Shome, 2013) — although, interestingly, the new powerhouses, sources of capital and power in global sport are emerging from various regions, especially newly prosperous countries such as the BRICS, as Brazil, Russia, India, China, and South Africa have been assembled (Nordenstreng and Thussu, 2015). Mindful of this, while we here will focus on disability and media in the Pistorius case as it has been represented in international media outlets outside South Africa (based from our standpoints living and working in Australia), we will endeavour also to draw upon and draw attention to aspects of the various South African accounts, as best we can (e.g. Stadler, 2006).

The areas of sociology of sport and disability, as well as critical study of sport, media, and disability, are fledging but also provide useful conceptual resources for approaching the Pistorius case. Sport media must incorporate “additional information, aesthetic or emotional in nature, which allows a particular sport to offer its audience more than mere athletic action” in order to attract this audience (Bertling & Schierl, 2008, p. 41). The use of disability for emotive appeal has long been criticised in disability media studies (Barnes, 1992; Clogston, 1994; Haller, 2000; Riley, 2005). In

her account of superheroes and other stereotypes of disability in South Africa, Kathleen McDougall observes that “[n]arratives about disability are often predictable, and disability is often portrayed in a homogenous way” (McDougall, 2006, p. 398). The image of the “super cripple” in particular has been identified by various disability theorists for dominating representations of the disabled athlete (Peers, 2009; Silva & Howe, 2012) and further for offering a problematic image of disability that cannot be so readily achieved in the general population (Ellis, 2014; Haller & Ralph, 2006; Quinlan & Bates, 2008). The valorized image of the disabled sporting superstar is especially apt and rich for signifying the “supercripple” as ex-Paralympian and scholar, Danielle Peers, explains from her own experience:

I read the newspaper articles and press releases that others have written about me. I read my own grant applications, speeches and business cards. I read myself defined, in each of these, by one word: not cripp, queer, athlete, activist, student, woman or lesbian, but Paralympian. I read my entire life story transformed into that of The Paralympian. (Peers, 2009, p. 654)

As Peers evocatively explains:

I see my origins declared, not at the moment of my birth, but at some tragic moment of my physical disablement. I read my new coherent life narrative: my salvation from the depths of my disability by the progressive, benevolent empowerment of sport ... I am the heroic Paralympian: pedestal, medal and all. (Peers, 2009, p. 654)

Peers argues that this discourse offers inclusion at a hefty social cost; fame through anonymity, and empowerment through passivity (Peers, 2009, p. 654). As Paralympians are filtered through the optic of the “supercrip”, culturally enforced passivity and marginal status of people with disability is perpetuated. An important

point in the construction of Pistorius as “supercrip” occurred when he sought to compete against able bodied athletes at the 2008 Olympic Games. Although he did not qualify to compete he became a popular inspirational Internet meme, as in the image below:

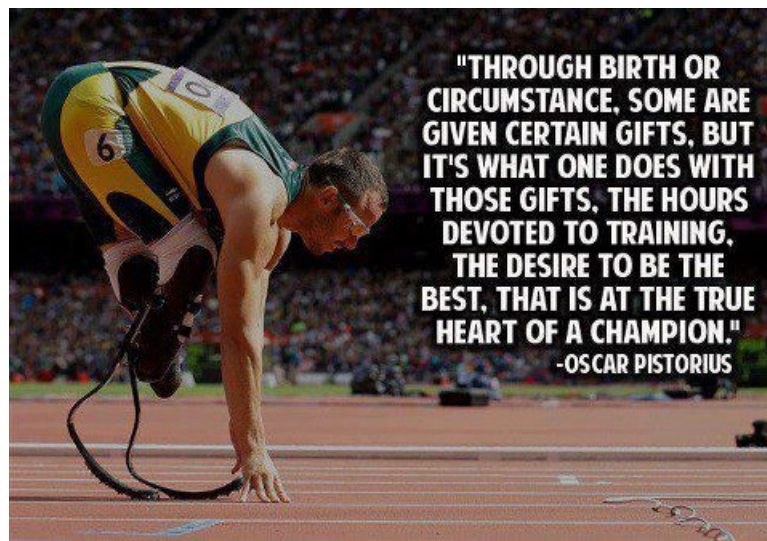


Figure 1:

In their astute account of the “cyborg anxiety” Pistorius’ technology-enablement provoked, South African scholars Lesle Swartz and Brian Watermeyer argue that the idealizing discourse of “supercrip” is:

about some hope of a fantasy redemption from the “horror” of occupying the bottom-most rung of a social power and desirability hierarchy; it is about a sop to those who may be less fortunate but yet are inspiring. It is definitely not part of this script for one such ‘inspiring’ character to enter the fray on (at least legally) equal terms and prove himself to be stronger, fitter, better than his well-shaped competitors. (Swartz & Watermeyer, 2008, p. 190)

