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Consensual Violence: A Cultural Contradiction

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Consensual Violence: A Cultural Contradiction

Abstract

In American culture, violence is typically understood as inherently negative; no one would want to be personally subjected to violence because violence by its very nature is undesirable. Thus, the idea of seeking out violence seems paradoxical. In cases where a person actively pursues violent treatment, the question arises: can violence be consensual? This question is included in discourse on sadomasochism (SM), or an attraction to giving or receiving pain in a sensual or sexual context, which many argue is a form of violence. Through a critical discourse analysis of legal statutes regarding interpersonal violence and interviews with women involved in SM, I will address the question of whether or not sadomasochism can be considered physical and sexual violence.

Keywords

violence, sadomasochism, ethics, sexuality, power

Disciplines

Anthropology | Peace and Conflict Studies | Social and Cultural Anthropology

Comments

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Consensual Violence: A Cultural Contradiction

Violence and conflict are universal human experiences that are simultaneously social constructions. What is and is not considered violent can vary greatly from one culture to the next, so an anthropological perspective of violence and conflict is useful in gaining an understanding of how these forces manifest in and affect different societies. In American culture, violence is typically understood as inherently negative; no one would want to be personally subjected to violence because violence by its very nature is undesirable. Thus, the idea of seeking out violence seems paradoxical. In cases where a person actively pursues violent treatment, the question arises: can violence be consensual? This question is included in discourse on sadomasochism (SM), or an attraction to giving or receiving pain in a sensual or sexual context, which many argue is a form of violence. Through a critical discourse analysis of legal statutes regarding interpersonal violence and interviews with women involved in SM, I will address the question of whether or not sadomasochism can be considered physical and sexual violence.

Finding a suitable definition for the concept of violence is challenging. The Merriam-Webster dictionary offers multiple definitions of violence, including “the use of physical force to harm someone, to damage property, etc.,” “exertion of physical force so as to injure or abuse,” and “great destructive force or energy” (Merriam-Webster, Inc. 2015). These definitions affirm the perception of violence as

innately undesirable. The use of “harm” and “injure” imply pain, while “damage” and “destructive” convey a sense of backward motion, ruining what has already been made, creating negative space. While the first two definitions limit violence to physical force, the third describes violence merely as a “force or energy.” It is this last definition that I like the best; violence can be physical, emotional, structural, symbolic, etc. – but it always requires the force or energy of an agent to take effect. Violence does not happen on its own – it is manmade. For the purpose of this paper, I define violence as any action or system that is known to cause harm to someone without their informed consent. This definition is not explicit, but this ambiguity is necessary to capture the range and depth of the concept of violence.

Sadomasochism encompasses many actions and activities that are too numerous to list. However, the general purpose behind an SM encounter is the sexual and sensory fulfillment of both the sadistic and masochistic individuals involved. Thus, SM exchanges typically involve physical or emotional pain or distress in the context of a power imbalance. In context, these elements are appealing to and desired by the individuals at hand. However, these actions are entrenched in a wider cultural understanding of pain and suffering as undesirable, and the enactment of pain and suffering on an individual as a criminal force. The culture in which we live is heavily informed by the way our legal system guides our personal behavior; it tells us what is legal and illegal, ethical and immoral, acceptable and reprehensible. In order to understand how mainstream societal understandings of sadomasochism are formed, it is helpful to look at the language of state legislation as it relates to SM practices and actions incorporated into them.

Title 18 of the Pennsylvania Consolidated Statutes contains all legislation regarding crime and offenses codes. The general purpose of Title 18 is to “forbid and prevent conduct that unjustifiably inflicts or threatens substantial harm to individual or public interest,” and many sections within it address violent acts that may be incorporated into or mimicked in SM. Parameters of culpability are established early on in §302, stating “a person is not guilty of an offense unless he acted intentionally, knowingly, recklessly, or negligently.” Immediately, this conveys a need for malicious intent to some degree, and is in accordance with my belief that motivation and intent are key to understanding violence. Violence must be done purposefully or with conscious knowledge of a violent outcome. However, according to the law, an individual is just as much at fault if they behave recklessly or negligently.

Shortly after its discussion of culpability, Title 18 delves into the topic of consent. In §311, it is stated that an individual who has caused bodily injury can use consent from the harmed individual as defense – but only if he caused the injury in a “lawful athletic contest or competitive sport” or did so in order to avoid an alternative that would be even more harmful. Thus, legal definitions assert that violence can be consensual – but only in a couple select settings, and not in an SM context. This implicates many SM activities in legal offenses, such as simple assault (§2701), unlawful restraint (§2902), false imprisonment (§2903), and involuntary servitude (§3012). The last of these notes that an individual may be forced into involuntary servitude through “threatening to cause serious harm,” “duress,” and “any scheme, plan or pattern intended to cause the individual to believe that, if the

individual does not perform the labor, services, or acts or performances, that individual or another individual will suffer serious harm or physical restraint.”

