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ARTICLE

Scenes as Games: Agency, Autonomy, and Value in BDSM

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Abstract

Much of the existing philosophical literature on BDSM focuses on questions about the ethics of BDSM. But there is an underlying question here regarding the nature of BDSM, one which remains largely unaddressed. In this paper, I take that metaphysical question to be prior to the normative one. In other words: it will be important to have a clear view of what BDSM is before we go on to evaluate it. Accordingly, this is a paper about the nature of BDSM and BDSM activities: what they are like, what makes them unique, and the ways in which these activities might be valuable. Here, I work from the philosophical literature on games to analyze structured erotic encounters (or "scenes") in BDSM. In the first half of the paper, I argue that BDSM scenes are games, and that understanding them in this way yields important insights into the roles of agency, autonomy, and value in BDSM. In the second half of the paper, I map points of connection between this view of scenes-as-games and the existing literature on BDSM in sexual ethics, in order to illuminate the ways in which a moral evaluation of BDSM scenes might proceed from this analysis.

1. Introduction

Many second-wave feminists argued that there is a fundamental tension between BDSM and the goals of feminism. "BDSM" is a compressed acronym, one which stands for bondage and discipline, dominance and submission, sadism and masochism. Feminist criticisms of BDSM are many and varied, but we can begin to get a sense for the common themes here by taking a look at the volume *Against Sadomasochism: A radical feminist analysis* (Linden et al. 1982). This volume consists in a collection of essays by, and interviews with feminists, each expressing a critical perspective on BDSM. Consider, for example, the following passage from Bat Ami Bar-On's contribution to the volume, in which she explains her understanding of the tension between feminism and BDSM as follows:

> The primary claim of [the feminist opposition to BDSM] is that the eroticization of violence or domination, and of pain or powerlessness, is at the core of sadomasochism and, consequently, that the practice of sadomasochism embodies

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> the same values as heterosexual practices of sexual domination in general and sexually violent practices like rape in particular. (Bar-On 1982, 72)

In reading through the table of contents of *Against Sadomasochism*, it may be surprising to see some of the names listed there—a roster which includes Judith Butler, Audre Lorde, and Alice Walker, among others. These are influential feminist scholars, many of whom have been credited for their progressive and expansive views about sex and sexuality. But BDSM is different, in their view: it eroticizes the submission of women and violence against women in a way that is morally unacceptable and runs directly counter to the goals of feminism.

Notably, *Against Sadomasochism* was published in the 1980s, and so at a time when many second-wave feminists in the US were concerned with analyzing the nature of gender oppression in terms of relations of sexual power and domination. So, it's perhaps unsurprising that BDSM should have become a primary target of their criticism in that context. But in the decades since, the stance of many feminists has shifted to accommodate and embrace BDSM as a legitimate mode of sexual expression and even liberation.[1]

I review this dialectic here in order to bring out the following observation: nearly *all* of the existing philosophical conversations about BDSM have happened in the literature on sexual ethics, and so have focused largely on normative evaluations of BDSM. Philosophers have asked: Can BDSM activities be consensual?[2] Are BDSM relationships and dynamics morally permissible?[3] Does BDSM involve harmful reenactments of patriarchy?[4] It's fair to say that questions like these have dominated the philosophical literature on this topic, and for good reasons: discussions about the ethics of BDSM are interesting and important. But there is an underlying question here regarding the *nature* of BDSM which this literature leaves largely unaddressed. In other words, it's possible to read these criticisms and defenses of BDSM, and still be left wondering: what exactly *is* BDSM, in the first place?

For example, consider the debate about whether BDSM activities can be consensual. Second-wave feminists have argued that consensual sex is impossible where it involves sexual power differentials.[5] However, much of BDSM characteristically involves explicit power differences just like this, and so these feminists conclude, BDSM activities cannot be consensual (Linden et al. 1982). In response, other feminists have argued that consent *is* possible across sexual power differentials, and so people can consent to BDSM activities, even though many of these activities constitutively involve power differences.[6] This debate is, in general, one about the nature of consent in relation to power, applied to pre-theoretical notions of what BDSM activities involve. But there is an underlying question here about *what exactly it is* that parties can or cannot consent to, when engaged in BDSM, one which remains largely unaddressed by the literature.[7]

In this paper, I take that metaphysical question to be prior to the normative one. In other words: I think it will be important to have a clear view of what BDSM is before we go on to determine whether or not it might be morally permissible to engage in BDSM activities. However, it is also clear that the ethical questions here are substantive and pressing. As such, any analysis of BDSM must leave space for us to ask and dispute these questions, in a way which makes sense of the nuance and complexities of these debates in sexual ethics.