Presaging what was to come, they conclude that “the result is a confused flurry of gatekeeping, not only in top flight athletics but in defence against the cascading implications for body culture and othering which emanate from this peculiar situation” (Swartz & Watermeyer, 2008, p. 190). The twists and turns in the cultural script of “supercrip” as adapted for Pistorius is explained by the late Australian broadcaster, writer, comedian, and media commentator, Stella Young, responding to the sentencing of Pistorius in late 2014. Young contended that, in effect, Pistorius was a “cultural production” a neat disability narrative that got messy:

This was a man who had seemingly transcended disability. He competed in both the Paralympic and Olympic games, effectively desegregating the Olympics. He sparked debate about whether the carbon fibre prosthetics he used were, in fact, better than human legs ... (Young, 2014).

As Young suggests:

[Pistorius] reframed the way we thought about the disabled body. He was the ultimate supercrip. And we all love a good “overcoming” narrative, don't we? We like our disability stories nice and tidy. We're either heroes or victims, and we struggled when Pistorius suddenly proved to be neither. (Young, 2014)

With the lines of this potent yet unfortunately still not widely appreciated critique of disability, sport, and media sketched, we can return to the consideration of how their dynamics play out globally, as they do in the case of Pistorius. That is, what are the relationships between local or national popular cultures, in their historical and cultural specificity, and global popular cultures? What are the meanings and social functions of disability in these various dynamics of popular cultures? How much of Pistorius' anchoring in the political economy, and cultural dynamics of South African

society and disability has seeped into the international realm? Further, in considering the prospects globally, what are the relationships and prospects of potential global popular cultures contest? With Pistorius, there is clearly a nice fit between the hyper-masculine, Paralympian, “supercrip”, and dominant values of sporting heroes internationally. Yet what are the emergent, subaltern, discourses also circulating in global popular cultures, such as the alternative readings of Pistorus produced by disability activists and scholars, from the time of his ascension as Paralympian, or feminists, following his killing of Steenkamp?

One handy way of condensing and illuminating these questions, which operate at the horizon of media and disability studies, is to consider Bishnupriya Ghosh’s concept of the “global icon” (Ghosh, 2011). Ghosh argues that figures like Phoolan Devi (the “bandit queen”), Arundhati Roy (the novelist and activist), and Mother Teresa (“the face of Christian charity”) are paradigmatic examples of “contemporary global icons”, namely:

... highly visible public figures whose symbolically dense images and lives circulate at high speed in transnational (televisual, cinematic, print, oral, and digital) networks ... [C]ultural phenomena we see every day but mostly dismiss as so many commodities fleetingly present in our lives. Until war breaks out over images (Ghosh, 2011)

As Ghosh suggests: “As key signifiers of collective aspiration, icons that erupt into social phenomena provide further evidence of embattled response to global modernity amid intensifying global interconnections” (Ghosh, 2011, pp. 5-6). When his star was shining brightly in the firmament, Pistorius very much operates as this kind global icon — all the more, well suited to the age given the symbiosis of global media and

sport. Yet it is unclear for many audiences the kind of social relations of disability that the iconic Pistorius serves: namely, a social imaginary of disability, which is “disabling”, rather than “enabling” — to use the common shorthand.

The politics of disability in the case of Pistorius come to light in the inevitable phase when celebrity courts ruinous scandal. When “iconocrises” occurs, we have an important opportunity to read such icons as “social hieroglyphics”, illuminating the “social relations they constitute or destroy” (Ghosh, 2011, p. 12; see also pp. 104ff.). As we shall see, this is certainly the case with Pistorius, where idolatry is followed by iconoclasm — as his image is reviled and disavowed. Pistorius’ rise and fall as covered in the mainstream media and on user generated content provides a fascinating case study of the evolving, new norms of disability and media — in which journalists and the public make varying degrees of effort to recognise and deal with stereotypes of disability. Yet, all too powerfully still, we find a fascination with disability and the still powerful discourses in which disability is either an object of fear, revulsion, and disempowerment, or, something exceptional, inspirational, and heroic.

Like many stars, Oscar Pistorius rise to fame had long been shadowed by notoriety (Pistorius, 2009). However, infamy was mostly to do with the peculiar rules laid down for how athletes with disability should play fair. Such rules were tricky to apply to Pistorius, as he pioneered the use of new technology in track and field. Pistorius attracted attention especially because of the controversy generated by his use of carbon-fibre prosthetics, which earned him the moniker “Blade Runner”. Technology has become increasingly important to disability. Technology is also a vexed issue in contemporary sport, where arguments are often to be had about the “unfair” advantage it is believed to give particular athletes. Pistorius has had his fair

share of detractors, both those who identify as non-disabled as well as disabled, who have criticised the extra edge his prosthetic limbs provide him.

