

Deconstructing the Criminal/Procreative Binary in Consensual BDSM

Charlie Mott

Professor Brendon Votipka

Abstract: Since the inception of modern sexual study, as it began in the Victorian era, data collected about BDSM has often been subject to biased interpretation. This bias relates participation in BDSM to a damaged psyche, hazardous to both participants, and following that line of thinking, their victims; often grasping to try to understand whether it is a result of physical abuse or an extremist's pursuit of pleasure. This essay seeks to deconstruct this binary by offering information suggesting that BDSM practices bear no relation to criminal sexual offenses such as rape, domestic abuse, etcetera and that they also are not in pursuit of heterosexual sex for the purpose of procreation. BDSM could be considered, in fact, a type of physical communication that, as of yet, has no set definition beyond the language of pleasure; however, participants in BDSM regard it as an activity much more complex than the pursuit of sexual gratification. In the following text, a lineage of anti-BDSM bias will be established, and the subject of participation will be explored through various frames of reference.

Introduction:

BDSM relates to the perceived spectrum of physical communication in ways that offer almost no parallels between how it is represented both in the mainstream or the substance of BDSM practices (Newmahr 1660). BDSM, as a point of definition, is an acronym that stands for bondage/discipline, domination/submission, and sadomasochism. These terms are also often associated with the concepts of “kinks” or “fetishization”, or a sexual attraction to a very specific object, body part, or set of circumstances. Popular representations often seek to indulge in voyeuristic curiosities about what are considered secretive and unusual sexual acts while, simultaneously, there are enormous stigmas attached to being involved in BDSM culture. In the conditions of contemporary American culture, these words are heard

in contexts such as pornography, advertising, and recently, in popular literature, television, and music; but it is often the case that BDSM interests appear as misunderstood stereotypes. These practices tend to be labeled as type of “sexual extremism” (Richters et. al 1661); a plethora of pornographic websites corroborates this view by characterizing BDSM first and foremost as a kind of sex, and, secondly as a practice that is somehow more intense than sex not involving an exchange of power. In recent popular literature, such as the *50 Shades of Grey* series by E. L. James, BDSM becomes a device for making a character or situation more interesting, often used to heighten erotic appeal and/or act as a product of past sexual abuse. In television and entertainment, such as NBC’s *Law and Order: SVU*, which focuses on sex crimes, BDSM is often associated with rape and other criminal sexual offenses. Therefore, very little of the representation of BDSM in popular culture actually has anything to do with the intensely intricate culture which surrounds it, instead recycling stereotypes passed down from the now-debunked psychoanalytical theories of Freud and Kraft-Ebbing (Haber), which state generally that an interest in non-procreative sex can be correlated to anything from past sexual abuse to personality disorders, a line of thinking that is often applied to other stigmatized sexualities such as same-sex relationships.

An ethnographic view of BDSM, composed mainly of academic studies and articles, presents BDSM as a complex narrative, whose core consists of the involved partners’ trust in each other; a relationship that involves the consensual exchange of power. This type of relationship is juxtaposed against a clinical background that often labels these practices as domestic abuse or the acting out of repressed trauma. The exchange of power displayed by BDSM has been pushed by the tenuous psychoanalytical theories of well-known analysts, such as Sigmund Freud, into a space between the polarities of extreme sexual contact and non-consensual sex crimes, when actually, BDSM is shown to have almost nothing to do with either the idea of abuse or, in some circles, even sex.

The history of the queer rights movement teaches us that

extremists seem to inherently look upon non-procreative sex, or sex for the sake of pleasure, as unproductive at best, and outlawed or punishable by death at worst. The plethora of arguments relating to biological reproduction as a means to discredit non-normative relationships, such as sociopolitical initiatives like marriage equality for same-sex couples, suggest that anything physically intimate which deviates from reproduction is unnatural, and this simply put is the basis for most anti-BDSM bias as we understand it today, as it could be considered the basis for many types of bias regarding sexuality. Original research taken from academic studies, articles, and even popular culture, suggests that the most imperative aspect to understand about BDSM is that it may be thought of as an entirely different way of physically communicating, rather than having to be placed on a sliding scale between criminality and procreation; or sex as a crime, mostly by implying the absence of consent, and sex as a strictly reproductive means, with no room for deviations involving pleasure.