Bearing that in mind, in this paper I aim to do two things. First, I aim to develop a novel analysis of BDSM activities, one which emphasizes the roles of agency, autonomy, and value in BDSM. My second aim is to account for the relationships between this analysis and debates about the moral permissibility of BDSM in sexual ethics.

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Here I work from the philosophical literature on games to analyze structured erotic encounters (or "scenes") in BDSM. In particular, I argue that BDSM scenes are games, and that understanding them in this way yields important insights into the roles of agency, autonomy, and value in BDSM. Furthermore, thinking about BDSM scenes as games brings out how questions about the nature and value of these activities can come apart from questions regarding their moral permissibility. Once we separate these questions, we can then begin to think about how they might be related.

For example: once we see that BDSM scenes are games, we can then ask whether these games are *good*. For of course, it doesn't follow from the fact that BDSM scenes are games that these activities are ethical, or don't come along with so many of the risks that feminists have historically cautioned they do. In the latter half of this paper, I turn to the question of whether BDSM scenes are good games. The purpose of those later sections is to map points of connection between my analysis here and the existing literature on this topic in sexual ethics, in order to illuminate the ways in which a moral evaluation of BDSM scenes might proceed from this analysis.

2. Scenes-as-games

"BDSM" is an abbreviated acronym, one which stands for bondage and discipline, dominance and submission, sadism and masochism. There are a huge number of ways to understand what each of these terms means. In fact, my suspicion is that a whole essay could be written about each of them! But I'd like to avoid those debates here. And so, very generally, we can think about these terms as follows.

Bondage involves being restrained and/or restraining other people. *Discipline* involves being told what to do and/or telling other people what to do. *Dominance* and *submission* involve hierarchical power relationships: individuals in the role of the dominant have power over individuals in the role of the submissive. *Sadism* involves giving other people pain and *masochism* involves receiving pain.

Notably, there is nothing inherently sexual or erotic about any of the descriptions I've sketched above, and this is intentional, for a few reasons. For example, it may be (and I think, likely is) possible to take pleasure in some of these things, without that pleasure being in any way erotic or sexual. I also take it to be an open question whether and how these things are related to similar activities and dynamics which happen outside BDSM.

Here, I'm exclusively interested in how these things enter into structured erotic encounters, or BDSM *scenes*. As I will use it here, the word "scene" picks out a particular event, one with a starting point and a point at which it ends. Paradigmatic BDSM scenes happen within the space of a day, and often within the space of a few hours.[8] People who enjoy engaging in BDSM scenes are often called *scene participants*, and engaging in BDSM activities during a scene is called *play* (Wiseman 1998). For at least these reasons, the language of BDSM naturally suggests the proposal I'll develop over the coming sections: namely, that BDSM scenes are games, played by BDSM practitioners.[9]

There are many ways to think about the basic structure of games, and here I'll work with an influential view first proposed by Bernard Suits (1978) according to which games are voluntary attempts to overcome unnecessary obstacles. For example, chess is a game in this sense: if you and I sit down to play a game of chess together, you'll try to take my king. Now, the most straight-forward way for you to do this would probably involve just picking up one of your pieces, smashing through my lines of defense, and knocking over my king. But of course, if you did that, you wouldn't be playing chess. There are rules about how certain pieces can move and when each player is allowed to

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move them—and these rules present certain challenges, or obstacles, to taking the other player's king. When we play chess together, we try to overcome these obstacles, not because we *need* to (for of course, we don't even need to be playing chess in the first place!), but because we want to enjoy this activity together. A great many things we think of as games fit this general paradigm, including sports games, board games, and video games. So as our starting point: games are voluntary attempts to overcome unnecessary obstacles.[10]

Now, how could a BDSM scene be a game, in this sense? I think the most accessible way to hold this discussion will be in terms of concrete examples, and here I'll draw primarily from popular movies and film shorts in which BDSM activities, dynamics, and relationships play a central role.[11]

Consider, for example: a submissive serving their dominant tea while wearing bondage equipment which prohibits them from bending their arms, stapling administrative papers without the use of their hands, or crawling on all fours while they deliver letters. These are all scenes in *Secretary* (2002), a romantic comedy in which Maggie Gyllenhaal plays Lee Holloway, a young woman who struggles to return to life as normal after an extended hospital stay. She finds work as the secretary for an attorney, E. Edward Grey, played by James Spader. Their dynamic eventually takes the shape of a 24/7 BDSM relationship, one in which Holloway submits to Grey, who dominates her in various ways during her time at work, and outside of it.