Scenarios of servitude are common in SM relationships.

The overlap of the violent actions discussed in these codes with SM activities should not be taken as proof of SM as violence, however. While there are similarities on the surface, anthropological insights into SM culture are able to make some differentiations. The statutes state that a person acts recklessly or negligently when “he consciously disregards a substantial and unjustifiable risk.” Consider, for example, the use of heat play in SM. An individual may be considered reckless by wider cultural and legal standards for pouring hot wax on his partner’s back, as it poses a risk of burns and has no clear justification. However, within the SM community, that is not necessarily reckless; what would be considered reckless is if he did not receive consent, use the correct type of wax, or test the temperature beforehand to make sure it would not cause serious injury (Weiss 2011:68). This emic perspective demonstrates how the community takes a more nuanced approach to “recklessness.” While state laws are quicker to label actions and situations as violent, the intentions and cultural norms in which SM activities are situated differentiate truly “reckless” behaviors from that which is relatively innocuous.

Additionally, SM activities such as Master/slave relationships may legally fall under §3012, especially if they contain constructed threats of punishment or injury. However, the use of a scheme, plan, or pattern is not something that would be acceptable in SM. This behavior is definitely considered criminal violence by the American legal system and general public, and the majority of the SM community

would agree (Beckmann 2009:105). Community standards reject the presence of real fear or manipulation in relationships. While §3012 could be seen as proof of violence in SM relationships, it is important to understand that in an emic perspective of the community, manipulative and anxiety-inducing service relationships are not aspects of an SM relationship, they are clear signs of abuse.

Thus far, the statutes analyzed have dealt with the physical and emotional sides of SM. However, the sexual side is just as relevant. §3101 begins the criminal codes on sexual misconduct, and presents some interesting language. Definitions in the beginning of the chapter define deviate sexual intercourse as

sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures

and categorizes “any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire in any person” as “indecent contact.” Apart from the bestiality reference, all of the activities described in these definitions are relatively unexceptional by American cultural standards. It is somewhat surprising, then, that they are categorized with words that have strongly negative connotations. “Deviate” and “indecent” suggest perversion, criminality, and predation (Becker 1963:9). §3101 uses these modifiers regardless of if the intercourse or contact is taking place in a criminal setting or a consensual one,

which presents all sexuality except heterosexual genital intercourse as “deviate” and “indecent” (Newmahr 2009:89). This narrow view of acceptable sexual behavior is evident in this language use, as well as in the later discussion of obscenity.

§5903 of Title 18 deals with “obscene and other sexual materials and performances.” Legislation here takes an even more conservative turn; according to the code, an individual can be criminally charged for selling, lending, distributing, transmitting, exhibiting, giving away, or showing any obscene materials to any person of any age. The provided definition of “obscenity” is not completely clear, considering materials or performances to be obscene if

- (1) the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
- (2) the subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this section; and
- (3) the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

The language in this statute is very subjective. How much of a focus on sexuality renders something “prurient?” What is considered “offensive?” Who can make the objective judgment of whether something does or does not have sufficient value or merit? It appears that the wording is meant to mainly leave these decisions up to mainstream community standards, but these are informal and ever-changing.

The obscenity statute does go on to offer some information about what may be considered “obscene,” one example being “somasochistic abuse.” This is defined legally as “in a sexual context, flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or in a bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.” Immediately, somasochism is coupled with abuse. The actual definition is not necessarily erroneous, but the language it uses makes it glaringly apparent that state law associates SM with violence and abuse. Not only does this definition designate it as a legal transgression, but uses the word “bizarre” to mark it as a social and cultural vice as well. Here, perceptions of legality and morality merge to present SM as a threatening anomaly associated with criminal conduct. A subsequent definition of sexual conduct claims

patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, somasochistic abuse and lewd exhibition of the genitals.

This definition asserts a binary between “normal” and “perverted” sexuality. This pathologizes all forms of sexual “deviance” and seems to go beyond an objective and straightforward explanation of legislation and into a hardly subtle attempt at controlling and regulating the sexual lives of citizens. A later clause deems obscene

material “harmful to minors” when it “predominantly appeals to the prurient, shameful, or morbid interest of minors.” Considering these heavily charged descriptors – “prurient,” “shameful,” and “morbid,” – and their use in describing adolescent interest in sexuality, it becomes apparent that Pennsylvania law does not look kindly on SM, believing it to be violent by its very nature. It is worth noting, however, that the perspective of SM in the Pennsylvania Consolidated Statutes seems to be based far more on a mainstream, etic perspective of SM, rather than an emic view informed by the actual values and practices of the SM community. With an anthropological perspective in mind, then, at least as much credence must be lent to the opinions, definitions, and insights offered by masochistic women who actively participate in SM. This information can allow for an interesting contrast between legal definitions of violence and personal ones in order to get at the ultimate question of whether or not SM itself can be considered violence.