Pistorius' bid to compete in the 2008 Beijing Games was dashed because of a ruling by the world track and field body, the International Association of Athletics Federations, that Pistorius' blades gave him an unfair unadvantage (Casert, 2008). The ban was overturned by the Court of Arbitration for Sport (Robinson & Schwarz, 2008), but Pistorius was unable to make the qualifying time needed — his best time of 46.25 seconds, being outside the Olympic requirement of 45.55 seconds, as well as behind four other South African aspirants (Bandini, 2008). The crowning pinnacle of Pistorius' sporting career thus far has been his pioneering dual-Olympics performance in the 2012 London games. Pistorius had been selected to compete in the 2012 London Paralympics, as a member of the South African team. He also sought to qualify for the 2012 London Olympics. Ultimately, he failed to record an adequate time for the individual 400 metres event. Despite this, because Pistorius qualified for the 400-metre relay team, the South African Sports Federation and Olympic Committee (Sascoc) also picked him for the individual 400-metre event (BBC Sport, 2012). Perhaps not surprisingly, Pistorius' historic runs in the London Olympics and Paralympics did not exactly mark a watershed in the *cordon sanitaire* between the two events — rather they were certainly accompanied by considerable controversy (Burkett, McNamee, & Potthast, 2011; Smith, 2014). The most dramatic, controversial and troubling events for Pistorius, however, lay off the sporting field.

Breaking the Icon

In the early hours of Valentine's Day 2013, Pistorius shot and killed Reeva

Steenkamp. The twenty-six year old was slain in the bathroom of Pistorius house, located in the Silver Lakes gated community, outside of Johannesburg. After investigating the scene, the police took Pistorius into custody. By the next day, news of Steenkamp's death and the revelation that Pistorius had been charged with murder, spread widely around the world. In its aftermath, journalists sought to make sense of the latest development in Pistorius' celebrated yet controversial life.

Typically early accounts followed the well-established pattern of Pistorius as hero, overcoming his disability. This can be seen in *Guardian* journalist Owen Gibson's article entitled "Oscar Pistorius: athlete who overcame disability to become a global star":

Not only has he transcended the world of the Paralympics, even while helping the movement grow to unprecedented heights, Pistorius is one of a rare handful of athletes to transcend the world of sport. From the moment it was confirmed that he would become the first double amputee to compete in both the Olympic and Paralympic Games, his place in history was assured.

(Gibson, 2013)

Chronicling his early years and entry into competitive sport, Gibson told how:

Born without fibulae, Pistorius had both legs amputated below the knee when he was 11 months old. Encouraged by his mother, a key influence in his life who died when he was 15, Pistorius was urged to make the most of his ability rather than focus on his disability, competing alongside non-disabled athletes in a range of sports from an early age ... (Gibson, 2013)

As well as his successes, crowned by his great victories in the 2012 London Paralympics and Olympics, Gibson provides a typical presentation of Pistorius as an important figure in society's embrace of disability:

In his native South Africa, he is considered one of the country's biggest sporting heroes and his ability to bridge the worlds of disabled and non-disabled sport, as well as his eloquence in fostering a shift in attitude among those confronted with his talent, have seen him twice named in *Time* magazine's list of the 100 most influential people in the world. (Gibson, 2013)

As his fame grew, not only had Pistorius been at the heart of debates around technology in sport, and where it, and how exactly, it is permitted to fit into the creation and regulation of disability and sport; Pistorius had also been at the epicentre of deeply unsettling shifts and concerns about where disability as a category, and people with disabilities, fit into society (Cole, 2009; Edwards, 2008; Jespersen, & McNamee, 2011; Moss & Moola, 2011). In this light, not only did Steenkamp's death represent a "further tragic, dramatic turn" (Gibson, 2013) in the relatively short life of Pistorius thus far; it unleashed in the media a wide range of conflicting, disturbing ideas and emotions about disability.