In each of the scenes described above, Holloway performs a very basic task (serving tea, stapling papers, delivering letters) but voluntarily engages in these activities with the added challenge of certain unnecessary obstacles. For of course, it is much easier to serve tea when you can bend your arms, staple papers when you can use your hands, and deliver letters when you don't have to crawl from one place to another. However, these actions performed in the typical way would not be *scenes*, for Holloway and Grey. This brings out that the unnecessary obstacles Holloway is presented with are integral to the scenes in which she is participating. In this case, given Holloway and Grey's power exchange dynamic, voluntarily taking on these obstacles in performing her daily tasks is one of the ways in which Holloway submits to Grey, and presenting these obstacles to Holloway is one of the ways in which Grey dominates her. In other words: in these scenes, Holloway voluntarily attempts to overcome the unnecessary obstacles Grey presents her with, and this activity is at least partly constitutive of their BDSM dynamic.[12]

Each of these activities also has a goal, or definite point of completion. This is reached when the tea is served, the papers are stapled, and the letters are all delivered. And importantly, even given the obstacles presented to her, there are more or less efficient ways that Holloway could go about completing these tasks. She could try to staple the papers as fast as possible, for example, or move as quickly as she can while wearing bondage equipment. But Holloway doesn't do that. Instead, she takes her time with each activity, often intentionally completing the tasks Grey gives her quite inefficiently, in order to make them last longer.

Now, on the face of it, this might make Holloway and Grey's scenes seem *less* game-like. For, many of us are familiar with thinking about games as the sorts of things we play to win. The game sets up a structured environment, establishes a specific goal or set of goals, and provides us with certain incentives to go and get them. When we play games with the primary aim of winning, we engage in what C. Thi Nguyen (2020) has called *achievement play*. But achievement play isn't the only way in which we engage with games.

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To see this, consider two hypothetical runners, competitors in a steeple chase. The first runner is completely focused on winning; that's what the competition is about for her, and really nothing else. Truth be told, she's already dreading the latter part of the race, when her legs will start to feel like lead beneath her. But it's all worth it for the rush of beating out the competition. The second runner is a mirror image of the first: he doesn't really care about winning, but he does enjoy the satisfying challenge presented by pushing himself to complete the race in a good amount of time; he's here to feel the burn, and the harder he tries to beat out the competition, the more rewarding the physical challenge. The first runner is an achievement player in this race; she cares about winning for the sake of winning. The second runner is a different sort of player, however: he engages in something Nguyen calls *striving play* (Nguyen 2020, ch. 2). Very generally, striving play involves taking up the goals of the game not for the sake of winning, but for the sake of striving to achieve them. The second runner has taken up the goal of winning the steeple chase not for the sake of winning *in itself*, but for the sake of the experience of *trying* to win, and that's why his activity counts as striving play.

Holloway's engagement in the scenes in *Secretary* has the characteristics of striving play. For, in a certain sense, the tea-serving scene isn't really about getting the tea served; it's about the struggle of serving the tea while in bondage. Likewise for the paper-stapling and letter-delivery scenes—these scenes aren't really about stapling papers or delivering letters; they are about the activity of striving to accomplish these tasks in the face of certain obstacles, obstacles that Holloway elects to take on as a form of submission to Grey.

