

Part Three: Sex, cultures, and crime

Chapter Nine: Pleasurable risk

In this chapter we explore sexualised risk and its intersection with **harm** and pleasure. We do this by analysing three case studies against a contemporary background of anxiety about **public health**, the role that pleasurable violence should have in society, homophobia, racism, and **misogyny**. Drawing on examples principally taken from the UK and the USA, we explore how these instances of pleasurable sexualised risk-taking have evolved, and how, as criminologists, we might think about them. To do this we revisit themes of consent, resistance, and harm that we have already seen in Chapters Two and Four. We add to this a more explicit discussion of risk, and how risky leisure may be conceptualised.

By the end of this chapter you will understand more about:

- How pleasure and risk interact with contemporary **deviance studies**.
- How the criminal justice system and **public health** institutions respond to sexualised risky pleasure.
- How homophobia, racism and misogyny have inflected these criminological debates.

In this chapter, we will be looking at the different ways in which we might explore the question of risk. We do so by analysing three cases – BDSM, bug-chasing, and chemsex

– and consider what sort of criminal justice responses exist towards them, against what might be appropriate. BDSM is an umbrella term that stands for ‘bondage, domination, submission, sadomasochism’, and is a form of sexualised **power** play between consenting practitioners; bug-chasing is the practice of deliberately having unprotected sex in order to contract a sexually transmitted infection: usually HIV; chemsex is the practice of having sex whilst taking different sorts of drugs. We have chosen these cases because they all offer examples of risky sexualised practice that is also usually undertaken consensually by the party who risks the harm (the person taking drugs, the person experiencing bondage, and the person chasing an HIV + status, for instance). We ask: what are the criminological implications when people want to do things that are considered to be dangerous: even deadly? How do we think about risk? What are the social, cultural and political implications of actively seeking to harm the self as a form of sexual pleasure? What perspective should a criminologist adopt when it comes to thinking about, and reacting to, deviant sexual behaviours that seem to actively harm the self?

Sex on drugs, sadomasochism, and actively chasing HIV infection (seroconversion) are controversial activities. It can be difficult to understand what their appeal might be. When encountering the discussions in this chapter, it might be helpful to think about them from the perspective that Maria Lugones (1987) describes as ‘loving perception’ or ‘world travelling’ and that we encountered in Chapter One. That is to say, that we recognise that some of these practices may seem unusual – maybe even shocking –

and the justification for them hard to fathom, but we suggest that in order to do the work of sound criminology, we must encounter them with intellectual curiosity that 'travels' to the perspective of the people who engage in these risky practices. We must, as far as is possible, suspend what we already think we know in order to try, with loving perception, to put ourselves in the shoes of people for whom these risks are thrilling sexual choices. Remember that there may be people that you know, in your class, or out of it, who may engage with these sorts of practices. It might even be helpful to think about any risks that you willingly take, or have taken in the past, to approach these questions. Extreme sports are a good example of pleasurable, thrill-seeking, risky behaviour that people engage in that is culturally accepted, and in some cases even glorified, despite the inherent risks they entail.

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By yourself, reflect on the following questions:

- What drives *you* to take risks?
- What does it feel like?
- How much harm is too much to caution you against risk?
- How do we measure this harm?
- What are the implications of deliberately exposing yourself or other people to harm?
- What about harm that people have consented to?
- What do criminal justice systems do about this?

- Does it work?

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We will see that deliberate sexual risk-taking has implications beyond the field of criminology or criminal justice, and this is part of what makes it such a complex and important issue for our understanding of sex and crime. We will also highlight that sexual risk-taking is not so intrinsically different from other forms of risk-taking, and yet it is treated differently due to its ties with non-normative sexualities, which we have also encountered in other chapters.

How to think about risk, pleasure, harm, and criminology

Before we unpack the socio-cultural, criminal, and political implications of BDSM, bug-chasing, and chemsex, it is worth revisiting some of the ideas we explored in Chapter Two about how we understand the concepts of risk and harm and how the construction of these has evolved in contemporary criminological thought over the past few decades.

Risk and danger

As organised, social communities, we define danger in terms of what threatens the public good, and then we use blame to persuade people to contribute to its maintenance by abstaining from dangerous practices (Douglas, 1992). However, this process does not happen outside existing social and cultural hierarchies. As such,

definitions of risk and danger and exertions of blame will be dependent upon power distribution in a given society. In our **capitalist**, hierarchical, **patriarchal** and **heteronormative** social organisation, certain risks, dangers and blames will be recognised and labelled more than others, regardless of the **objective** degree of harm they may incur. Hence, extreme sports such as mountain climbing, sky diving or caving, which are associated with being performed by heterosexual, able-bodied, masculine males, are usually glorified, in accordance with standards of **gender** performance connected to **hegemonic masculinity**, regardless of the risks and harms associated with them (e.g. **morbidity** and mortality rates). At the same time, practices such as BDSM, chemsex, and bug-chasing might be cast as risky, dangerous, polluting and immoral, and intervened upon through institutions of social control. It is worth noting that social control is not an exclusively criminal-legal realm. Practices such as chemsex are targeted through a combination of penal and medical interventions. They are understood and intervened upon through a medico-penal framework that establishes the boundaries of acceptable behaviour while trying to manage their risks and consequences.

Pleasure and edgework

Pleasure is key when it comes to understanding why some risk-taking is so popular. It takes its etymological Old French *plesir* and the Latin *placere* 'to please, give pleasure, be approved'. Thus, like risk, pleasure can be thought to emerge within an intersubjective dynamic, meaning it is something which might be thought to occur

between different human and non-human subjects, or by a person's interaction with objects, events, or ideas, that are pleasing. There is not a vast amount of discussion of pleasure in criminological accounts of crime. And yet, arguably, pleasure is intrinsic to idealised notions of **sexual practice**. We need to take pleasure seriously if we are to understand how it interacts with sexualised risk-taking.