A relatively rare early critique was provided by South African commentator Eddie Ndopu, who posed the question: "how has the construction of Oscar Pistorius as the personification of inspiration porn garnered public sympathy in reference to the first degree murder charges levelled against him?" (Ndopu, 2013). Ndopu argues that the super-crip myth ironically assists Pistorius, suggesting that "Oscar may have shot and killed his girlfriend seems almost too ludicrous of a probability for many people to fathom because for Oscar to have 'overcome' the so-called tragedy of disability

means that, surely, he must be in possession of a positive disposition that (literally) enabled him to do so in the first place” (Ndopu, 2013, p. 80). Ndopu contends that we can clearly see ableism at work in the reactions to Pistorius’s arrest, revolving around the fact that “many people don’t conceive of Oscar as an active agent in his own life” — that, in effect, “off the track, compulsory able bodiedness outperforms him” (Ndopu, 2013). For Ndopu, much of the response to the charges levied against Pistorius is shaped by a desire to “deflect attention away from Oscar as a cripple with agency and direct blame to external factors”, what she sees as “psychosocial strategies” to “salvage Oscar’s constructed image” (Ndopu, 2013). According to Ndopu, “what cannot be salvaged is the death of Reeva Steenkamp” (Ndopu, 2013). As such, she sees the “real tragedy” as the “erasure of her life in the public discourse framing her murder”, contending that there is “not much wiggle-room in the media to honor her memory without centralizing Oscar” (Ndopu, 2013).

Ndopu’s analysis is very helpful in exploring the other dominant way that Pistorius’ role was imagined — as “just another South African story”. That is, the case of Pistorius shooting Steenkamp was very likely a grievous mistake that could easily occur because of the violent nature of South African society – and the widespread possession of firearms and other weapons by people for the purpose of self-defence. This was the view taken by many South African journalists. It was also the cultural “script” widely relied upon internationally, infamously in a widely read, controversial article published in *Time Magazine*, which discussed “the killer's defense: that Steenkamp was the tragic victim of a racially splintered society in which fear and distrust are so pervasive that citizens shoot first and ask questions later” (Perry, 2013). *Time* journalist Alex Perry also opened the article by posing the questions raised by “the murder scene itself”:

a locked bathroom within a fortified mansion in an elite enclave surrounded by barbed wire, in a country where more than half the population earns less than \$65 a month and killings are now so common that they reach the highest echelons of society and celebrity. Why is gun violence so prevalent in South Africa? Why is violence against women so common? (Perry, 2013)

Lamenting the South African “culture of violence”, borne out in so many tales of violence elicited by the Steenkamp and Pistorius episode, Perry discerned a “moral to these South African stories”:

A nation whose racial reconciliation is even today hailed as an example to the world is, in reality, ever more dangerously splintered by crime. And inside this national disintegration, however small and well-defended South Africans make their laagers, it’s never enough. Father rapes daughter. Mother poisons sons. Icon shoots cover girl. (Perry, 2013)

That Pistorius too was embroiled in these dark vicissitudes meant that extinguishment of a grand source of hope. As Perry declaimed in purple prose:

In South Africa, Pistorius’ achievements resonated deepest of all. In a nation obsessed by disadvantage, he was the ultimate meritocrat, a runner with no legs who ignored the accidents of his birth to compete against the best. Many South Africans no doubt would have seen his color before anything else. But for some, he existed, like Mandela, above and beyond South Africa’s divisions. He had outraced the past and symbolized a hoped-for future ... With Pistorius’ arrest for Steenkamp's murder, South Africa's dreams collided with its reality. (Perry, 2013)

The rub, for Perry, was that Pistorius could not escape his mooring in South African settler culture:

Pistorius doesn't dispute that he killed Steenkamp. Rather he contends his action was reasonable in the circumstances. The essence of Pistorius' argument is unyielding defense of his laager. (Perry, 2013)

Fusing race, disability, class, and violence, Perry's article drew a furious rebuke from many writers in South Africa and elsewhere.

One such critic, I Molefe, argues that Perry relies upon “pre-existing, gummed-together narratives about South Africa that, if you excise enough contradictory information and gloss over the finer details, can be used to explain just about any act of violence committed by rich and middle-class South Africans” (Molefe, 2013):

The narrative goes something like this: South Africa is steeped in a racially unequal and divided history and present. This makes the haves, especially the rich white ones such as Pistorius, bloody scared of the black male have-nots coming to pillage and rape their women and children, which is why the haves are armed to the teeth, have private security forces and mistrust the criminal justice system run by the country's first democratic — and black-led — government. It makes them so scared and irrational, in fact, that they might mistakenly shoot dead their loved ones through a locked toilet door for fear of the black bogeyman. (Molefe, 2013)

Molefe points out that “electric fences of Pistorius's Silver Wood townhouse estate in Pretoria” (Molefe, 2013). In addition, that in “most cases of murder, assault and rape in South Africa are committed by family members or people known to each other” (Molefe, 2013; cf. Memela, 2014a & 2014b). In this light, Molefe muses that:

It may be that Pistorius, feeling vulnerable while hobbling on his stumps and dogged by fears of crime, shot first and asked questions later ... It may even be that South Africa does have a culture of violence, but there are complexities to the situation and there is far too little credible information to make the leap from icon-shoots-cover-girl to a nation falling apart under the weight of crime and inequality. (Molefe, 2013)

