

**FORUM ARTICLE**

**The Erotics of Injury: Remembering Operation Spanner Workshops 10th - 11th September 2015, University of Essex and Royal Holloway, University of London**

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February 2017 will mark the 20<sup>th</sup> anniversary of the 1997 European Court of Human Rights' judgment in the case of Colin Laskey, Roland Jaggard and Tony Brown v United Kingdom, ending the legal appeals for the defendants in *R v Brown* [1994]. A group of men were convicted of assault occasioning actual bodily harm for engaging in 'extreme' sadomasochistic sex acts. None of the 'victims' of the 'assaults' were themselves the complainants, and in fact gave evidence of their consent to the acts. Moreover, the activities were undertaken in private without causing any lasting injury. An undercover Manchester Metropolitan police investigation of 1987 called Operation Spanner uncovered video evidence of the incident and the CPS made the decision to prosecute the assailants. ('An internal rumour' explains Michael Hames of the Vice Squad in a style all too typical of his profession, 'claimed the job was called Spanner because when you looked at the evidence, your nuts tightened' (Hames 2000, 160).

While legal scholars have interrogated the judgment in exhaustive detail, focusing on the deployment of consent, recklessness and the legality of sexual pleasure, a major interdisciplinary project that examines the wider and longstanding impacts of Spanner and the judgments has not yet been undertaken. The ruling was affected by and had wide-ranging impacts on culture, LGBTQ history, and the relationship between sexuality and criminal justice more broadly, and its shockwaves continue to be felt today.

As scholars working at the intersection of visual cultural studies, the histories of sexuality and subcultures, as well as criminology and law, we feel that a timely, collaborative intervention to examine the broader impacts of Spanner, and commemorate its landmark importance for LGBTQ history, was long overdue. To commence this research, we staged two one-day workshops in September 2015 at the University of Essex and Royal Holloway, University of London (funded by a University of Essex Humanities Research Seedcorn Award) to mark the beginning of this major project. The convenors intended that these intensive one-day workshops would facilitate discussion to determine the direction of a series of fundable research

projects and outputs, and bring together an interdisciplinary cohort from the arts, humanities and social sciences working on these topics in order to lead to published and other material outcomes (of which this is the first) and establish a landscape for future research.

### **Operation Spanner and ‘Ars Erotica’**

The workshop opened with an impassioned account of the historic contexts of the Spanner arrests and the response from within the leather and BDSM communities from Kellan Farshea, activist and founder of the Spanner Campaign in 1992 and the SM Pride marches that took place in London every year up to 2000. These oral histories and activist accounts are entirely missing from the current literature on Spanner. And yet, as Farshea articulated, taking them into account is vitally necessary to fully understand the cultural contexts to the case and its consequences. Farshea’s story was one primarily of, at least initially, a group perceived as (as he put it) ‘dangerous, politically suspect ... perverts and maladjusted monsters’, alienated from mainstream LGBTQ activist communities. As he made clear, it was felt that the actions and desires of SM practitioners were detrimental to their wider causes to, for example) normalize same-sex relationships in the contexts of legal and civil discourse. Nevertheless, Farshea and others would go on to rally a broad base of support from across the activist spectrum, and stage a campaign for justice which continues to the present day in the form of the Spanner Trust.

These historical dichotomies between dueling conceptions of political strategies, sexual norms, freedom and desire in the contexts of power relations have come to shape the entire project, as we seek to place Spanner and its legal and cultural dimensions (as well as our sense of the case’s relevance for historic and contemporary problems of autonomy, consent, sexuality, bodily integrity, etc.), into a larger project tentatively entitled ‘The Erotics of Injury’.

Framed by the Foucauldian dichotomy of 'ars erotica' (where ‘truth is drawn from pleasure itself, understood as a practice and accumulated as experience’) as opposed

to 'scientia sexualis' ('procedures for telling the truth of sex which are geared to a form of knowledge-power' (Foucault 1978, 57-58)); and inspired in part by Romana Byrne's concepts of 'aesthetic sexuality' and sadomasochism as 'anti-aesthetic theatre', we will seek to analyse the 'problem' of Spanner and its turbulent legacies in ways which take into account, as Byrne has it, via Baudrillard, 'language, sex, and affect' (Byrne 2013, 136), and the fact that 'incorporated into ritual, the body assumes an aesthetic, decorative character, becoming a means of signification but not of resemblance, representation or revelation'. Crucially, the project will also puncture current debates in cultural criminology concerning the 'criminalisation of culture' (see eg. Presdee 2000), and the extent to which criminal law in England and Wales can accommodate bodily practices and expression that fail to conform to current perceptions of 'truths' surrounding their meaning for participants.