A theory which addresses the relationship between pleasure and the pleasurable taking of risks developed by anthropologist Stephen Lyng in 1990 is edgework. The term, taken from Hunter S Thompson's (2005[1971]) semi-autobiographical account of travelling arounds Las Vegas whilst high on drugs and alcohol, describes wilfully putting the body into dangerous – risky – situations to explore how much the body can take, and how far it can go. The reason why people take these risks is in order to lead a full, authentic, and rewarding life. Rather than be stifled by the moribund, hum drum everyday by seeking to avoid risks, for edgeworkers, it is the taking of risks themselves that enables them to develop fully as humans (Lupton, 1999: 155). For Lyng (1990: 857), edgework describes encountering 'a clearly observable threat to one's physical or mental well-being or one's sense of an ordered existence'. Lyng developed this theory in the context of his work with skydivers. Other risky leisure pursuits, including mountain climbing, motorcycle racing, and bungee jumping might all count as edgework. But as Lyng and Rick A. Matthews (2007: 78) explain 'in the purest expression of edgework, one negotiates the edge by striving to get as close to it as possible without actually crossing it . . . [and] the edge can assume different forms'.

Hence, edgework can also describe taking risks such as consuming vast amounts of drugs or alcohol as in the novel *Fear and Loathing in Las Vegas* or participating in high stakes gambling. Stockbrokers, elite surgeons, and cycle couriers (Kidder, 2011) might all be said to be edgeworkers; taking high risks in the course of their work which, if they succeed, they are rewarded for, but if they do not – if they fail – they know that they risk reputational disgrace, dismissal, even death.

Edgework describes the thrill of putting the body into a risky situation in order to cheat death or serious injury or serious reputational damage. It could be said to emerge as a neo-liberal response to the imperative in modernist life to avoid risk as far as possible and to prioritise security at all costs. How do we interpret this in the context of sexual practices? The thrill of taking, and surviving, a risky sexual experience describes some of the allure of sadomasochistic sexual encounters (see Newmahr, 2011) that we will discuss more of in this chapter. It could also be used to account for sexual practices that are risky because of the context (deliberately risking unwanted pregnancy, or infection with a STI (sexually transmitted infection), or sero-conversion, which we also see more of in this chapter), or because of the place it occurs in (for instance, in outdoor space (Bell, 2008); in toilets (Hollister, 1999); or online (Van Doorn, 2010)), or because of the people involved (think, for instance, of swinging or partner-swapping). Valli Rajah (2007) has suggested that the theory of edgework can also be used to account for the decisions that some women make to stay

in violent relationships; in order for them to gain a level of mastery over otherwise chaotic lives.

Accompanying this conceptualisation of risk as a form of leisure activity, is the notion of 'deep play' developed by anthropologist Clifford Geertz (1973). Building on philosopher Jeremy Bentham's (1887) observations about leisure practices (such as gambling) where the loss can never beat the reward, Geertz argues that deep play – where the risks are impossibly high, and it cannot make sense to take them – is a form of culture-building where anxieties about status and society are played out via hugely dangerous – reckless even – leisure practices. When thinking about the examples in this chapter, consider whether they might be examples of edgework, or deep play, or something else.

Research on edgework has rightly been criticised for its white, male-centric focus. Though women certainly participate in extreme sports and subcultural practices, these are communities which are dominated by **cis-gender** men (Laurendeau, 2008). The focus on mastery of the body, of developing skills, strength and capacity to climb higher, to dive deeper, to drive faster are accompanied by an ableist **discourse** about the sorts of bodies that might be valorised as risk-takers. They are also accompanied by neo-liberal responsabilisation discourses; the imperative to be responsible for yourself. In edgework, the idea is to go as far/as fast/and much as you can – to meet your edge – and then to come back. To go too far is to do poor edgework: it is to have

failed. Deep play on the other hand, does not have the same sense of responsibility not to destroy yourself. But this sort of leisure, like edgework, could be considered nihilist and selfish. If it is these things, should criminologists intervene? And if so, how?

Anthropological concepts and understandings, such as Lyng's concept of edgework, become central to cultural criminological analyses (see Ferrell, 1997; Hayward, 2002; Hayward and Young, 2004). Yet, the enthusiasm of cultural criminology for the edgy and transgressive has more recently been challenged by accounts that sought to re-establish the centrality of harm as an objective category.

Harm

The type of edgework which has received attention from sociologists, social anthropologists, and criminologists has also been figured under an ultra-realist analytical perspective as a form of 'deviant leisure'. We encountered ultra-realism in Chapter Two. Scholars of deviant leisure including Oliver Smith and Thomas Raymen (2018) seek to attenuate the early enthusiasm for pleasurable risk-taking evidenced in the cultural criminological accounts of things like edgework. For them, deviant leisure – like chemsex, BDSM or bug-chasing, perhaps – describes behaviours which 'if not always illegal, appears close enough to the boundary between deviance and illegality to invoke discussion around police response' (Smith and Raymen, 2018: 64). Deviant practices, including graffiti, joyriding, or BASE jumping (Presdee, 2003; Laurendeau, 2011) have been optimistically figured by cultural criminologists as

practices which seek to resist the mainstream, push back against authority, to become a form of counter culture that enables practitioners to establish their individual **agency** free of the tyranny of intervention of **the State**, authority, or rules (see for example, Garrett 2014, Williams, 2009).

Such apparent hedonism happens without attending to the **neoliberalism** that underscores this notion of individualism, or the capitalistic devices that are used to recuperate apparently subversive practices into the mainstream. Instead, Smith and Reyman (2018), Steve Hall (2012), and Hall and Simon Winlow (2018) amongst others, ask that leisure studies attend to the type of harm that specific practices might inflict, and from this decide whether a practice is troublesome or not for criminologists.

Recall from our discussion in Chapter Two, that ultra-realists critique the 'special exceptionalism' that they argue some actors – here, risk-takers – hide behind in order to justify actions which are generally harmful, to society, to the environment or to other people. Deviant leisure studies provide us with a lens through which to see the harms which are taken for granted as part of normalised leisure activities. This helps us to see how the norms which underpin leisure are themselves composed and constrained by the capitalist imperative of individualisation which causes social and cultural harm.

