

Abstract of “BDSM: My Apology”

Morally problematic, socially divisive, and legally suspect: devotees of *BDSM* [Bondage-Discipline, Domination-Submission, or Sadism-Masochism] are often treated as the problem children of sexual ethics. This essay is my apology, or defense, for *BDSM*, which I shall argue can satisfy criteria for mutually respectful erotic interaction but also provokes legitimate ethical concerns within a diverse, complex world. I do not presume to offer a comprehensive discussion of *BDSM*, to address every ethical issue related to its practice, or to speak for the experience or position of every *BDSM* identity. Several aspects of my intellectual, social, and personal background—including my transcendental idealism, my feminism, and my *BDSM* orientation—inform and motivate my account.

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As a transcendental idealist, whose philosophy is influenced by J. G. Fichte, I claim that mutually respectful erotic interactions provide a natural milieu—wherein human beings cultivate their ability for reciprocal influence by expressing desires guided by both feeling and reason—that facilitates social, and ultimately moral, consciousness. As a socially and politically conscious woman, whose ethics is colored by the second and third waves of feminism, I think that social and political justice entails advocating women’s efforts to determine, improve, and value their gendered existence, including their diverse,

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<sup>1</sup> In this essay, I presume the truth of various particulars about *BDSM*, which my individual experience, other subjective reports, and empirical study support, but I am open to discussion and dispute of these particulars insofar as *BDSM* has been mostly excluded from theoretical, empirical, and literary discourse. The attached bibliography (which was distributed to participants in the “Good Sex, Bad Sex” conference) includes some literature that has influenced (but not determined) my account and that offers a starting place for readers interested in *BDSM*.

<sup>2</sup> In this essay, I presuppose the legitimacy of my intellectual, ethical, and personal positions, but I am open to discussion and dispute of these positions insofar as I am always in the process of developing and refining my views. The attached bibliography includes some literature that underpins my perspectives on sexual ethics as a philosopher, woman, and individual.

unique sexual experiences. As an individual, whose erotic identity is inseparable from BDSM, I believe that BDSM activity is integral to my personal and human welfare.

### Section One: Misconceptions and Conceptions of BDSM

I would like to offer a rudimentary conception—and counter some basic misconceptions—of BDSM. BDSM encompasses a multiplicity of erotic inclinations, interests, and behaviors, which may include: corporal or behavioral *restraints* (e.g. bondage and discipline); bodily or emotional *control* (e.g. domination and submission); physical or mental *pain* (e.g. sadism and masochism). Erotic partners may engage in *topping* [relatively giving, active] roles or in *bottoming* [relatively receiving, passive] roles within particular erotic interactions. These interactions may be fantastical, theatrical, visual, or aural, or they may be concrete, actual, tactile, or corporeal, but in either case, they elicit a gamut of diverse feelings that vary widely in intensity.

BDSM interactions do not typically entail males harming females, adults molesting youngsters, or culturally central, socially powerful individuals exploiting culturally marginal, socially powerless individuals. Participants are generally consenting adults of similar cultural and social background. Tops and bottoms may be hetero-males, hetero-females, gays, lesbians, bisexuals, or transsexuals. Tops are not usually socially domineering, psychologically sadistic personalities and bottoms are not usually socially submissive, psychologically masochistic personalities. Outside of specific erotic contexts, few BDSM participants enjoy inflicting or enduring restraint, control, or pain. Relative to the range of actual sexual practice, participants rarely experience extraordinary sexually-related emotional distress, psycho-social dysfunction, or ethical conflict.

## Section Two: Reciprocal Consent, Concern, and Desire

Reciprocal consent, concern, and desire are criteria for *mutually respectful sexual interaction*, which BDSM can meet. Mutual respect requires that sexual partners give explicit, or at least implicit, expression of their voluntary participation in a particular interaction. Additionally, it demands that each exhibits concern for the other's human and personal interests within that interaction. Finally, it compels that both show erotic desire for the other within that interaction.

Within a particular sexual interaction, *reciprocal consent* means that each partner offers compelling evidence of their uncompromised, unforced choice to engage in those activities with the other in a specific context. It is necessary for mutual respect because without indication that both are willing participants, there is evidence for believing either is an unwilling victim. *Reciprocal concern* means that each partner demonstrates adequate regard for the other as a whole person within that interaction and context. It is essential because the partners' sexualities are inseparable from their unique personalities and overall humanity; and thus, without deference to each person's individual interests and human needs within a sexual interaction, there is ground for thinking that interaction would undermine one or the other's welfare. *Reciprocal desire* means that both partners express complementary erotic expectations and goals for their interaction and that both promote the satisfaction of those expectations and goals within that interaction. It is necessary because without attuned erotic aspirations, there is reason to suspect their interaction would produce sensual or emotional displeasure at best and physical or psychological suffering at worst.