A Brief History of Anti-BDSM Bias:

Assumptions of BDSM acts that permeate mainstream society often label the acts themselves, or the desire for them, as in being some way psychologically unhealthy. This view, despite the relative obscurity of historical documentation existing in regards to BDSM discourse, has a lineage, according to the philosopher Michel Foucault, in the Victorian era; the Victorian era generally assumed to mean the mid-1800’s until the early 1900’s. Foucault is praised as a distinguished “historian of mentality” and in his three part series of writings entitled, *The History of Sexuality*, he makes a critical point concerning the pathologization of so-called “deviant sexual acts” such as homosexuality, paraphilia, etc. In the Victorian era, there was a strong interest in the medical field, especially in the blooming field of psychology, to begin to define, and, in those terms, categorize and pathologize sexual difference. Foucault remarks that through these categorizations, which promoted the association of specific sex acts with specific identities, it was in this era that our modern notions of sexuality and sexual orientation were established (Foucault

and Hurley 10).

In the original Victorian discourse of sexuality, there are two psychologists whose ideas have had a heavy, if not total, influence on the modern bias against BDSM. Richard von Krafft-Ebing, an Austro-German psychiatrist, and Sigmund Freud, the famous Austrian neurologist, penned two of the most widely referenced texts about sexuality that attributed BDSM to mental disorders. As Foucault notes, there was actually discourse on sexuality in this time period, and those who studied it had a particular interest in deviations, or separating the “normal” from the “abnormal.” The work of Krafft-Ebing seeks to understand what is “normal,” while Freud explores the supposed causes of interest in those “abnormalities.”

Krafft-Ebing is well known in BDSM theory for coining the terms, “Sadism” and “Masochism.” These terms refer to the power roles of the Sadist, the person who inflicts pain or humiliation, and the masochist, who receives it (Schaffner 478). These models of power carry over into many other types of relationships encompassed in the spectrum of BDSM practices, such as the dominant and submissive, which do not necessarily have the same connotations or expectations as the sadomasochistic relationship, but often mimic its binary structure. Krafft-Ebing is also considered one of the fathers of sexual theory for his 1886 book entitled *Psychopathia Sexualis*, which brought together much scattered sexual discourse at the time into a kind of standardized guide to defining sexual deviance.

“Krafft-Ebing’s treatise was, at this moment in history, a text unifying knowledge hitherto produced sparsely and unsystematically in the medical-psychiatric profession. To define normality for which certain sexual behaviors are considered deviant, Krafft-Ebing sought recourse in the biological notion of the, “preservation of the species.” In other words that sexual pleasure is natural insofar as it contributes to reproduction. All eroticism practiced outside this context should be considered as deviant.” (Pereira and Eduardo 3)

This treatise very clearly defined the boundaries of sexual deviance along the lines of biological essentialism, normalizing procreation as

the explicit purpose of sexual contact. In other words, the beginnings of bias against BDSM have to do with engaging in sex without the intent to procreate. The notion of deviant sexuality can then actually be defined as a deviation from strictly heterosexual coupling in order to produce a child. We are then able to acknowledge a beginning to the pathologization of so-called “sexual deviance” with the understanding that many clinical definitions of BDSM, fetishes, and kinks treat such practices in a manner descended directly from the concept that biologically unproductive sex is incorrect sex. BDSM is then defined as a disorder with many different facets encompassing many of the different practices. To explain the severity of all of these different practices, they were set in a sort of Kinsey-scale of abnormality as “Krafft-Ebing treated BDSM interests as one end of a continuum that spread from enjoying fetishistic fantasies such as spanking, to lust murder” (Richters et al. 1661), inexorably linking the enjoyment of BDSM with criminality. His theories treated BDSM as part of a criminal structure, inherently relating BDSM, kinks, or fetishes, to crimes which could be taken in context as both crimes against law and crimes against what he perceived to be human nature or rather the importance of procreation (Schaffner 481).