My claim here is that what goes for Holloway and Grey's scenes in *Secretary* also goes for most paradigmatic BDSM scenes. That is, paradigmatic BDSM scenes involve voluntary attempts to overcome unnecessary obstacles. And, while these activities are often in pursuit of a goal, people don't typically engage in these scenes with the single-minded, ultimate aim of "winning"—instead, in many BDSM scenes, participants take up the goals of a scene for the sake of the challenge of striving to achieve them.[13]

Now, before moving on, I want to clarify the strength of my claim here. For, given the above discussion, it's fair to wonder whether it follows that all paradigmatic BDSM scenes are *necessarily* games. Must something be a game in this sense, in order to be a scene? Yes, I think so. But there is a worry here that a condition like this will make the view too restrictive, and so fail to count some things as BDSM scenes which really should be counted.[14] To appreciate this concern, consider the following–

On this Suitsian picture of games, games are voluntary attempts to overcome unnecessary obstacles. In the context of BDSM, paradigmatic examples of these sorts of obstacles were given above, for example bondage equipment which makes it harder for someone to perform a given task. Of course, only some BDSM scenes will involve those particular obstacles, others will involve different ones. However, there is a concern here that some paradigmatic BDSM scenes don't seem to involve any sorts of obstacles *at all*. And of course, if that's right, then this necessary condition runs into trouble.

To motivate this worry a bit, consider scenes from the Finnish erotic black comedy, *Dogs Don't Wear Pants* (2019): in these scenes, one character (Mona) engages in intense forms of "breath play" with another character (Joha); Mona restricts Joha's ability to breathe until the moment he loses consciousness, then she revives him immediately. Importantly, these interactions clearly seem to be BDSM scenes: breath play is a somewhat common (if extremely risky!) BDSM activity; Mona is a professional dominatrix, and these paid exchanges with Joha are part of her professional services; and these interactions seem to be pleasurable for both of them. However, unlike the scenes in

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Secretary, it's hard to see what the *obstacles* are here. If all BDSM scenes must be games, how could a scene like this be a game?

In reply, there is a kind of obstacle which stands to be an element of any paradigmatic BDSM scene, and these are the obstacles presented by *risk*. All BDSM activities are inherently very risky. This is true for even the most experienced BDSM practitioners, and this fact is well-rehearsed at every dungeon and fetish club worthy of its name. My claim here is that these risks, *when they are acknowledged*, present unnecessary obstacles which BDSM practitioners voluntarily attempt to overcome.[15]

I say that these risks must be *acknowledged* because otherwise it's difficult to see how they might present obstacles. Indeed, it seems plausible that, in general, all in-game obstacles must at a minimum be *perceived* by players, in order to function in that role. And I don't mean they must be perceived *as obstacles*, I just mean they must be minimally acknowledged as elements of gameplay. In other words: I don't think players can make voluntary attempts to overcome things they don't even know exist. All BDSM is inherently very risky, whether practitioners notice that or not, but it is only when BDSM is *risk-aware* that those risks present obstacles.[16]

Returning to the example above, then: Mona and Joha engage in risk-aware BDSM. Mona constructs their scenes in a way which allows her to detect the precise moment at which Joha falls unconscious, and she has a method for reviving him immediately, and she keeps a phone nearby so that she can call paramedics if necessary. These elements of their scene indicate that Mona and Joha are aware that what they are doing involves the risk of serious physical harm for Joha.

Now notably, my view here implies that any inherently risky recreational activity can be a game, when participants are sufficiently risk-aware. So for example: recreational skydiving, white water rafting, or riding a motorcycle when you could have taken a much safer vehicle instead. My view implies that these inherently risky recreational activities can be games because, by their nature, they will always involve a significant level of risk; and, if it's plausible that significant risk presents an obstacle when that risk is acknowledged, then all of these sorts of activities can count as voluntary attempts to overcome unnecessary obstacles.

This may seem like an awkward result to some readers. "Sure, skydiving is fun, but it's not a *game*."[17] For my part, I think these sorts of activities fall into a gray area. I appreciate the reasons for thinking they aren't games, but the opposing perspective seems equally available: "Sure they're games. The game is: figure out how to have a great time without incurring serious injuries!" In fact, in sticking with this perspective for just a moment, I think a number of these activities emerge as something like games in which we *play with risk*: that is, part of what makes these activities enjoyable (part of the *point*, even) is that they are very risky. We play with risk in these cases by taking it on, unnecessarily, and overcoming the obstacles it presents.