Given these diverse approaches to risk and pleasure, how can we understand sexualised risks that people take for fun? Will the constructivist approach to risk better account for why people take risks – sometimes with fatal consequences – in pursuit of their own sexual satisfaction? Or rather is it the case that these sexualised risks are taken as a sign of resistance to authority and the rule of law? Is it mastery of the self and an expression of powerful skill which motivates some of these practices? Or is it an ignorance of harm and a sense of exceptionalism borne out of a selfish notion of ‘special liberty’ that motivates sexual risk-takers?

BDSM, consent, and criminal justice

Consider the following scenario:

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Scenario One

On your account, after beating her, Natalie’s requests became more extreme. She asked you to insert a bottle of spray carpet cleaner into her vagina, as a sexual stimulant. This was a large object with a trigger. It became lodged in her vagina and you could not get it out. You went to get a bottle of lubricant to try and remove it. The pathological evidence was that the bottle caused lacerations to her vagina resulting in arterial and venous haemorrhage... It seems to me, [that this] was something which came about on your account because once you had beaten Natalie, she wanted something more extreme done to her. As I have said, I am prepared to accept in your favour that she instigated this. It seems to me that this act was not unlawful,

notwithstanding that it did in fact injure her. The insertion of the bottle came at the end of your sexual activity with Natalie when it must have been plain to you that she was now very drunk indeed becoming falling down drunk and, in your own words, talking 'gobbledy gook'. Just because she wanted that item inserted into her vagina did not mean that you had to do it. Your own account to the police was that you would draw the line when her sexual demands were too extreme for you, and that you did so that night (e.g. by hitting her with your boot rather than a belt)That bottle of carpet cleaner should never have been anywhere near her vagina no matter what she demanded of you. You chose to do something which, even if not unlawful, carried a high degree of risk.

R v John Broadhurst (Birmingham Crown Court, 17 December 2018), sentencing remarks.

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The case of *Broadhurst* is a recent controversial instance of involuntary manslaughter in England. The facts of the case are outlined in the sentencing remarks above, as is the legal problem at issue. This case concerned the death of a young woman following considerable alcohol and consensual violent sexual play at the house of the defendant in 2016. The defendant was asked by the woman to penetrate her vagina with an object that caused her a serious internal injury. He did not help her to seek medical attention for her injuries, and this led to her death. The defence suggested that because his partner had asked him for something 'more extreme' than the other BDSM

play that they had participated in, namely spanking her breasts and buttocks, she had *given her consent* for the act to happen (see Chapter Four for our discussion of consent).

When is consensual BDSM a crime?

BDSM, sometimes known as 'kink' or as 'SM' in different contexts, tends to describe the consensual pushing of boundaries in the context of sexual practice (Newhmar, 2011). To participate in BDSM is known in the vernacular as 'to play', which indicates that it is supposed to be a leisure activity, it is supposed to be exploratory, and that it is supposed to be fun. It can look like many things: consensual spanking, caning, or whipping parts of the body that featured in the Broadhurst case, and that you may have encountered in the *Fifty Shades of Grey* novels (although see Bonomi et al, 2014 for critiques of this); orgasm and diet control that we encounter in the 2002 film *Secretary* (although see Weiss, 2006 and Wilkinson, 2009 for critiques of this); the PVC, restraints, and rope play that we find in Rihanna's *S&M* music video; the pet play (when people pretend to be domestic animals such as cats and dogs) that you may have seen on the streets of London (see Fanghanel, 2019). Practices which perhaps have not encountered the mainstream in the way that some of the BDSM has, might include electricity play, asphyxiation, play with needles, or with blades, or with fire. These carry higher levels of risk than other sort of kinky practice, but they can be considered to be part of BDSM practice. People who practice BDSM might

consensually agree for someone to electrocute them or tape a plastic bag over their head so that they cannot breathe.

These latter practices bring with them increased risk of injury. Certainly, if they were undertaken without consent, these would be clearly criminal acts. And as we have seen in Chapter Four, consent of the 'victim' is not necessarily a valid legal defence to committing the criminal offence. So, what is the draw of this sort of BDSM practice, and what does the law say?

BDSM or kinky sexual behaviour as a subculture has received an increase in academic attention over recent years. Much of this attention is given over to explaining firstly what BDSM is, from an almost ethnographic or anthropological perspective (Weiss, 2011; Newmahr, 2011); secondly, attention is devoted to understanding BDSM sexual practice from a sympathetic public health perspective (Lee et al, 2015), thirdly attention is given to the dynamics of consent within sexual encounters (Pitagoria, 2013; Barker, 2013). Finally, academics have considered the political implications of BDSM for transformative **social justice** (Weiss, 2006, 2011; Califia, 1994; Rubin 1997; Downing, 2013, Fanghanel, 2019).

Staci Newmahr (2011) suggests that people who participate in BDSM are doing so as a form of edgework. As we have seen, edgework describes the deliberate taking of risks in order to gain and demonstrate mastery over particularly perilous situations.

Edgeworkers report that they enjoy taking risks and find a difficult or painful encounter satisfying. Developing skill at taking risks, being able to do things that other people are unable to do, and developing a reputation as a successful risk-taker enables an edgeworker to develop their sense of self. In the context of BDSM, becoming recognised as having this prowess is an important way in which to develop status in a BDSM community and to ascend the hierarchy (Fanghanel, 2019). But BDSM is not simply motivated by the competitive element of edgework. The desire to push the body further, to explore more and more intense or extreme experiences, to delve further into a passion than ever before could be understood as an expression of an erotic drive through which the edgeworker also gets a sense of fulfilment. Which is why people who practice more extreme BDSM might also emphasise the consensual element of it (Lee et al, 2015).

In the context of consent, in Chapter Four we encountered the famous case of *R v Brown* [1993] 97 Cr App R 44, in which a collective of men were found guilty of, amongst other things, grievous bodily harm for their consensual BDSM activities with other men. In *Brown*, it was ruled that it was not legally permissible to consent to have violence that causes more than transient injury exacted upon you for sexual gratification. Compare this judgement to later cases of consensual BDSM that have come before the court.

R v Slingsby [1995] Crim LR 570

In the case of *Slingsby*, a woman whose vagina and rectum had been consensually penetrated by her partner with his fist was injured by a ring that he was wearing on his finger. As a result of the internal injury she sustained, she contracted septicaemia and died. The court held that because the injury and ultimate death of the victim was as a result of an unforeseen injury that neither party expected or intended, this was not a case of manslaughter. The act that gave rise to the injury was consensual and not usually especially risky, so the defence that she did consent to the injury (the defence raised in *Brown*) had not arisen as there had been no intent to injure the complainant.