As Krafft-Ebing was interested in defining deviation, Freud was interested in the reasons people develop certain proclivities, and went into his research with the purpose of seeking an origin. When we think of BDSM today, it is often the case that its practitioners have somehow become associated with some kind of childhood trauma. This is a direct product of Freud’s commentary in “Three Essays on the Theory of Sexuality” (1905), and has largely to do with the experience of childhood in relation to sexual development. Freud originally attributed sexual deviances to psychological disturbances. “In his earlier work, Freud related the fixation [on BDSM] to physiological causes, in other words, the relative strength of particular partial instincts. Now he considered it to be the result of the denial of a traumatizing sexual experience...” (De Block and Adriaens 282), but later in his career developed the notion that an interest in BDSM was a marker of a previous sexual experience, or

instance of abuse, which had traumatized the individual, forcing them to act out their repressed memories or the anxieties developed from their experiences.

These Victorian-era notions of sexual deviance have heavily informed how BDSM is viewed from a clinical standpoint today. The DSM-IV, which is the latest edition of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, is widely regarded as the standard by which mental illnesses are diagnosed and treated in America. The "APA" itself is considered the authority on mental illness and has been in existence and publishing similar volumes under different names since the early 1900's, when the influence of psychoanalytic notions of sexual deviance, i.e. BDSM, were still popular and considered scientific. This crossover from antiquated theory into modern research, as seen throughout the history of the DSM, is still visible today; its definitions of "sexual kink" and "BDSM" change, their pathologization is becoming vaguer as discourse about BDSM becomes more readily available and accessible. The DSM is purposely unclear when it comes to a criterion that relates, or could be interpreted as pertaining to BDSM, i.e. definitions of paraphilia and sexual sadism. Mostly, the definitions of these including fetishism, humiliation, sadomasochism, and cross-dressing retain their original pseudo-Freudian bias with the exception that they are written off by adding the phrase "non-consenting" when relating them to psychological disorders. "Non-consenting" is, again, a term directly in contradiction with the participants of BDSM, which stress strong communication between partners in order to ensure the physical and mental safety of all participants involved. As we can see, BDSM interests started off by being treated as a disorder, then slowly, their pathologization was refined, or rather made vague, until psychologists, psychiatrics, social workers, and others who professionally reference the DSM, could judge for themselves on a case-by case basis whether a patient or client's interest in BDSM really expressed any kind of mental disorder which, as is provided by modern-day data, is a view that still retains bias (De Block

and Adriaens 284).

Engaging with Contemporary Data on BDSM:

There seems to be no shortage of analysis on the "perversions" of the BDSM mindset in Victorian-era psychoanalytic literature, but as we have seen, many of these analyses were based on prejudices resulting from the deviation of sex from biological purposes, or the assumptions of a sexually traumatic experience causing the attraction to participate in BDSM. What seems to be the missing link in destabilizing the association of BDSM with mental illness is the actual data that would void that association. This data does exist, and what is discovered about participants in BDSM almost entirely contradicts the long-established prejudices held by past practices, and in turn, modern day psychiatric establishments. After examining the origin and influence of these prejudices, we can now begin to reference present-day data collected on BDSM and draw conclusions that aim to prove that BDSM, for the most part, has nothing to do with mental disorder.

A large group study that took place in Australia from 2001-2002, the results of which were published in 2008, concludes very simply that, "BDSM is simply a sexual interest or subculture attractive to a minority, and for most participants not a symptom of past abuse or difficulty with "normal" sex" (Richters et al. 1660). In this study, nearly 20,000 participants were surveyed about their sexual habits over a given period of time as they related to BDSM. In the terms defined in the study, these types of acts were looked at through the scope of psychological and physical issues pertaining to sex, not so much about the specific fetish cultures/aspects of the acts that were engaged in. The purpose of this study was not to validate the existence of different subcultures within BDSM, such as leather or bondage, but rather to provide proof that the longstanding misconceptions of BDSM as they relate to participants being psychologically damaged are inaccurate (Richters et al. 1660). Three empirical claims were tested, each based on a preconceived notion about participation in BDSM:

"The assumption that a taste for BDSM is a result of the

individual pursuing in later sexual life attributes of earlier scenes of sexual abuse...The assumption that BDSM interest is a form of psychological abnormality...[and] that people who are involved in BDSM are sexually deffieient in some way and need particularly strong stimuli...to become sexually aroused” (Richters et al. 1661)

Each of these claims were disproved according to the conclusions drawn from the data collected by the study, which found no significant links between participation in BDSM and the existance of a mental disorder in participants.