In line with this, I think many paradigmatic BDSM scenes are games of this sort: that is, they are games in which BDSM practitioners play with risk. For again, many BDSM activities are dangerous and so present significant risk. Furthermore, in many places BDSM activities are viewed as transgressive, taboo, or otherwise dark manifestations of human sexuality. These cultural views can also translate into significant risks for BDSM practitioners. And of course, BDSM practitioners know this. My claim here is that engaging in these activities in view of these risks is characteristic of much of BDSM.[18] Indeed, these risks *so* characteristic of this sort of activity that when something *does not* proceed in view of these risks, and when it *does not* involve otherwise involve "paradigmatic" obstacles (like those in the scenes in *Secretary*), then I suspect it won't

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count as a BDSM scene. Of course, such an activity might still be kinky, it might be erotic, it might be pleasurable … but it is not BDSM.[19]

With that said, this raises a question about another potential necessary condition here, namely: that all BDSM scenes must be risk-aware. But I am not arguing for a condition like that. To see why, imagine for a moment that the scenes in *Secretary* are not sufficiently risk-aware (not a terribly difficult task, as it turns out): Holloway and Gray have no idea that what they're doing could result in serious harm for one or both of them. In this sort of case, I appreciate the reasons for describing their scenes as *unethical* or even *non-consensual* BDSM, but I think it is a further question whether they also fail to engage in BDSM *all together*, as a consequence.[20]

Now, it's worth pointing out that, according to what is arguably the received view in contemporary discussions about consent in the context of kink, consensual kink is risk-aware (Williams et al. 2014). This argument has been extended into the view that BDSM is either consensual (and so risk-aware), or it simply isn't BDSM at all (Alptram 2018). Notably, this discussion effectively *defines* BDSM as ethical activity. This is important, because a view like this has the consequence of substantively reframing debates about the ethics of BDSM: the question isn't whether BDSM is unethical, the question is whether anything counts as BDSM *at all*. In other words: on this new way of framing things, the second-wave feminist argument that BDSM is always unethical is effectively the argument that nothing is ever BDSM: "BDSM" is just a word that some people try (inappropriately!) to use to rebrand what is actually just eroticized abuse.

Personally, I am sympathetic to the reasons for reframing the debate in this way. However, given that my goal in this paper has been to construct an analysis of BDSM which leaves space for endorsements *as well as* for moral criticisms of these activities, it won't work to define BDSM as inherently ethical activity in the present context. Accordingly, while I am arguing that all paradigmatic BDSM scenes must be games, I am *not* arguing that parties to these scenes must be risk-aware in order to count as engaging in a BDSM scene, in the first place.

In sum: on this analysis, paradigmatic BDSM scenes are attempts to overcome unnecessary obstacles. Sometimes, these obstacles are quite obvious to non-participants, like those in the scenes in *Secretary*; other times, these obstacles may not be so obvious to those of us viewing the scene at a distance, but they are very real for scene participants—these are the obstacles presented by significant risk. Parties to a BDSM scene can proceed in view of one or both of these sorts of obstacles, but I don't think it is possible to proceed in view of neither and still succeed in engaging in a BDSM scene.[21]

3. Games, scenes, and agency

I'll continue to use this general definition from Suits to frame the basic structure of BDSM scenes throughout the remainder of this paper. But of course, there is much more to games—and indeed, to scenes—than just this. In particular, game scholars have focused on the central role of *agency* in both their analyses of the structure of games, and also in their discussions about the relationship between games and the people who play them. In particular, C. Thi Nguyen's (2020) recent work *Games: Agency as Art* stands out here as an analysis which backgrounds Suits' basic framework, but which also focuses centrally on the agential elements of games, and their relationship to autonomy and the value of gameplay.[22] In this section, I follow Nguyen in arguing that, just as agencies are central elements of games, so too are they central elements of BDSM scenes. My hope is that this discussion will work to bring out some of the nuance and

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complexity of these scenes, and that it will also put us in a position to consider the normative and social significance of BDSM activities, and the ways in which these activities might be valuable.

To begin this discussion, note that when we play games, we often act in a different capacity than we would normally. We take on different goals, we work with specific abilities, and against certain obstacles, all presented by the game environment. When we take actions during gameplay, we do so within the temporary, in-game *agencies* that games provide.