In an intriguing piece, Jonny Steinberg reflects upon “South Africa’s over-involved relationship with Oscar Pistorius”:

Something odd happened to South Africa when news of Steenkamp's death broke. By nightfall, the billboards of Oscar Pistorius that dotted the country's cities had been removed. South Africa, which had loved Oscar unreservedly that morning, now hated him. And as it spat venom at Oscar, so it excoriated itself. In newspapers and on radio and television, South Africans kept confusing Oscar with the whole nation. Oscar was a symptom, it was said, of too many guns, of too much crime, of too much fear. He was a sign that men were out of control, that they were killing, beating and raping the women they ostensibly loved. Oscar was rotten and South Africa was rotten. (Steinberg, 2013)

Steinberg suggests that to an “uncanny extent, the story the country tells about him is precisely the story it likes to tell about itself” (Steinberg, 2013). He explains, using Pistorius’ transcendence of disability, as a metaphor for the journey of the South African nation, from the evil sickness of apartheid to the redemption of the post-apartheid “Rainbow” nation, symbolized by Nelson Mandela (who passed away in late 2013, before Pistorius’ trial had been completed):

Under apartheid, our souls were rotting ... Ours was a country sick with rancour. In 1994, as if by a miracle, we were reborn. Our capacity to make peace was celebrated the world over. Our president was the most-loved human being on Earth. The sun shone on us. The world marvelled at us. Legless, we had also sprinted faster than anyone. And so, when Oscar came along, we grabbed him and owned him. Oscar was South Africa and South Africa was Oscar. Our stories were the same. (Steinberg, 2013)

Steinberg draws to our attention a story of the pain Pistorius routinely faces in slipping on his prosthetic blades to compete. Continuing with the metaphor of South Africa as disabled, Steinberg reflects:

These quiet observations are far more telling than the fast cars and the guns. Oscar is no miracle ... So, too, with South Africa. We are no miracle. We, too, have had to grind our stumps raw. We, too, have had to bury our shame. And so, when we heard what Oscar had done, we felt something like *deja vu*. As if we always knew that his story was not quite right. (Steinberg, 2013)

Steinberg's point is that the myth-making associated with Pistorius is not helpful, either to understand Pistorius (though he notes ultimately we may never know what occurred that night to Reeva Steenkamp, or who Pistorius really is), or to understand the great contradictions of South Africa, and the terrible ways in which violence is directed against women, especially. Steinberg concludes that:

South Africa has not learned both to love itself and to feel ambivalent about itself ... That is why it invented Oscar the great on one day and Oscar the terrible the next. It would be good if ... South Africans could come to grasp that they are not Oscar and that Oscar isn't them. (Steinberg, 2013)

Pistorius' position in these national discourses and myths is something crucial to the social function he comes to play, as a global, but also national, sporting icon. Disability also plays into these powerful social imaginaries. Here we have only scratched the surface of how disability plays out in these contradictory representations and debates. As the trial gathers momentum, the broad national debates — and their international reception and appropriation, represented by Perry's piece, among other commentary — take a new twist, as disability becomes prominently and precisely deployed in Pistorius' trial defence.

Defences of Disability

Amidst the debate on the social meanings of Pistorius' actions and fall from grace, much international media continued to use his celebrity moniker "Blade Runner". For instance, *New York Times* reporter Lydia Polgreen provided this thumb-sketch of Oscar Pistorius, in coverage of the relaxing on his bail conditions in late March 2013:

Until the shooting, Mr. Pistorius had been cast as emblem of triumph over adversity, competing not just in last year's Paralympic Games in London but also running against able-bodied athletes at the Olympics. Mr. Pistorius was born without fibula bones and underwent double amputation below the knee as an infant. He competes using distinctive carbon-fiber running blades, which inspired the nickname Blade Runner. (Polgreen, 2013)

Throughout the case as it unfolded, it was standard for even more considered journalism to refer to Pistorius via the icon of his prostheses. In an otherwise straightforward, relatively factual piece of reporting, ironically, on the magistrate

Daniel Thulare lambasting the media for “threatening the ‘foundations of justice’ and sanctity of South Africa’s courts”, the *Guardian* journalist concludes by noting that “[th]e ‘Blade Runner’ is expected to stand trial later this year or early next year” (Smith, 2013). What is much more interesting, however, is not the rehashing of the “Blade Runner” conceit, rather the ways in which Pistorius’ prostheses figure in the juridical and media discourses of his trial.