The participation of women in SM baffles many who believe it is a form of abuse. However, most women involved in SM do not share that perspective. Ruby, a woman from south-central Pennsylvania who enjoys a submissive role in her personal life, shared her definition of violence with me during an interview:

Anything that’s being done to you against your will, that you don’t want done. And that’s the big difference that people don’t understand. BDSM is consensual. They’re saying that for me, I like pain. It’s something that I know I need, and it’s, you know, I am consenting to it. I’m asking for it. That’s the difference. Violence is

nonconsensual intent to do harm. Intent does matter because when – this might sound ridiculous, being what I’m into – my ex-husband was abusive, and not consensually, and – which is why we split – that’s the difference. I don’t know if I can say that and have it make – I don’t know how to word it. [Interview, 1/28/15]

Although Ruby felt she was not expressing herself eloquently, her response is actually highly insightful. Consent is clearly the most important issue here; she mentions the consensual aspect of SM four times, indicating the presence and absence of consent as the main differentiator of SM and abuse. She also draws upon a past experience of violence to draw a clear line between nonconsensual abuse then and consensual SM. With that abusive relationship as a reference point, Ruby can identify what aspects of SM she likes that differ from past mistreatment. Apart from consent, she highlights desire, noting that she likes and needs pain, as well as intent, asserting that intent of the actor is critical to understanding whether an act is violent or not. Kate, another resident of south-central Pennsylvania involved in submissive SM, made a similar observation, stating “I think because there’s a lot of hitting and tying up, I think the misconception with that is people think it’s abuse, that you’re abusing your partner, when really it’s something that’s consensual. . . You have to talk about it, you have to set your limits” (Interview, 1/16/15) Kate counters what she believes to be public misinformation about SM. Beyond

mentioning consent, Kate also cites communication and set limits – and presumably, respect for them – as preventing SM from being considered violent or abusive.

Community norms dictate that SM must fit within certain parameters to be considered SM (Weiss 2011:17). The universal slogan of the SM community is “Safe, Sane, Consensual.”

Those are the three things you had to have for it to be okay. . .A lot of people argue that those are going to be subjective to how you define those. But no, it's pretty basic. Are you safe? You know, do no harm. Are you sane? Do you need a therapist instead of, you know, being tied up? And are you consenting? Are you completely aware of what you're doing and this isn't coming from some other motivation, or you're being coerced, or you're being abused. [Heather, Interview, 12/6/14]

Heather presents each part of “Safe, Sane, Consensual” as relatively self-explanatory, though in reality, each of these terms can be constructed and deconstructed ad infinitum. “Safe” is expressed as the absence of harm, which implies that Heather believes SM acts are not harmful because they are desired, even if they cause injury or pain. “Sane” is essentially sound mental and emotional health. This is in accordance with wider cultural and legal understandings of consent and responsibility; someone who is not in the right state of mental or emotional wellbeing cannot make a decision for themselves about whether or not to partake in a

risky or harmful activity, and this standard exists both inside and outside the SM community.

Beyond SM as a non-violent activity, some women have found that SM can actually serve to neutralize or negate violence. SM is at its core a constructed power exchange. SM acts are typically negotiated in advance with the desires and limits of all involved playing a role in shaping how the encounter proceeds. It is almost theatrical in nature, crafting a situation or scenario that often mimics real-life power imbalances and inequalities, but without any real harm done to the players. SM can get very creative, and individuals take pride in planning new and complex scenes to satisfy their partners desires as well as their own. Typically, the more realistic a scene is, the more appealing it is (Newmahr 86). Often individuals will draw from historical situations or their own life experiences to add an element of legitimacy to a scene.

Occasionally, even personal traumas will be used to add an element of reality. Ashley, another south-central Pennsylvanian involved in SM, shared with me that she was sexually assaulted during her sophomore year of college. To her, incorporating that experience into SM allowed her to process it in a healthy way.

I think that to be able to say that I can have fantasies, like rape fantasies and other fantasies like that, shows that it's about the consent piece. It's about how you feel in that moment and how comfortable you are in the relationship you have with someone. . .you can have a

rape scene because you want it to happen and that's
okay! [Interview, 1/14/15]

Ashley categorizes scenarios of this type as “fantasies,” again emphasizing consent to differentiate reality from play. SM, when viewed as an enactment of fantasies, is an attempt to get as close to fulfillment of these fantasies as is safely possible (Newmahr 61). Ashley states that the most important aspect of a personal fantasy is the feelings an individual gets from the scene. In gauging her satisfaction with consensual non-consent play, she uses how comfortable she is in the situation and relationship to determine what was good and bad. It is not surprising that Ashley would specifically mention comfort; being comfortable with a partner is important in reenacting or reimagining personal traumas because it allows a person to take an experience that was not comfortable at all for her and redo it in a setting where she is completely comfortable and can construct new thoughts and memories of the experience for herself.