These in-game agencies are characterized by different capacities, abilities, and motivations afforded to the player by the design of the game environment (Nguyen 2020; Flanagan 2013; Tavinor 2009). For example, some games offer agencies which encourage us to take an interest in genuine cooperation (e.g., games like Pandemic or Mysterium); others are more self-directed, but success in these games still requires strategic social maneuvering (e.g., games like Risk or Catan). Some games require us to be materialistic and ruthlessly antagonistic toward fellow players (e.g., games like Monopoly or Ticket to Ride); others invite us to take a step back and appreciate the beauty and complexity of the natural world (e.g., games like Cascadia or Wingspan). Games like these have very different goals—save the world, dominate the world, appreciate Earth's natural beauty—and each game constructs different routes to and motivations for achieving those goals: different maneuvers, abilities, obstacles, and strategies, which players take on in their pursuit of in-game ends. When we take actions and make choices in pursuit of an in-game goal, we do so within the particular agential mode(s) that game provides, agencies which are characterized by these motivations, abilities, and ends.

But of course, in occupying an in-game agency temporarily, we don't completely abandon our own. This is the agency we occupy in our day-to-day lives outside the game, our *enduring agency* (Nguyen 2020, ch. 3). So when we play games, we work with both kinds of agency at once: the in-game agency and our enduring agency. In this way, playing games involves a kind of *layered agency*. On the one hand, taking on the temporary agency of the game involves taking on the in-game goals for the sake of striving to achieve them. And on the other hand, our enduring agency is what brings us to the game in the first place and explains our continued investment in the game.

Now, in discussing the role of agency in BDSM scenes, it will be important to understand how these scenes are constructed. Paradigmatic scenes are typically preceded by a negotiation period, during which time parties to the scene discuss what they would like to do during the scene, how they plan to communicate, what they would like to achieve, and which safety risks they plan to try to mitigate and look out for, among other things (Barker 2013; Easton and Hardy 2001, 2003). This negotiation period largely amounts to a kind of scene planning or design, which oftentimes can be very specific and particular.

The language of in-scene *roles* is commonplace in BDSM, and defining roles is often a central part of this negotiation process. For example, terms like "dominant," "submissive," and "master" are taken to name various roles that participants can occupy during a scene. Of course, there are general blueprints associated with these roles—e.g., common understandings of what dominance and submission look like. But a central part of the negotiation process involves characterizing what those roles will look like for participants during their time together, and so defining and precisifying the shape of these roles for themselves and their particular dynamic.[23]

My claim here is that these in-scene roles can be understood as in-game agencies. And furthermore, just as typical gameplay involves layered agencies, so too do BDSM

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scenes often require participants to work within two forms of agency at once: whichever temporary in-scene roles they've elected to take on, as well as their enduring agency, or the agency they occupy in their day-to-day lives, outside the scene.

To see this, consider Julia Kennelly's award-winning film short *Marcy Learns Something New* (2020), in which Julia Dratch portrays a middle-aged woman, Marcy, learning how to play the role of a domme (the feminine-coded term for dominant). In this film, Marcy attends a number of workshops in which she learns how to present herself as a domme to potential submissives. This involves learning how to communicate in a commanding way during a scene, how to invent tasks for her submissive to perform, and how to stall for time when she runs out of ideas, in a way which doesn't interrupt the power dynamic she's been building during the scene. Among other things, the film depicts how being a domme is a specific role, with associated general characteristics that Marcy is familiarizing herself with. But she's also learning how to adapt the general elements of the role to her particular personality and interests. In her case, Marcy is a history teacher, and the film culminates in a scene in which Marcy dominates a young man by quizzing him on niche facts about US history, punishing him whenever he makes a mistake.

Stepping into the temporary agencies that games provide involves taking on a particular set of goals, as well as a particular set of abilities to achieve them, and motivations for doing so. This is precisely what happens in Marcy's case. In the final scene with her submissive, the goal appears to be one of giving him the experience of being dominated, and of giving Marcy the experience of dominating him. This is achieved by blindfolding him, quizzing him, and punishing him, but it is also achieved by different elements which structure their interaction from the very beginning of the scene, as when he arrives at her house for the first time, and she commands him to bring her some ice water, and then instructs him to kneel. We can understand Marcy as familiarizing herself with a particular form of agency here, that of being a domme. And importantly, this agential role which she assumes during the scene with her submissive is clearly *different* from her agency outside the scene—her enduring agency. But these two agential modes are also intimately related: her enduring agency is what leads Marcy to take BDSM classes, and facts about her interests and life outside the scene inform what happens during the scene. In other words, here Marcy works within both agential modes at once.