In the initial phase of coverage of Pistorius, attention centred on the evidentiary potential of his prostheses. There was discussion of whether Pistorius would have been finding it difficult to quickly fit his prostheses in order to confront the perceived intruder. In his defence submission, Pistorius drew attention to the fact that he was without his prostheses, and that this added to his fear and belief that he had surprised an intruder, and so led him to use his gun:

“4.5 The discharging of my firearm was precipitated by a noise in the toilet which I, in my fearful state, knowing that I was on my stumps, unable to run away or properly defend myself physically, believed to be the intruder or intruders coming out of the toilet to attack Reeva and me” (explanation of Oscar Pistorius’ plea, excerpted in *S v Pistorius* 2014, 12 Sept, 3285).

Pistorius advanced his testimony concerning his lack of prostheses as evidence that, while he admitted shooting and killing Steenkamp, the deed was not premeditated. As Judge Masipa noted, this was one of the “common cause” facts (not disputed by the state), thus:

- on 14 February 2013 shortly after 3 in the morning, screams were heard from the accused’s house;
- that the accused, while on his stumps, fired four shots at the toilet door;

— that at the time the shots were fired the deceased was inside the toilet ..

(*S v Pistorius* 2014, 12 Sept, 3288)

After Pistorius had shot at the person he believed to be the intruder, he went back to the bedroom and realized that Steenkamp was not there. He returned to the bathroom, but the toilet door was locked. After returning to the bedroom, and screaming for help, he then “put on his prostheses, returned to the bathroom and tried to open the door by kicking it” (*S v Pistorius* 2014, 12 Sept, 3307). If the use of the prosthesis were not a central issue in his charges, after all, in the case, they did figure in other aspects of the proceedings. At one point, for instance, Defence advocate, Barry Rioux, had argued that it would be difficult for Pistorius to fly overseas:

Roux told the magistrate that Pistorius could not even pass through airport security without his prosthetic legs — and thus his identity — being detected.

(De Wet, 2013)

As the trial proceedings gathered momentum, Pistorius’ prostheses receded into the background of the juridico-media terrain. Instead, Pistorius’ disability figured in a different way involving a much more explicit challenge to the charge of murder, based on an enduring and contradictory cultural and philosophical debate: the relation of disability to reason.

This issue was intimated in the plea: namely, that Pistorius’ impairment, especially when marooned without his prostheses, exacerbated his vulnerability due to his disability. This led to the heightened anxiety and fear, that caused him to defend himself with a gun — a “fight” rather than “flight” response. Judge Masipa expressed her scepticism at this line of reasoning advanced by defence counsel. The Judge accepted that someone with an anxiety disorder could very likely feel anxious very

easily when faced with danger; further that it is “also understandable, that a person with a disability such as that of the accused would certainly feel vulnerable, when faced with danger” (*S v Pistorius* 2014, 12 Sept, 3317). However, she questioned why it would be reasonable if “without further ado, they armed themselves with a firearm when threatened with danger” (*S v Pistorius* 2014, 12 Sept, 3317).

Thus in her judgement, Judge Masipa proceed to consider whether Pistorius did have the intention to kill someone, that would be consistent with the charge of culpable homicide. In applying the “reasonable man”, or, in modern parlance, “reasonable personable” test to gauge whether his conduct constitutes negligence, Masipa drew on case law precedence, suggesting a “a touchstone of the reasonable person of the same background and educational level, culture, sex and race of the accused” (*S v Ngema*, 1992 (2) SACR 651 (D), quoted in *S v Pistorius* 2014, 12 Sept, 3331). She discussed the argument by the counsel for the defence that the “accused’s disability, among other things rendered him vulnerable hence his reaction that morning when he armed himself with a firearm and that therefore he could not be found guilty of negligence” (*S v Pistorius* 2014, 12 Sept, 3331).

Ultimately Judge Masipa rejected the argument. She noted that “vulnerability is not unique as millions of people in this country can easily fit into that category” (*S v Pistorius* 2014, 12 Sept, 3331), so, in her view, it is necessary to examine the circumstances of each case to consider its implications. In the process, she considered, and rejected, a much more common argument in South Africa (and elsewhere) that the prevalence of violence authorizes use of firearms. In Pistorius’ case, his defence counsel argued that he grew up in a “crime-riddled environment and in a home where his mother was paranoid and always carried a firearm”, providing an explanation of

his behaviour (*S v Pistorius* 2014, 12 Sept, 3332). In response, Judge Masipa accepted that this was certainly an explanation, but not an excuse, pointing out that

Many people in this country experienced crime or the effects thereof, directly or indirectly at some time or another ... but they have not resorted to sleeping with firearms under their pillows. (*S v Pistorius* 2014, 12 Sept, 3332-3333)

Similarly she was not persuaded that “a reasonable person with the accused’s disabilities in the same circumstances, would have fired four shots into that small toilet cubicle” (*S v Pistorius* 2014, 12 Sept, 3333). Rather, Judge Masipa took the view that

... a reasonable person with the accused’s disability and in his position, would have foreseen that if he fired shots at the door, the person inside the toilet might be struck and might die as a result. (*S v Pistorius* 2014, 12 Sept, 3333)

This was a key reason adduced by Masipa for finding Pistorius guilty of the charge of culpable homicide (see her restatement in summing up, *S v Pistorius* 2014, 12 Sept, 3349).