“In total, 1.8% of sexually active people (2.2% of men, 1.3% of women) said they had been involved in BDSM in the previous year. This was more common among gay/lesbian and bisexual people... [participants] were no more likely to have been coerced into sexual activity, and were not significantly more likely to be unhappy or anxious, indeed, men who engaged in BDSM scored significantly lower on a scale of psychological distress than other men. Engagement in BDSM was not significantly related to any sexual difficulties...Our findings support the idea that BDSM is simply a sexual interest or subculture attractive to a minority, and for most participants not a pathological symptom of past abuse or difficulty with “normal” sex” (Richters et. al. 1660)

The fact that this largescale study so effeciently undermines longstanding institutionalized prejudices, some of which quoted in the study come from the American Psychiatric Association itself, suggests that institutionalized prejudices against participation in BDSM have almost no basis other than being different from established norms.

Examining BDSM Beyond the Scope of the Sexual:

When engaging with the subject of kink and BDSM for the first time, it is easy to pigeonhole the subject into trying to fit models and aspects of other types of sexual relationships. It is also easy to relate BDSM to domestic abuse when it does not fit into established conceptions of sex. One of the main questions about BDSM, which seems to be in the background of much of the data collected, is whether or not BDSM actually has anything to do with this binary? If society momentarily suspended defining terms such as “sexual minority” when describing BDSM, then the process of forcing BDSM into “models” of what

physical communication is understood as would stop, which would then allow it to exist as its own entity separate from sex or from its superficial similarities to abuse.

Instead of defining BDSM, fetishes, and/or kinks as either something sexual or something unhealthy, ethnographer and professor of sociology, Staci Newmahr, suggests that we look at it through the lens of “serious leisure,” a term borrowed from another academic, R. Stebbins, in a 1982 writing, “Serious Leisure: A Conceptual Statement.” In a four-year ethnographic study of a BDSM community, Newmahr attempts to redefine BDSM by studying its relationship to the sex/abuse binary. Using the phrase “serious leisure” is an important statement in that it does not define SM directly as a strictly sexual activity, and it validates the commitment of its experienced participants. In one section, Newmahr paraphrases work by Stebbins in citing the differences between casual leisure and serious leisure, thereby also identifying key concepts that help us to define briefly the practice of SM.

“Serious leisure has six qualities that distinguish it from casual leisure, all of which are salient aspects of SM participation. They are, first: the need for perseverance—in the face of resistance, participants return to their leisure pursuit; second: the leisure pursuit as a career; third: effort involving the acquisition of knowledge, training, experience and/or specialized skills; fourth: durable benefits—personal and social-psychological benefits of engaging in the leisure activity; fifth: unique ethos—the spirit of community; sixth: personal identification with the leisure activity” (Newmahr 318)

Newmahr seems to discuss the qualities of participation in BDSM in terms of a physical/intellectual dichotomy. Physical participation involves things like training and developing a specific set of skills, such as how to safely communicate with a partner during a BDSM activity. The “spirit of community,” i.e. a sense of belonging, deals with the more psychological side of participation in BDSM activities. It is interesting that the term chosen as best defining BDSM, “serious leisure”, seems literally contradictory. “Serious” could be seen as defining a participant’s commitment to BDSM, whereas “leisure” could refer to the type of

physical communication, in other words, not linking BDSM directly or exclusively to sex.

When we discuss kink and BDSM, many of the factors we assume are akin to traditional sex, such as monogamy, privacy, etc., do not carry over. Even within the BDSM community there are differences between those who might enjoy the BD(bondage/discipline, domination/submission) over the SM (sadomasochism or the application and use of pain), and vice versa (Stiles and Clark 159). The elements they share in common however, as stated above, help to define BDSM as an entirely different variety of physical communication. In other words, when these acts aren't always thought of as sex, and when the link to abuse has been disproven, then how do we define it? Newmahr offers the terms of serious leisure as a possible definition: participants may practice BDSM despite their own prejudices and the judgments of their peers and family; they may spend ample amounts of time engaging with and learning about their preferences; they may acquire a breadth of knowledge about safety, consent, and technique, and they may feel accepted and develop a sense of identity though belonging to a community. Having BDSM "participation-rationale" put into terms that help to redefine it as neither a particular sex act, nor the misnomer of being associated with abuse, helps us to actually understand more about the headspace of those who practice BDSM, rather than trying to unsuccessfully reshape these acts and fit them into an already established category of physical relationships.