Dissonance between outsider and insider perspectives of SM and its relationship with violence were clearly experienced by the submissive women interviewed, but they responded by challenging this disconnect. Women readily pointed out the rules and processes of SM culture as experienced firsthand that ensure that what is SM is not abuse, and vice versa. My last interviewee, Carmen, called out these misconceptions in a slightly different way.

Even in *Cosmo*[*politan* magazine] and stuff, you see articles about kinky things to do. But like, it's sort of seen as this taboo other, and certain things are okay.

Like you've seen *Fifty Shades of Grey*, and even though it's a really bad representation, the idea of being tied up with a man's tie is acceptable, but then it's like, rope is a whole different thing. Or you know, fluffy handcuffs are an okay thing, but if they're real handcuffs, than that's totally separate like that. [Interview, 1/4/15]

Carmen identified a double standard in dealing with public acceptance of SM, noting that society in general is more ready to accept a dangerously inaccurate yet romanticized version of SM over real-life SM practices. To mainstream society, SM in *Fifty Shades* is romance, but SM in the context of Carmen's life is abuse. Her parallels between a man's tie and rope and between fluffy handcuffs and real ones present a clear comparison between two objects, where one is considered more violent than the other despite both serving the exact same purpose. Kate touches on this theme as well in discussing cupping, an SM practice of applying suction against skin to create bruises or bleeding.

The thing with cupping, people are like "Oh, what's that? That seems kind of kinky." But really, when you think about it and you actually research it, cupping basically helps release and take out the toxins in your body. You could go to any massage place, especially the oriental places, and that's a remedy, that's something they do all the time, so they just incorporated that into being more of a kink. . .it relieves the tension and takes out the

toxins and it feels so much better afterwards.

[Interview, 1/16/15]

Kate explained the physical therapeutic aspects of cupping and her confusion over others' readiness to consider cupping harmful or violent just by association with SM. She speaks of cupping as a form of healing – removing negative and harmful elements and strengthening the body – the very opposite of violence and abuse. Both Carmen and Kate's discussion of double meanings and double standards speak to a fear of mainstream society appropriating SM for the purpose of romanticizing and commodifying it while continuing to condemn those who actually practice it as being complicit in abuse and violence.

By and large, the submissive women I interviewed did not see SM as violence. They recognized that SM mimics violence, and that violence is pivotal to constructions of SM, but did not believe that safe, sane, and consensual practices were a true enactment of violence, be it physical, emotional, or sexual. Furthermore, they were cognizant of the discrepancies between legal definitions of abuse and violence and cultural definitions of these same concepts within the SM community. Conversely, legal definitions of violence, abuse, and assault make it possible for SM acts to be categorized under these transgressions. Thus, what it comes down to when determining if SM can be considered physical or sexual violence is whether an etic or emic perspective is more befitting to make that judgment. I believe the emic perspective of the SM community is more apt to decide what is and is not abuse in an SM setting, where meanings and relationships are more nuanced than can be understood by an etic eye. Although the argument can be made that an emic

perspective clouds objectivity, the responsibility to regulate itself and its reputation is enough motivation for the SM community to remain active and aware in identifying and preventing acts of violence within the scene.

I believe that modern American society is at fault for so quickly turning to the law as the ultimate moral compass. What is legal is not necessarily ethical, and what is moral is not necessarily legal. Conflating legality with morality provides governing bodies with too much power to determine social and cultural norms of what is acceptable and what is not and encourages sweeping generalizations over nuanced and contextualized considerations. SM – meaning the “Safe, Sane, and Consensual” SM advocated for by the SM community itself – cannot be considered physical or sexual violence if it satisfies each expectation in this slogan. Thus, at least in the case of SM, violence cannot be consensual, as the SM community considers consent to negate violence and rejects any nonconsensual acts from the community, withholding the SM label from them.

In concluding this paper, it is important to note that while “SSC” sadomasochism is not violent on the individual level, it may still very much play into larger systems of structural violence. SM mimics real-life power imbalances, and although it is intended to be received with an emic understanding of the fantastical nature of the relationship, this insider perspective is still very much absent in general reception of SM. Thus, SM inequalities may reinforce greater structural inequalities despite not being created with that intention. An anthropological perspective of SM can be useful in communicating the wider cultural implications of SM within discourse on elements of violence in sadomasochism.

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