There is much more to be said about the representations, uses, and reasoning of disability in Pistorius’ trial. Here we have discussed the way that the poetics of the prosthesis play a role not only in Pistorius’s self-fashioning and establishment of him as global sporting icon. Pistorius’ prostheses also provide meanings to prop him up, as he and his defence team craft and revise his narratives — biography, lover, friend, star, and accused — before the court, and the tribunal of the media also. Yet, as we have also elaborated, the representational work of pressing disability into the service

of defence involves deep, contradictory issues at the heart of identity, action, and reason.

As well as these narratives, there is also the striking and complex affective and visceral dimension of how Pistorius behaved at a much more unconscious level throughout the trial especially. When he finally testifies, he describes his panic attacks and nightmares since Steenkamp's death as part of his apology to Steenkamp's family. As he does so, he cries.



Figure 2: “South African Paralympic athlete Oscar Pistorius testifies at his murder trial in Pretoria”

(AP, 2014; Photograph: Thema Hadebe/EPA)

Elsewhere during the trial, Pistorius' reactions — taken as a lack of composure — were widely commented upon. On day 6 of the trial, for instance, forensic pathologist Geert Saayman, who conducted the autopsy on Steenkamp, testified about that Pistorius had opened fire with expanding bullets “designed to cause maximum tissue damage” (Phipps, 2014). As the pathologist spoke “Pistorius was bent double in the

dock, hands on his ears as if trying to block out the words, and violently sick” (Phipps, 2014). Pistorius also vomited on day 9, when “gruesome images of Steenkamp shortly after her death were inadvertently shown to the packed courtroom” (Phipps, 2014). As we shall see, in the next section, these narratives, claims, signs, and affects associated with Pistorius and disability generally are not just issues for the legal profession, or established, if fraying institutions of media. Indeed these turn out to be compelling issues for global popular culture, especially through participatory digital media.

“Playing the Crip Card”

Participatory digital media were a prominent, crucial, and fascinating element of the Pistorius affair. Initially ordinary media users took to social media, such as Facebook and Twitter, to make sense of the terrible turn of events when the news of Steenkamp’s death broke. Now imbued with poignancy, after the fact of her death, at 10.37pm the previous night, Steenkamp had tweeted ‘What do you have up your sleeve for your love tomorrow? #getexcited #ValentinesDay’ (Steenkamp, 2013). Steenkamp’s last words were retweeted in sadness, anger, and sick humour thousands of times. Before long, a collective cultural struggle around Pistorius as a cultural production took place on social networking sites Facebook and Twitter.

As journalists and commentators dissected the image of disability previously conveyed by Pistorius’ image and how it was being written as a defense to the shooting death of Steinkamp, a number of Pistorius related trending topics dominated the social media platform Twitter, initiating important conversations around disability in sport, media, popular culture and society in general. For instance, in response to

images of the distress Pistorius showed through the trial, especially the crying and vomiting, we have just noted.

A popular article on these issues was an article published in the *Washington Post*, that drew a strong response from disabled Twitter users and was retweeted several times. The author, Fred Barbash argued that despite claiming he was not disabled for years, Pistorius used disability as a defence throughout his trial, describing the strategy as audacious (Barbash, 2014). Barbash argued that everyone, including the trial judge was asking “why didn’t he just seek help?” when he thought there was an intruder in his home. In order to answer this question, Barbash argues, Pistorius’ defence team rewrote the narrative of Oscar Pistorius:

The answers to that question were critical to the outcome of the trial. And the ones provided by Pistorius and his lawyers came more clearly into focus as the judge recounted them — and they all were excuses, all tied to disabilities of one form or the other, or disadvantage. The most obvious was Pistorius’s lack of legs, which made him feel helpless that night without his prosthetics. But others were his family circumstances — their anxiety, and his, about crime in South Africa. His lawyers even argued that anxiety stemming from his disability was responsible for his erratic testimony in the trial. (Barbash, 2014)

The story of Pistorius as the supercrip as a sham:

Far from mastering his disability, a defense psychiatrist suggested, the disability came to master him. The initial surgery to remove his legs when he was 11 months old was a “traumatic assault” that left him with an “anxiety disorder.” Pressure growing up to pretend the disability was not crippling further scarred young Oscar. (Barbash, 2014)

The notion was embraced on Twitter with users describing the defence strategy as “playing the cripple card” (@MikScarlet), Pistorius himself as a “hypocrite” (Malaysian blogger, Anthony Thanasayan @wheelchairant, tweet of September 14, 2014) and the whole event as a “sad story of how Pistorius went from denying he was disabled to using it as a key part of his defense” (British blogger Fiona Jarvis; Jarvis, 2014).