R v Wilson [1996] Crim LR 573

The case of *Wilson* concerns a husband who branded his initials onto the buttocks of his wife with a hot knife at his wife's behest. The burns needed medical attention and the medical practitioner to whom Mrs Wilson showed her burns reported the injury to the police, who subsequently charged Mr Wilson with actual bodily harm. At first, following the judgement in *Brown*, the judge held – reluctantly – that the wife could not consent to activity which caused her this more than transient injury. On appeal, however, it was ruled that this case was not comparable to *Brown* because *Brown* concerns 'sadoomasochism of the grossest kind, involving, inter alia, physical torture' (*R v Wilson* at 749), whereas this consensual activity was no more dangerous than

tattooing, which people can freely consent to. Moreover, they said, 'consensual activity between husband and wife, in the privacy of the matrimonial home, is not a proper matter for criminal investigation, let alone criminal prosecution' (*R v Wilson* at 750). Thus, evoking Gayle Rubin's (1984) notion of the 'charmed circle of **sexuality**' that we met in Chapter One, this judgement returns private sex acts from an issue of public police and public health concern to a private matter that ought to be beyond the reach of the criminal court.

Here, it might be helpful to look carefully at the differences between the injuries sustained by the so-called 'victims' in each case. In *Slingsby*, the female participant in the sex act died. In the case of *Wilson*, the wife needed medical attention, whereas in *Brown*, the appellants did not need any medical attention and suffered no permanent injuries. In all cases the acts were committed by consenting adults in private. Yes, in *Brown* the participants videotaped themselves and shared those videos, effectively making extreme pornography (see Chapter Thirteen for our discussion of illegal images), but this element was not salient in the debates around whether or not their consent was valid.

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Think about this idea that sex in the matrimonial home should simply not be a matter for the courts. What assumptions is that based on? What norms is this judgement perpetrating? *Brown* has been criticised as a display of '**paternalism**' of an unelected,

unrepresentative group who use but fail to openly acknowledge th[eir] power' (Giles, 1994: 111). What does this mean, and do you agree?

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R v Emmett [1999] EWCA Crim 1710

Perhaps it helps to see the *Brown* case in dialogue with that of *Emmett*. Here, once more, a male and female couple engaged in consensual BDSM activity including, on one occasion asphyxiating the woman with a plastic bag to the point where she might have lost consciousness and needed medical attention. On another occasion, the defendant poured lighter fluid over the breasts of his partner, which he then set alight, and which caused a 6 cm burn on her skin. Again, he encouraged her to seek medical attention for this injury. The second visit to the doctor caused the doctor to report the incidents to the police. The defendant was charged with actual bodily harm and was found guilty based on the *Brown* judgement that there is no defence of consent for 'sadoomasochistic encounters which breed and glorify cruelty' (*R v Emmett*, citing *Brown* at 4). Unlike in *Wilson*, in the case of *Emmett* the court decided that

the degree of actual and potential harm was such, and also the degree of unpredictability as to injury was such, as to make it a proper cause from the criminal law to intervene. This was not tattooing, it was not something which absented pain or dangerousness and the agreed medical evidence is in each case, certainly on the first occasion, there was a very considerable degree of

danger to life; on the second, there was a degree of injury to the body. (*R v Emmett* citing *Brown* at 6)

These four cases bring us to some sort of understanding of the interaction between risk, harm and pleasure in the contexts of consensual kinky sexual activity. We see, in English courts at least, a reluctance to intervene in the domestic arrangements of consenting adult couples. We see the limits of this turn on the severity of the injuries and the risk of lasting or serious injury that they might entail. We see this emerge from a case in which the BDSM acts which occur between consenting groups of men were described as cruel, evil and uncivilised, even where the acts themselves were not serious enough to merit medical attention as in the case of branding. We also see latent homophobia of judges who occupy dominant positions - economically, socially and politically - in society elide 'homosexual sadomasochism' and 'physical cruelty *that it must involve*' (*R v Brown*, at 67, our italics; see also, Ashford, 2010; White, 2006).

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Think back to the case of *Broadhurst* with which we started this section. Feminist commentators have criticised the judgement as a form of victim-blaming; the idea that she 'asked for it' by asking for what might be considered extreme sexual practices to take place (see Harman and Garnier, 19 July 2019 and the campaign We Can't Consent to This). How can we understand this?

- Do you agree that the approach of the judge was too permissive by finding that Broadhurst had consensually used the carpet cleaner bottle to penetrate his partner?
- Is this victim-blaming? And if it is not, what is it?
- If it is victim-blaming, what does this interpretation mean for the role of the criminal justice system in the matrimonial bedroom?
- Was this case an example of deep play?
- Was this case an example of edgework gone too far?
- What would an ultra-realist reading of this case have to say about this?
- Is it tied to shame?
- Is it tied to a sense of 'special liberty'?

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Bug-chasing and the law

Bug chasing is defined by David A. Moskowitz and Michael E. Roloff (2007a: 347) as an 'active desire to voluntarily contract the human immunodeficiency virus (HIV)'. It is supposed to describe a subculture of men who have sex with men without using barrier methods of contraception (known as bare-backing) and who do this to deliberately contract the HIV virus. The term 'gift giver' is used to describe HIV+ men who seek to deliberately infect HIV- men with the HIV virus. Some scholarship has emerged amongst public health professionals about this phenomenon. They seek to understand what it is (Groves and Parsons, 2006; Moskowitz and Roloff, 2007b), why it

happens (Klein, 2014; Hammond et al, 2016), and how to prevent it (Moskowitz and Roloff, 2007b), or if it should be stopped at all (Tomso, 2004; Malkowski, 2014). For our purposes, in this chapter, we will think about bug chasing and gift giving as a form of consensual sexual risk-taking, and we will consider what the response of criminal justice discourses is, or could be, if anything.