There is no fail-safe, trouble-free method for obtaining reasonable, conscientious

belief that reciprocal consent, concern, and desire exist between sexual partners. People are sometimes uncertain about their own volition, interests, and desires, so they can never be certain about their partners'. Esteem, affection, or even love between partners fails to guarantee their mutually respectful interaction. There are only indicators, more or less precise, and signs, more or less ambiguous, to guide sexual activities, which ultimately, everyone must judge before the tribunal of their own conscience. Despite these difficulties, sexual partners are morally obliged to make a *strong effort* to properly solicit, recognize, and interpret *compelling evidence* of analogous volitions, interests, and desires. Moreover, certain precautions increase the probability of mutual respect. Prior to sexual interaction, potential partners can test their compatibility by discussing desires and interests. In the initial stages of interaction, partners can facilitate communication by proceeding cautiously and inquisitively. Before, during, and after sex, each can monitor the other's behavior, encourage the other's reactions and then, reflect diligently on their observations.

It would be difficult for supporters of BDSM to show that any sexual interaction, including a BDSM interaction, certainly or completely includes mutual respect. Would opponents care to show that BDSM interactions certainly and completely preclude mutual respect? Some BDSM partners and some non-BDSM partners adopt precautions that increase the probability of mutual respect whereas other BDSM partners and other non-BDSM partners forgo those precautions. It seems plausible that both BDSM and non-BDSM interactions might involve mutual respect, and thus that some BDSM interactions are morally acceptable, so I shall focus on some common ethical concerns about BDSM.

### Section Three: Inappropriate and Appropriate Concerns about BDSM

I want to dismiss some inappropriate ethical concerns—and reveal some appropriate ethical concerns—associated with BDSM. Although adherents argue BDSM usually involves consensual erotic interactions, some outsiders regard it as coercive and abusive for a top to inflict seemingly unpleasant, probably dangerous, or potentially injurious actions on a bottom despite explicit protests and pleas for mercy. Had top and bottom not previously negotiated the nature and limits of their interaction (including the protests and pleas), it would be coercive and abusive; but usually they did, so most likely it is not. Nonetheless, some detractors would complain that rational subjects can never morally or legally consent to participate in unpleasant, dangerous, or injurious activities.<sup>1</sup>

Many of these concerns about consent are misguided and disturbingly presumptuous or inconsistent. Some BDSM activities might seem disagreeable, but it is presumptuous to deny participants' perceptions simply because they have unusual sensible tastes. Moreover, apparently rational people willingly (and morally) engage in unpleasant activities, such as child-bearing, civil disobedience, and fasting or other body mortifications. Some BDSM activities are risky, but most are not especially perilous or harmful, and it is inconsistent to deny participants' rationality simply because they make different pragmatic judgments. Moreover, purportedly rational people voluntarily (and legally) participate in dangerous or injurious activities, such as unprotected casual sex, "extreme" sports, and optional surgeries or other body modifications.

There are some legitimate concerns about consent in BDSM particularly, and in sex generally. Consent constitutes an indefinite, limited, and insufficient justification for sexual interaction. It can always be compromised, and can never eliminate the obligation

of considering whether it ought to be given and thus, whether it ought to be accepted. Consent implies preliminary permission for one partner to initiate a particular activity and then, to continue or cease according to the other's response. Nonetheless, preliminary consent neither includes immediate permission to initiate any possible activity nor precludes eventual withdrawal of permission to sustain any actual activity. Erotic partners must be attentive and responsive enough to address subtle signs of pleasure, satiation, fear, or distress because initial delighted enthusiasm may become dismayed reluctance or agonized loathing and thus, a consensual interaction may become nonconsensual.

These reflections apply to any sexual activity that might compromise consent, but they apply especially to certain BDSM activities. Without some proficiency, otherwise pleasurable, safe activities can turn miserable and hazardous, so each participant must comprehend techniques and risks. The contradictory messages, strained boundaries, and impulsive assaults favored by some participants might be overplayed or misinterpreted. Responsibly subtle, spontaneous interactions require some intimate familiarity between partners. The psycho-physical intensity of some activities could impair a bottom's self-control, judgment, or communication. When this occurs, a conscientious top assumes responsibility for safely limiting the interaction. Since most BDSM participants are aware of these issues, they tend to be punctilious about consent. Nonetheless, predetermined limits, contracts, scripts, and safe-words offer no immunity from error.