The ars / scientia dichotomies are neatly illustrated in the very logic of the case: Lord Templeton declared in his dismissal of the *Brown* appeals that 'pleasure derived from the infliction of pain is an evil thing. Cruelty is uncivilised'. Nevertheless, employing the concept of 'ars erotica' is not new to the study of sadomasochism. Andrea Beckmann's ethnographic study of sadomasochistic subcultures in London published under the title, *The Social Construction of Sexuality and Perversion: Deconstructing Sadomasochism* (2009), grapples with the oppositional relationship between 'sexual technologies' and 'ars erotica' and how this dichotomy maps onto broader questions of leisure, labour and political economy. Beckmann's urgent paper at the workshop demanded that we further interrogate how leisure, 'work' and temporality are constructed in the context of sadomasochism, drawing on the discourses of her participants. Other presentations on this theme, such as Sara Mohammadzadeh's paper on 'dirty research' demonstrated the complexities and vulnerabilities associated with working in this field, while Itziar Bilbao Urrutia presented as an artist-practitioner on the resonances of Spanner for artistic labour in performance, and how gender impacts cultural fears surrounding the dangerousness of artistic and sexual labour even several decades after the ICA was cancelling performances in the wake of the *Brown* ruling. Drawing on the experiences of Alan Oversby, a professional tattooer and piercer who worked under the pseudonym Mr Sebastian and who was one of the Spanner arrestees to face charges, Matt Lodder's paper accentuated these themes, presenting the

problem erotic and commercial body piercing poses for the logics of the case, where stark divisions between private and public, work and pleasure, break down. Ken Plummer's illuminating historiographically-inclined keynote address at University of Essex, to cement this line of argument, mounted the provocation that in the contexts of the sexual subcultures that birthed the Spannermen, SM might be conceived of as 'serious leisure'. He suggested that, rather than drawing simply on queer and feminist theory, as SM studies is wont to do, we look back to the work of interactionists and social theorists such as Goffman to make sense of the sexual stories participants tell.

A second crucial theme emerging from the workshops on the 'criminalisation of culture' were interventions on current definitions of obscenity, extremity, and pornography, and the impact of Spanner on these definitions. Gary Needham took on these issues as they apply to the criminalisation in the 1980s through to the present day of particular forms of images in Britain, particularly in terms of the central tinderbox of the Spanner investigation: so-called 'obscene' videotapes. Kitty Stryker and Myles Jackman presented practitioner-based papers from the perspective, respectively, of porn director and obscenity lawyer, while Clarissa Smith's paper ruminated on questions of authenticity in pornography and how cultural illiteracy impacts on current obscenity law. Tanya Palmer's work also spoke to this theme, examining questions of authenticity in so-called 'rape pornography' and the implications of this for the new extension of Section 63 of the Criminal Justice and Immigration Act 2008, which criminalises images of non-consensual sexual activity. The keynote at Royal Holloway, delivered by Carl Stychin, grappled with an eternal question lawyers face: how to teach *R v Brown* to undergraduates? His paper examined how the judgment is ubiquitously encountered by law students as itself a pornographic text, serving as both a cautionary tale and prurient source of titillation. Furthermore, he questioned to what extent legal theorists also project such affects onto the judgment, no matter their perspective on the convictions.

Thirdly, and most foundationally for the future dichotomous framework of the project, speakers addressed moments of friction in legal, cultural and regulatory accounts of sexualised injury, and in areas where normative accounts of consent become complicated in their interrelations between the sensual and the legal. Paul Reynolds

considered the practical and conceptual limits of squaring a just account of consent with a legal framework which supports vulnerable individuals. Michael Perlin and Alison Lynch illustrated how the models of consent assumed and enforced by *Brown* and by similar legal frameworks abroad underpin and continue to inform regulatory and even moral/ethical accounts of sexuality amongst individuals with mental disabilities. Elsie Whittington applied similar logics to the sexual education and support of children and young people; David Gurnham discussed the cultural polarization of conceptualizing consent in legal scholarship on rape.

Specifically addressing the tensions posed by the Spanner ruling on sexual violence and activism, Alex Dymock and Alex Fanghanel presented contrasting papers on subculture and criminal justice, specifically examining how SM communities negotiate the policing of sexuality in the present day. Dymock's intervention drew on the failures in criminal justice to adequately make space for victims' experience of sexual violence in BDSM relationships, while Fanghanel presented empirical data detailing how BDSM communities mount their own self-policing strategies as an alternative to this failure.

While the workshop proved particularly illuminating for researchers working on the themes outlined above, it also demonstrated that some core questions and dichotomies surrounding Spanner remain substantially unresolved. For example, the question of 'pleasure vs danger' and its relationship with sexuality and culture, articulated so many years ago by scholars such as Carol Vance and Gayle Rubin (1984), surfaced many times in ongoing discussion, as did the question of the extent to which, in late modernity, we can fully determine distinctions between labour and leisure in contemporary representations of sexuality.

For the project leaders, the workshop reiterated that a new research agenda centred on 'The Erotics of Injury', broadly conceived, is a vital intervention for interdisciplinary sexualities scholarship in the 21st century. Spanner provides the starting point for this analysis, reflecting wider social and cultural currents surrounding the regulation of 'risk', bodily integrity and authenticity.

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