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Scenario Two

Men in online forum explain why they 'bug chase':

Adam: Like many men my age, the AIDS crisis was a big deal in the early part of our lives in the gay universe. There is a desire to connect to the generations of HIV infected men, living and dead.

The AIDS crisis had a huge impact on the narrative of gay life. Some of that, compassion for the individual has been good. But much of it, fear, stigma and isolation has been bad. Those with the disease have a seat at the table where the gay narrative can be redefined for a newer era.

Pushing my own "sexual envelope" has always been important to me. Exploring many avenues of sexual expression has helped me fully understand my own homosexuality and related desires. The entire gift giving/chasing subculture presents a sexual frontier full of new adventures.

Forty years of careful, mostly safe sex has been supplanted by a couple handfuls of exposures over the past week. The coming weekend will see my immune system exposed to even more of the virus. Had this force been of lesser power, I would have never reached this position. But now, it is not just a force, it is my destiny. Denying that seems futile, embracing it is my choice.

Bern: as a transsexual, its the only real way I can become pregnant with some dads babes, i am so broody for poz [HIV +] loads

Coco: For me, I was happy with condoms, it never entered my mind that I would be a bug chaser. Then it seemed like it happened in a day, my attitude flipped & I wanted to bb [bareback] & realized that I was suddenly sexually aroused by the thought of being POZ. I knew that I would be okay with helping other chasers cross the bridge when the time came. I have always been a top. I still get horny because I am POZ [HIV +], got even hornier when my doc diagnosed me with full-blown AIDS. Will consider a med vacation if someone wants my help. I will always remember what it was like when I was chasing & how happy I was when I met a POZ pig willing to bring me over. I have no wish to die, I am not punishing myself or hate myself or feel guilty in any way & will take meds as appropriate. I enjoy being POZ immensely. I enjoy playing with other POZ pigs & certainly feel an attachment.

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If HIV/AIDS infection became a global source of anxiety at the end of the twentieth century, then this has been accompanied by an almost incredulous response on behalf of experts and lay-people to the possibility that there might be some men who actively seek to seroconvert. Dean K. Gauthier and Craig J. Forsyth (1999) wrote one of the earliest papers which explores, and seeks to understand, the phenomenon of bug chasing. Through it, they establish a definitional frame which distinguishes barebacking, gift giving, and bug chasing. They speculate that men who bug chase might do so because they seek the relief of getting their infection 'over and done with'; knowing that it is inevitable that they will one day get infected, they decide to try to take control over when and how that might happen.

The eroticisation of riskiness itself is also offered as a way to explain why bug chasing happens; that it is a turn-on to act so potentially recklessly. Some men seek seroconversion to get a sense of belonging, and out of their sense of loneliness at not being part of the 'gay community', or out of survivor's guilt if their friends or partners die. Finally, some men become HIV+ as part of a politicised rejection of the marginalised position that gay men experience in society (remembering that gay stigmatisation was much more explicit in the 1980s and 1990s than it might be now). These ideas have been developed by scholars including Moskowitz and Roloff (2007a, b), Chad Hammond et al (2016) and Hugh Klein (2014). They have been critiqued by Gregory Tomso (2004) and Jennifer A. Malkowski (2014). Moskowitz and Roloff

(2007a, b), like Christian Grov and Geoffrey T. Parsons (2006) conducted research which analysed men's online dating/hook up profiles on websites where men would meet for bareback sex and compared men's serostatus to what they say they are looking for (if a HIV- man seeks a HIV+ man for unprotected sex, they would classify this as a bug-chaser, for instance). They go on to suggest that the commonly accepted reasons given for men to take this risk are not very compelling. Reasons given build on Gauthier and Forsyth's initial suggestions. They include the notion that HIV+ status becomes a way of joining the gay community, which Moskowitz and Roloff (2007b: 23) reject as being an unconvincing way of joining a community; there are other ways in which a man can demonstrate his commitment to the community without actively seeking seroconversion. Otherwise, it is suggested that as HIV drugs have become more effective, the danger of death from the disease is seen as less likely. This also fails to convince Moskowitz and Roloff, who argue that this in itself would only explain why people are indifferent to HIV infection, not why they actively seek it. Beyond this, is it possible that gay men are 'simply exhausted' by 'good gay health' narratives and bug chasing becomes a way of resisting this? Moskowitz and Roloff argue this does not explain the appeal of gift givers seeking out specifically HIV- partners to infect. Instead the authors argue that bug-chasing is an expression of sex addiction that seeks ever more extreme sexual experiences. They ally BDSM practices such as role playing, fisting, and urination as other expressions of sex addiction. Self-humiliating language in dating adverts was taken as evidence of this (some of this we see in Scenario Two above) and that if sex addiction was treated, bug chasing would begin to disappear.

They suggest, 'it becomes evident that built into the bug chasing culture is a voluntary power inequity. Relinquishing sexual aggression to another becomes an aphrodisiac where the bug chaser becomes the passive victim to the serodiscordant partner's aggressive killer. Infection becomes a sort of suicidal pregnancy' (Moskowitz and Roloff, 2007b: 35).

This idea of pregnancy might be inadvertently closer to the truth, if we think about the motivations that are also outlined by bug chasers in Scenario Two above. Klein (2014) and Hammond et al (2016) have both given more consideration to 'creating a death' as a motivation for bug chasing. Though they do not draw on Freudian notions of the death drive and Eros (the life-producing creative drive) it is possible to glimpse at some of these drives in their accounts of 'breeding' and 'generationing'. Literally using the language of procreation, genus, and progenation, Klein (2014) and Hammond et al's (2016: 272) papers separately tell us that within bug chasing discourses, there are notions of 'breeding new men' or creating generations of HIV+ men whose virus originates with one man who becomes the archaic 'mother'(father) of generations of his 'sons' who are HIV+ and who ceremoniously infect longer and longer generations of men. Better understanding the thrall of creating the vampiric new life might help better respond to bug chasing as a phenomenon that continues to cause panic and anxiety in mainstream discourses.