Although supporters claim BDSM interactions generally involve adults from similar social classes and include representatives of diverse racial, cultural, and gendered perspectives, some opponents fear that these interactions mimic, exalt, and thereby

reinforce, patterns of oppression. Some feminist critics believe that BDSM participants, including gays and lesbians, eroticize misogyny, which they claim is the radical root of all injustice. Clearly, some BDSM participants indulge in role-playing games, such as mistress/servant, teacher/student, or guardian/child, wherein they imitate traditional relationships of domination and submission. Other common scenarios that fête subjugation include possession [treating people like slaves or property], feminization [treating men like women], dehumanization [treating people like pets or livestock], or infantilization [treating adults like babies or children]. In these interactions, some participants borrow racial, sexual, or cultural epithets as well as costumes, props, or scripts that evoke objectionable mores and values.

Many concerns about BDSM buttressing oppression are inappropriate and fairly naïve or hypocritical. Contrary to popular representations, BDSM need not entail fantasy, theatre, or even domination and submission. If interactions sometimes imitate, and possibly reinforce, the actual subordination of women, they sometimes initiate, and possibly promote, the potential elevation of women. Participants are as likely to undermine as to support other oppressive patterns insofar as they often subvert conventional models of power and authority. It remains unclear what the assertion that the mechanisms of oppression are embedded within BDSM implies, because those mechanisms are embedded within every social group, and possibly within every human interaction, including the sexual. Is BDSM an erotically cathartic parody of ubiquitous injustice or is ubiquitous injustice an erotically constipated parody of BDSM? In either case, the questionable mores and values expressed by some BDSM participants might



simply reveal that many people are woefully conservative and unimaginative regardless of their sexual orientations.

The marks of oppression cannot be erased from sexual or any other human interactions, but they can often be redrawn within human interactions, including the sexual. The human capacity for viciousness sours the sweetness and dulls the colors of existence. This malignant power transforms quotidian pleasures—work, family, bodies, affection, sex—into mordant, shaded tokens of shame and anguish. Usually, this perpetuates a cycle of cruelty, but occasionally, someone usurps the machines of tyranny, reclaims the delights of existence, and amends the past on his or her own terms. Such redemption is not achieved by eschewing the tainted aspects of life but by seizing them and then, redefining them within a joyful context. BDSM can be an imaginative milieu wherein new meanings are created.

There are appropriate concerns about the relation between socio-political oppression and private erotic activities, including BDSM activities. Individually gratifying, intimate interactions have social and political implications. The interests of upper class, white participants have been over-represented in many organized, communal BDSM activities. Justice requires participants to consider how their personal relations influence society and state, vulnerable individuals and groups, as well as impressionable youths with BDSM orientations. Nonetheless, the admonition to reflect on the connection between the personal and the political applies to everyone regardless of their sexual orientation.

Although nothing indicates BDSM is more hazardous than myriad occupations and recreations, some doubters fear it is unduly dangerous. Indeed, some representatives

of medicine, law, and government believe the risk of harm to participants warrants regulating or criminalizing BDSM. A common rationale for juridical control is the legal difficulty of distinguishing between authentic consensual and disingenuous nonconsensual activities. Another justification appeals to the social need to preserve public health and safety by investigating likely cases of abuse, negligence, or incompetence. The social and legal obligation to prevent indecent, obscene, and offensive behavior has also been used as a validation.

These concerns about the social or legal rights (and responsibilities) of BDSM participants are mistaken and alarmingly discriminatory. Although practical legal distinction between consent and non-consent always raises thorny problems in cases involving private, informal agreements, possible compromised consent in private relations does not become inevitable in sex generally, or in BDSM particularly. Many fears that BDSM obfuscates legal consent derive from ignorance of sexual practices, speculation about exceptional possibilities, or overreaction to sensationalized incidents rather than from observation of mundane events.

Healthcare, social service, and law enforcement professionals should investigate suspicious injury, psycho-social dysfunction, and other indications of abuse and negligence or of mental and physical disability. Nonetheless, demeaning, censorious, or punitive intrusions on the privacy of evidently consenting, competent sexual partners promotes noncompliance, secrecy, and fear rather than medically safe, socially responsible behavior. Even relatively reckless, uninformed, or incompetent partners would usually benefit more from a referral to a counselor, who is educated about sexuality, than from a criminal report or charge.

Competent adults are allowed to participate in sundry activities entailing physical risks that range from mild to severe injury, minor to serious illness, temporary to permanent disfigurement, and even to death. They are also permitted to pursue activities that undermine their emotional or social welfare. Some harmful activities are censured within the society or state, but it is inconsistent to prohibit BDSM activities that involve physical, psychological, or social dangers commensurate with permitted occupational, recreational, or sexual activities. Likewise, the legal conundrums that arise from private consensual interactions resulting in manslaughter or suicide are hardly restricted to BDSM-related crimes. Moreover, a just state has some limited obligation to prevent unduly offensive (or otherwise obscene and indecent) public behavior, but it has no unlimited authority to proscribe obscene and indecent (or otherwise offensive) private behavior.