The idea that Pistorius was picking and choosing when to emphasise his disability and that the whole defence was an offensive sham against the able bodied who had been duped into believing Pistorius and by extension all people with disability were one of them appeared in other op eds, and responses in user comments online. For example, when probation officer Annette Vergeer argued that prison would “break” Pistorius and he should instead be given a suspended sentence, community work, therapy, and correctional supervision, sports journalist Zjan Shirinian covered the sentencing arguments (Shirinian, 2014; cf. McRuer, 2014). With Vergeer arguing that Pistorius’ disability could not be accommodated in prison, prosecution lawyers were arguing for prison time as an appropriate punishment for his crime. In response, a comment (from the poster Fred again) suggested the possibility that Pistorius was “playing the disability card”:

To point out in this way that there is no facility to cater for the accused's disability is to argue either that disabled people need special treatment (and this may not be true, such as in Pistorius' case); or to argue that certain categories of disability should excuse from prison (i.e. that disabled people should be treated 'differently'). It is hard to see how these arguments square with the empowerment and normality messages of the IPC, nor with Pistorius' own insistence that he is as powerful and capable a human being as Olympic sprinters. Guilty as he is of homicide, if he doesn't go to prison,

what will that say about the apologetics of disability? (Fred comment on Shirinian, 2014)

Fred's comment raises several issues that surround the Paralympian as supercrip as defined by Danielle Peers in the introduction to this chapter.

There is much more to be explored concerning how participatory media became entwined, and indeed constitutive, of the discourses, tropes, and frames of disability as the Pistorius case unfolded (see, for instance, Scheper-Hughes, 2014; Swartz, 2013; and Watson, Hillsburg, & Chambers, 2014). Social media, in particular, were prominent at all key points of the affair, including its final stages. So, when news of Pistorius' five year sentence and potential translation to just 10 months behind bars was handed down, the Paralympian again became a quickly trending topic on Twitter with a particularly voracious #nojustice response. What we wish to emphasize in our brief discussion here is the way that social media provided a platform for a range of interested people across the world — though clearly concentrated in particular regions, such as the US — to engage and debate in the meanings and events of the Pistorius affair. This disability aspect of media and popular culture has been recognized in various studies (e.g. Ellis, 2014; and Haller, 2010), but its precise nature and dynamics require further investigation. What we can suggest in the Pistorius affair is that such “hashtag” publics and politics (Jeffares, 2014) form, and re-form, around these events. Their bearing are global, but the obvious analysis of them can be misleading. Without further investigation, for instance, we know little about how different sections of South African publics — twitter-invested, and otherwise — interact and participate in the conversation (cf. Hyde-Clark, 2010; Mavhungu, & Mabweazara, 2015; Wasserman, 2011) and, especially, how

they insert into the global publics, and global popular, that emerges around Pistorius's fatal and fateful actions.

Conclusion

If nothing else, the Oscar Pistorius affair shows that disability matters, in all sorts of ways. In particular, as we have sought to show in this chapter, disability is a key to unlocking the meanings, practices, structures, and power relations of society. To understand contemporary life, its struggles, pleasures, controversies, crime, justice, and death, we need to critically acknowledge and explore disability. To do this, in turn, we need tools, concepts, and research that tackles the cultural dimensions of disability, such as those we find featuring prominently in popular, global media.

There are many different interpretations of the Pistorius affair, most evidently those varied and contestatory stances and interventions offered by South Africans. We have only acknowledged and engaged with a small number of these here. Similarly, we have only come to grips with a tiny part of the social relations of disability in South Africa. We have made some effort to do so, however, because we feel that the emerging, global work on disability and media — long overdue as it is — needs to constitute itself in such international contexts. This is especially important, given the geopolitical coordinates of the academic disciplines and institutions that support and shape such work. The Pistorius affair is notable, for the way it was received in global media, especially being circulated, shared, and commented upon, via online and social media platforms, and the participatory cultures associated with these, that, in relation to some countries and cultures have been well studied. The relative visibility of these, for us, living in Australia, and experiencing the influence of Anglo-American disability and media studies, should not narrow our

focus, or that of others, to the complicated and rich dynamics that shape social life, normalcy, and culture all around the world.

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