Indeed, for Malkowski (2014), the act of creating typologies of different types of bug chaser, or of reporting about bug chasing from an outsider perspective, as many of these studies have, serves to distance and objectify bug chasers as some sort of incongruous 'other'. This distancing leads authors like Moskowitz and Roloff (2007b: 38) to lament that gay men are simply not as scared of HIV anymore and that 'the only way to stop bug chasing is by making HIV/AIDS as terrifying as it was for gay men circa 1985'. It will not be by bullying men into safe sex that bug chasing will stop, she argues. Instead, it is through the active practice of 'rhetorical listening' (Malkowski, 2014: 222), and as we have asked you, the reader, to do in this book, practicing 'loving perception' (Lugones 1987) and 'suspend[ing] initial judgements' that men seeking risky sex behaviours can best be responded to by health professionals.

[START TEXTBOX]

- Given what we now know about risk, harm and pleasure, how can we interpret bug-chasing from a criminological perspective?
- What would ultra-realists make of bug-chasing?
- Is it fundamentally a practice of resistance?
- Can it be thought to be anti-capitalist? Is it simply too straightforwardly harmful?
- Is there anything pro-social, or community-orientated about it? Is this enough?

[END TEXTBOX]

Consent, once again, plays an important role here (see Chapter Four where we discuss nonconsensual transmission of HIV). Though it is demonised and condemned by health professionals, **LGBT+** community activists, and people living with HIV themselves (see 'I Love Being HIV+', 2006) the accounts given for why men do bug-chasing could be considered to have an internal logic to them. Men talk about semen 'impregnating' them, being connected to other gay men across the generations, being aroused by the status of being 'POZ'. All of these are complex issues of desire which become bound up with what some of these men think are expressions of queer/gay/trans masculinity.

For some, there is an edgework-like component (they like to push their 'sexual envelope'). For others, it is not about **abjection**, shame, or even belonging but rather an alternative expression of sexual desire; 'I have no wish to die, I am not punishing myself or hate myself or feel guilty in any way & will take meds as appropriate. But I enjoy being POZ immensely'. In her 2003 film about bug-chasing called 'The Gift', director Louise Hogarth followed the stories of two men, Doug and Kenboy, who describe deliberately becoming HIV+. For Kenboy at least, whose accounts of hosting orgiastic barebacking parties explain some of the reasons why he sought sero-conversion, bug-chasing could be much more obviously considered a form of deep play. In a BBC 2006 documentary on the topic, journalist Ricky Dyer concluded that bug-chasing was a fantasy, with more people saying they want to do it, than actually doing it (despite encountering some bug chasers in the course of his documentary ('I

Love Being HIV +', 2006)). Even if this were true, what does this phenomenon tell us about public health messages, whether the criminal justice system should intervene, and what we, as criminologists should think about this from the different perspectives outlined in this chapter?

Chemsex and deviance

Chemsex, or party and play, is the vernacular for orgiastic parties that involve men having sex with men under the effects of several controlled substances, which normally include Mephedrone, 'G' (gamma-Hydroxybutyric acid), Ketamine, and may also include Crystal Methamphetamine, and Cocaine (Bourne et al, 2014). Chemsex displays many similarities with the cases of BDSM and bug-chasing in particular. It tends to involve more marginalised, 'different' sexual orientations and practices, and may sometimes overlap with bug-chasing as a practice. So, why do people participate in chemsex, and why should criminologists care about it? The act of having sex in groups is no longer in itself a matter of interest for the criminal law (see our discussion of criminal regulation of homosexuality in Chapter Three). However, as we observed in *Brown*, the criminal law has intervened in cases of extreme sexual practices, arguably in an attempt to re-assert norms and moral standards.

Although the possession of controlled substances is a criminal offence in England and Wales under the Misuse of Drugs Act (MDA) 1971, and indeed drug prohibition is the dominant system of drug control worldwide, such legislation seldom results in arrest

and prosecution in the context of chemsex. In a statement about chemsex, the Metropolitan police makes clear that: 'you won't be arrested for using drugs while having sex' (Metropolitan Police, n.d.). This statement might imply that the central concern for the police in the context of chemsex is safety, rather than enforcement. Moreover, the MDA only covers possession and distribution, and not consumption, so a person under the influence of controlled substances but not found in possession is not liable to arrest.

Can we observe any ways of resisting the status quo in the practice of chemsex, or is resistance an illusion that masks individualistic, selfish, and hedonistic pursuits? Or does chemsex mask something more sinister, such as internalised stigma and marginalisation that encourages participants to harm themselves by engaging in risky practices? Once again, we will look at the intersections between harm, risk and pleasure to interrogate this phenomenon. Consider; is it edgework? Is it deep play? Or something else?

[START TEXTBOX]

Scenario Three

Extract from a BuzzFeed article

Inside The Dark, Dangerous World of Chemsex

When Stephen Port was convicted last week of the rape, drugging, and murder of four young men, police began to look again at dozens more cases involving date-rape

drugs. But an investigation by BuzzFeed News into the hidden world of 'chemsex' reveals, through unprecedented first-person testimony, that this is just the beginning.

A young man stands at the edge of the Manchester ship canal. He steps forward, and in. The water, tepid from summer, rises up his shins, thighs. He begins to wade. He wants to vanish. Now he is up to his waist.

It is early afternoon at the end of August this year, days after another man injected him with seven times the dose of crystal methamphetamine he had agreed to take. Days after, psychosis set in.

Minutes elapse. Two passers-by stop, spotting the unnatural sight. What are you doing? Do you need help? There is no response. They stretch out, clasp his arm and yank him back to the path. The next day a psychiatric unit admits him – another young man, splintered from reality.

Three months later, and hundreds of miles away, I sit on his bed in London facing him. His name is Rob. He is handsome, smartly dressed, educated.

I want to know how he got there, and how so many more like him fall out of the world most of us recognise and into a hell most know nothing about, a glimpse of which recently reached the front pages.

The glimpse came from the trial of Stephen Port, last week convicted of the rape, overdosing, and murder of four young men – a serial killer whose weapons were the drugs used to heighten sex and, for a minority, to enact the worst of crimes.

Police will now re-examine the deaths of 58 other people from the drug GHB over the last few years. The question this raises is: What have they been missing?