Conclusion:

The nature of physical relationships, or rather the cultural and/or academic interest in them, seems to be at the forefront of a society coming into an era in which communication is virtually unlimited. The academic community has profited innumerably from the recent advent of different technologies that enable sharing and collaboration. One thing this technology has shown when gathering together information on an often-overlooked topic is that the frontiers of research are ever-expanding. Exploring the borders of what is considered socially acceptable, in a sense, can frame the future. It was not long ago that the

rights of women were glossed over by the mainstream, or homosexuality pathologized. BDSM, throughout this essay, has been presented as many things, but could potentially be best served by being understood as another facet of culture, foreign, and perhaps, unappetizing to some, but one that merits further exploration. These examples can prod us to question exactly what establishment is in charge of determining the socially acceptable, and how we have come to understand acceptability from the perspective of the normative versus the irregular. Perhaps the next incarnation of queer liberation will not be for a minority of people, but for the emancipation of the different physical or sexual preferences within all people.

Works Cited

- Costa Pereira, Mario Eduardo. "Krafft-Ebing, Psychopathia Sexualis And The Creation Of The Medical Notion Of Sadism." *Revista Latinoamericana De Psicopatologia Fundamental* 12.2 (n.d.): 379-386. *Thomson Scientific: ISI Web of Knowledge--Web of Science*. Web. 21 Apr. 2013.
- De Block, Andreas, and Pieter R. Adriaens. "Pathologizing Sexual Deviance: A History." *Journal Of Sex Research* 50.3/4 (2013): 276-298. *Academic Search Premier*. Web. 21 Apr. 2013.
- Ferrer, Charley. *BDSM The Naked Truth*. New York, NY: Institute of Pleasure, 2011. Print.
- Foucault, Michel, and Robert Hurley. *The History of Sexuality: An Introduction*. New York: Vintage, 1990. Print.
- Haber, Matt. "A Hush-Hush Topic No More." *The New York Times*. The New York Times, 28 Feb. 2013. Web. 25 Apr. 2013.
- "NCSF Mission Statement." *National Coalition for Sexual Freedom*. N.p., n.d. Web. 25 Apr. 2013.
- Newmahr, Staci. "Rethinking Kink: Sadomasochism As Serious Leisure." *Qualitative Sociology* 33.3 (n.d.): 313-331. *Thomson Scientific: ISI Web of Knowledge--Web of Science*. Web. 13 Mar. 2013.
- Richters, Juliet, PhD, et al. "Demographic and Psychosocial Features of Participants in Bondage and Discipline, "Sadomasochism", or Dominance and Submission (BDSM): Data from a National Survey" *The Journal of Sexual Medicine* 5.7 (2008): 1-10. Print.
- Salter, Anastasia. "Virtually Yours: Desire And Fulfillment In Virtual

- Worlds.” *Journal Of Popular Culture* 44.5 (n.d.): 1120. *EBSCO: Academic Search Premier (EBSCO EIT) (XML)*. Web. 7 Apr. 2013.
- Schaffner, Anna Katharina. “Richard Von Krafft-Ebing’s Psychopathia Sexualis And Thomas Mann’s Buddenbrooks: Exchanges Between Scientific And Imaginary Accounts Of Sexual Deviance.” *Modern Language Review* 106.(n.d.): 477-494. *Thomson Scientific: ISI Web of Knowledge--Web of Science*. Web. 21 Apr. 2013.
- Stiles, Beverly L.; Clark, Robert E. “BDSM: A Subcultural Analysis Of Sacrifices And Delights.” *Deviant Behavior* 32.2 (n.d.): 158-189. *Thomson Scientific: ISI Web of Knowledge--Web of Science*. Web. 7 Apr. 2013.
- Williams, DJ. “Different (Painful!) Strokes For Different Folks: A General Overview Of Sexual Sadomasochism (SM) And Its Diversity.” *Sexual Addiction & Compulsivity* 13.4 (2006): 333-346. *CINAHL with Full Text*. Web. 10 Apr. 2013.