There are justified concerns about the physical and psychological dangers of BDSM. Even light play can result in harm, but some heavy play involves risks of critical or life-threatening injury. Intrinsically perilous activities include forceful insertion of large objects in bodily orifices; many forms of electro-stimulation; most strangulation and asphyxiation techniques; heavy or extensive beating, cutting, or burning; and some bondage practices. Psychological damage in BDSM should not be treated as less common or significant than physical harm. Sexually inexperienced or confused, mentally or emotionally fragile, and socially disadvantaged or impaired participants are especially susceptible to injury within callous, unsupportive interactions.

Although any erotic activity involves risk, conscientious participants take appropriate precautions against physical and psychological hazards. Worse than

erotically odious, ignorance is morally suspect, and recklessness, unconscionable, in BDSM. The need for painstaking forethought increases with the inherent risks of the activities and the particular vulnerabilities of the participants. Sensible, considerate interaction demands accessible information and candid discussion about safety issues pertinent to BDSM. Most activities can be performed safely, but many dictate vigilance and expertise, and some preclude sound, responsible practice.

#### Conclusion: BDSM in a Diverse, Complex, and Imperfect World

In conclusion, I would like to suggest some lingering ethical issues related to BDSM. BDSM can be consistent with mutually respectful sexual interaction. It is potentially liberating and respectful rather than essentially oppressive and denigrating. It poses moral, socio-political, and legal problems that are mostly ordinary and soluble rather than extraordinary and insoluble. BDSM participants tend toward reflective and cautious behavior rather than thoughtless or reckless behavior. Nonetheless, BDSM participants are diverse, complex, and imperfect individuals living in a diverse, complex, and imperfect world.

Abusive relationships, coercive encounters, and sexist, racist, or other oppressive attitudes exist among BDSM participants. Many participants disagree about abuse, coercion, and oppression. Some tolerate or overlook these problems. As a result, many victims avoid seeking help because they feel ashamed and isolated or because they fear condemnation and retaliation. These difficulties increase when society generally misconstrues BDSM as harmful and perverse or censures it as immoral and criminal. BDSM participants should scrutinize their own interactions and relationships; educate

and support other participants; and promote comprehension and tolerance of sexual diversity.

Although many healthcare professionals provide informed, sympathetic service, some regard BDSM as a physically or mentally harmful practice that indicates either a psycho-social disorder or an ethical deficiency. Anxiety about vilifying treatment, social exposure, or legal repercussions discourages some BDSM participants from soliciting medical consultation. Inadequate medical counsel is especially problematic for participants lacking access to the information and support provided by many BDSM communities. Without knowledge of the pertinent health and safety issues, uninformed BDSM participants and medical workers may engage in dicey, inept behavior. When crises occur, participants may postpone urgent care or receive desultory treatment.

Adequate mental healthcare also eludes participants, who cannot be entirely forthright or compliant if some psychiatrists, psychologists, or therapists still pressure them to disown their sexual identities. The tendency to conflate sexually-related problems and sexual disorders impedes healthy recognition, acceptance, and development of a BDSM orientation. Worry about insinuations of abuse and incompetence deters some participants from receiving couple or family therapy.

Informed, insightful healthcare helps sustain physically safe, mentally sound, and ethically responsible sexual practice. Members of the healthcare professions should provide diligent, sound, and courteous care to clients regardless of their sexual orientations. Most healthcare professionals realize that reproaching clients' sexuality compromises their welfare. Although many professionals have good intentions, some need additional training about sexuality in general and BDSM in particular.

Social and legal censure shrouds BDSM in mysteries that hinder public discussion, rational inquiry, and ethical reflection. Shame or fear dissuades many people from talking about BDSM. Wrangles between more vociferous factions, or dialogues within unique sexual communities, cannot substitute for open conversations incorporating many different voices. The dearth of public discussion perpetuates secrecy and ignorance. Misinformation and obscurity impede intelligent investigation. Most research focuses on exceptional individuals whose behavior runs them afoul of the law, unfortunate personalities whose difficulties bring them to the attention of social and health services, and privileged minorities whose activities are supported by BDSM organizations or communities. Little is known about the diverse experiences of most other people with BDSM orientations. The paucity of rational inquiry spawns moral dogmatism and social chauvinism. Ethical reflection about BDSM cannot flourish within an environment that scorns honest discussion, inquiry, and contemplation.

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<sup>1</sup> Spanner Case