Throughout the reports of the trial one word recurred again and again: chemsex. Uttered in increasingly wide circles, the term refers to men having sex with each other while imbibing, inhaling, or injecting (“slamming”) three principal drugs: crystal methamphetamine (aka crystal, meth, Tina), GHB (aka G), and mephedrone.

(Strudwick, 3 December 2016)

[END TEXTBOX]

Stephen Port, a serial rapist and killer nicknamed ‘the Grindr killer’ by the media, received a life sentence for the rape and murder of four men. He allegedly drugged and raped each of the men, and then left them to die. In the extract above, and in other news articles covering the case, there is a clear attempt to link the practice of chemsex with Stephen Port’s crime. The narrative of the news piece depicts chemsex as a dangerous, risky, non-consensual, and potentially deadly practice. The piece goes on to argue that, in such predatory environment, drugs remove the possibility for

consent, and thus, widespread sexual violence and abuse are endemic to chemsex (see Chapter Four for our discussion of intoxication and consent). Patrick Strudwick, the author of the news article, makes yet another connection to the Port case:

amid this mess of victims being blamed, or blaming themselves, and mental fog about the events themselves, Doyle says there will be many people who only realise they have been a victim of a crime when they read details of the Stephen Port case and recognise what happened to them. (Strudwick, 3 December 2016)

The Port case is described here as an eye-opener for chemsex participants, enabling them to see themselves as victims. Interestingly, as a result of criticism from Port's victims' families, the police were called upon to re-examine 58 overdose deaths that were ruled as accidental to establish whether there was foul play in the form of intentional over-dosing by a third party.

Reading the above extracts, and original article, how do you feel about chemsex? If you did not know anything about this practice before reading this, then it is likely that this particular narrative would dominate your understanding of this phenomenon.

But let us shift our attention away from the practice itself towards interrogating our social attitudes towards it. What does this narrative portrayal of chemsex tell us about our understandings and cultural attitudes towards it? Is it possible that a single, isolated crime such as Port's, as heinous as it was, becomes symbolic of a set of social

anxieties, moral/legal boundaries, dangers and risks that surround the practice of chemsex? Through this symbolism, the complexity of individual agency and its negotiation in the context of chemsex is fast removed, and the practice is re-imagined as a dangerous game led by predators to deceive and exploit their victims. Is this a fair portrayal? Let us look at some literature to interrogate this further.

Most studies on chemsex are underpinned by a medical, public health framework (Hakim, 2019). Many such studies are primarily concerned with harm and make outward reference to risk in their titles (see, for example, Sewell et al, 2017; Pufall et al, 2018; Glynn et al, 2018). While some mostly focus on traditional public health measures of harm, such as morbidity and mortality rates, sexually transmitted infections, addiction, and blood-borne viruses, other studies focus on environmental risk factors. Chemsex is defined as a syndemic risk environment (Pollard et al, 2018). Syndemic describes when multiple health problems interact and contribute to a higher burden of disease in a given population, because it involves the combination of multiple risky behaviours; namely drug-taking and sex that may be unprotected and involving multiple partners. A risk environment framework, first coined by Tim Rhodes (2002), involves shifting attention away from individual action, and towards environmental and structural factors that frame individual risk-taking. In the context of chemsex, 'homophobic mainstream culture constitutes a macro-level 'risk environment' in which gay and other men who have sex with men are stigmatised, and against which lesbian, gay and bisexual communities have constructed

antithetical sub-cultures to resist shame and celebrate marginalised identities’
(Pollard et al, 2018: 421).

This view of chemsex is interesting; it seems to assume that there is resistance in its practice. However ultimately, the quote seems to point to the role of internalised stigma in producing the risk environment that negatively affects the life chances of those who partake in chemsex practices. Notwithstanding the advantages of a risk environmental perspective over a more traditional public health approach, particularly in terms of engaging with the potential effects of stigma and marginalisation, risk alone is not enough to understand what is going on. Furthermore, any given public health perspective will necessarily be limited by its aims to sanitise and control. As such, chemsex and similar practices will continue to be constructed as pathological. At this point, we may ask: what drives involvement in chemsex?

One approach to understanding chemsex within an outwardly critical cultural tradition uses the now familiar concept of edgework to explain the phenomenon (Hickson, 2018). Using edgework allows us to understand risk-taking as inextricably tied with pleasure. Through edgework, risk and pleasure may be conceptualised not as distinct and opposing forces, but as interconnected. Ford Hickson (2018) argues that some chemsex for some men qualifies as edgework, partly to avoid the risk of using a broad brush to characterise all experiences, and partly because he finds the

defining characteristics of edge-working in people's narratives. For instance, he reports that participants in his study were actively drawing the line between acceptable and unacceptable behaviour, in terms of both drug-taking (for example, by not sharing needles or not injecting) and sexual practice (such as no barebacking). Participants also presented themselves as knowing what they were doing; expertise is an important aspect of maintaining the edge. This is exemplified by their knowledge of drugs: dosage, mixing of substances, dosing practices, and interventions upon members in case they felt unwell all figured in participants' repertoires. The third aspect of edgework found in accounts of chemsex was about expanding the limits of pleasure, but also the limits of being human, referred to by participants with words such as 'intense emotions', 'freedom', and feeling 'super human' (Hickson, 2018: 9).

Is there something here about the management of risk and pleasure that appeals to males in particular, and is tied with notions of successful masculinity? In an effort to 'de-pathologise' and de-shame chemsex, alternative explanations refer to processes such as 'queering intimacy' as an expression of the neoliberal 'contradiction between individualism and collectivity' (Hakim, 2019: 252). Within chemsex, drugs are used to lower inhibitions and heighten pleasurable sexual experiences, but also to address a lost sense of collectiveness through creating spaces and practices of collective, intense, and affective intimacy.

[START TEXTBOX]

Whether Jamie Hakim's account is convincing to you or not, it is nevertheless interesting to consider this phenomenon from a different perspective, one that does not begin with a negative value-judgement at its core, and is perhaps more in line with Maria Lugones' (1987) 'loving perception' approach. One participant in Hakim's study describes his experience of being at chemsex parties below:

I've been at parties before where all I've done is talk and dance. The mood just went that way for me... One of my friends, we had been having sex for a couple of hours and then all of sudden I spotted this Kylie book... I said "Oh my God, you like Kylie!" and he was like [affects camp demeanour, sharp intake of breath] "she signed this!" And then all of sudden we took some G and some meph and then it turned into watching YouTube Kylie videos. Instead of having sex we ended up dancing round his living room. (cited in Hakim, 2019: 258)

When thinking about what you know about chemsex so far, is this type of narrative something you might expect to read?

How about this:

Whilst on G, I allowed people to ejaculate inside me. So, I was taking maybe more risks. But you know usually when I was negative, I never allowed that to happen because of the risks, my ability to control myself was inhibited, and I also, you know, allowed myself to get carried away in the moment and live

out those fantasies that, you know, I had been fantasising about; dreaming about. (cited in Bourne et al, 2014: 54)

Does this fall in line with expectations about what experiences of chemsex might be like?

[END TEXTBOX]

Experiences of people who partake in chemsex appear varied and multiple. They may be affected by the frequency of attendance to parties, length of time of involvement in the scene, the types of substances consumed, manner of use, their HIV status, their life circumstances and so on, so it is impossible to qualify experiences as falling into a single model, a singular pattern or direction. What is certain, is that there is a sharp contrast in people's descriptions of their experiences, between expressions of elation, joy, pleasure, intensity and connection, against feelings of fear, struggle, shame, isolation, and negative health consequences.

Perhaps, there are a combination of factors that make the phenomenon of chemsex unique: the politics of resistance of 1970s gay movements advocated for a sexuality that was quite different to, and in many ways stood in opposition to, the heteronormative, monogamous, nuclear family-oriented mainstream approach from which gay people were excluded. In Hakim's (2019) view, this forged a collective identity, a collectivity that is continuously sought in the face of external ideological

pressures, which may equally come from neoliberalism or heteronormativity. At the same time, we cannot ignore the individualistic and pleasure-seeking aspect of involvement in chemsex as a form of hedonism tied with our perhaps excessively consumption-oriented identities that are structurally shaped. In 1971, criminologist Jock Young was beginning to observe a process whereby hedonism would become a central force in maintaining productivity. In his words:

leisure is concerned with consumption and work with production; a keynote of our bifurcated society, therefore, is that individuals within it must constantly consume in order to keep pace with the productive capacity of the economy. They must produce in order to consume, and consume in order to produce. The interrelationship between formal and subterranean values is therefore seen in a new light: hedonism, for instance, is closely tied to productivity. (Young, 1971: 128)

If we accept Young's observation about the indivisibility between formal and subterranean values in our leisure economies, we can perhaps also accept that conceptualising chemsex as simply a hedonistic practice, or simply a harmful practice, or simply a practice of resistance is reductive. In fact, chemsex can be all those things and more, while hedonism itself can be tied to both resistance and compliance. No single concept or explanation can account for the complexity and multiplicity of a given phenomenon. The different analyses and interpretations of the phenomenon we have touched upon here offer valuable insights for its understanding. We continue to invite students and readers alike to reflect on the contributions of different

disciplinary and conceptual lenses when studying the pursuit of pleasurable risk, as well as asking what is missing from these.

Summary

In this chapter we have explored some of the ways in which risk is conceptualised and we have explored some of the problems risk poses in our study of criminology and our consideration of justice.

We have seen that risk has been figured as culturally constructed responses to perceived dangers, which forge a moral framework around specific practices (Douglas, 1992). We know from Chapter Two that risk has also been figured as a response to **modernity** and neoliberalism by Beck (1992), Bauman (2013) and Giddens (1998). We see that risk narratives also infuse the way we think about pleasure and leisure thanks to the theory of edgework that Lyng (1990) articulates.

Cultural criminologists have built on this to explore the extent to which risk-taking might be seen as a refusal of capitalist narratives which centralise security. They argue that committing certain crimes and deriving pleasure from them, might be a form of resistance (Ferrell, 1999). These approaches have been critiqued by zemiologists (people who study 'harm') like Hall and Winlow (2018) for whom this might rather be an exercise of 'special liberty' available to certain people (white men), from certain backgrounds, and which ignore that such risk-taking is not necessarily

accessible to people who are differently marginalised, and, moreover that there are some harms which are universal, and which should be condemned.

We have used different case studies which detail how the Criminal Justice System responds to incidents of sexualised risk taking. We have seen that these responses intersect with public health narratives. They are also infused with homophobic and heteronormative responses on the behalf of both the judiciary and medical discourses. This means that the intersectionality of the actors is at play when justice is administered. Heterosexual coupling is more likely to be protected from criminalisation and demonisation than homosexual, unprotected, group sex scenarios (see Rubin, 1984).

The role that the Criminal Justice System plays in BDSM cases, in chemsex situations, or concerning the phenomenon of bug-chasing, relies on constructions of morality and normativity (see Chapter One) which means that people who take sexualised risks are not always treated equally, which has implications for justice more broadly.

Are there any solutions to this? Is there a better way to address the potential social and cultural implications of sexualised risk-taking without unfairly criminalising consenting adults? Or are there cases where it is acceptable and right to criminalise even consenting adults for their sexualised risk-taking?

What is missing from these narratives? Where are the stories of women and their sexualised risk-taking? We have discussed chemsex and bug-chasing in the context of men who have sex with men, but why do we not know more about women and heterosexual couples who may also take similar sorts of risk (about unwanted pregnancy or in the context of anonymous sexual encounters in heterosexual or lesbian bath houses?). Sometimes women who do **sex work** and women involved in BDSM are figured as edgeworkers (Tsang, 2018; Newmahr, 2011), but is it inconceivable that there is something else?

Review Questions

- Reflect on what we have learnt about edgework in this chapter. What are the positive and negative aspects of this theory?
- Which of the case studies that we have analysed here do you think are the most dangerous? How did you decide?
- Why do people enjoy taking sexualised risks?
- Should risky sex be a public concern?

Other chapters that this links to:

Chapter Three (Sex and crime in time and space)

Chapter Four (Consent and its discontents)

Chapter Five (Sex and institutional cultures of abuse)

Chapter Seven (Sexual exploitation and the State)

Chapter Ten (Sex and Disability)

Chapter Fifteen (How to change your life)