My general claim here is that what goes for Marcy's scenes in *Marcy Learns Something New* (2020) also goes for most paradigmatic BDSM scenes. That is, paradigmatic BDSM scenes are games, and we can understand the in-scene roles central to these scenes in terms of this notion of in-game agencies. On this picture, BDSM roles are temporary agencies, which can and often do differ significantly from the enduring agencies of parties to a particular scene. But the two are also related: the nature of someone's enduring agency is relevant to the fact that they are participating in a given scene in the first place, and the motivations and capacities internal to their enduring agency influence the nature of the scene itself, and so in turn, the temporary agencies constructed within it.[24]

4. Scenes, value, and autonomy

Perhaps I've managed to convince you that this notion of in-game agencies can be helpfully applied to illuminate the nature of in-scene roles in BDSM. But even so, it's fair

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to wonder: *so what?* Aside from furthering my general metaphysical analysis (scenes are games!), why might it matter that BDSM roles are forms of agency?

In this section, I'll argue that the significance of in-game agencies is connected to the *value* of gameplay. And this is especially true of the agencies central to BDSM scenes. In particular, game scholars have argued that familiarity with the range of agencies that typical games provide can enrich our autonomy, and this is one way in which gameplay can be instrumentally valuable (Nguyen 2020, ch. 4).[25] This then raises a question: does familiarity with the agencies in BDSM similarly stand to enrich the autonomy of BDSM practitioners? If in-scene roles in BDSM are relevantly similar to typical in-game agencies (as I've argued above), this gives us some reason to answer this question in the affirmative. However, to argue that BDSM play *increases* the autonomy of its practitioners directly cuts against feminist arguments to the contrary: that BDSM activities *reduce* or otherwise undermine the autonomy of the people who engage in them (Linden et al. 1982). Here, I'll argue that there is space for both of these arguments, on the scenes-as-games framework, and that this result is a feature of my analysis here.

Let's start with the idea that playing games can increase our autonomy. Many times, the agencies that games offer us differ significantly from our own. And so, in playing games, we can be introduced to new forms of agency. By occupying these different agencies, we can gain familiarity with different perspectives on and ways of being in the world, different bits of human experience. And it's plausible that familiarity with a diverse range of agencies stands to increase our autonomy.

The claim that games can increase our autonomy is plausible on at least three views of what autonomy involves. Consider for example, the view that autonomy concerns the ability to translate our genuine desires into actions. Call these theories of autonomy *coherentist theories* (Bratman 1979; Buss 2012; Sripada 2016; Watson 1975). Alternatively, consider the view that autonomy concerns the ability to adjust one's desires, motivations, and actions in response to the real reasons which bear on them. We can call these theories of autonomy *reasons-responsive theories* (Fischer and Ravizza 1998; Wolf 1993). Finally, consider views according to which autonomy involves the capacity to reflect on one's motivations, beliefs, and values, and then revise one's preferences in view of the outcome of that reflection. Call these *procedural theories* of autonomy (Christman 2009; Dworkin 1988; Frankfurt 1971). On each of these theories, games can help us to become more autonomous.[26]

Game scholars have encouraged us to think of agencies like tools for managing our attention and interests. We might also think of these tools like different *lenses* on the world: when we look through the lens of a particular agency, certain things stand out to us—certain objectives and routes to achieving them—while others fade into the background. On coherentist theories, familiarity with different agencies can translate into an expansion of our autonomy when these agencies illuminate which actions accord with our genuine desires, and when familiarity with those agencies facilitates taking those actions. On reasons-responsive theories, familiarity with a particular agency can make it easier for us to act on the basis of the reasons that agency makes salient. And again, in-game agencies are often *new* to us and differ significantly from our own. This means that stepping into them, and working within them, requires us to reflect on the character of these new agencies. For example, in learning a new game, a player might ask herself: what motivates me in this role? Which values does this role invite me to take on? And then she'll make choices on the basis of that reflective process. In other words, stepping into these agencies involves exercising the very same reflective capacity which is constitutive of our autonomy on procedural theories, as well.

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Finally, it's worth noting that familiarity with a diverse range of agencies can also afford us a kind of *agential fluidity*, an ability to switch between agencies and select the one(s) which best corresponds to the situation we're in. Insofar as this fluidity makes it easier for us to channel our willpower in acting in accordance with our genuine desires, and with genuine reasons, this is yet another way in which games can enrich our autonomy on coherentist theories and reasons-responsive theories (Nguyen 2020, 89). And insofar as this activity involves frequently exercising our reflective capacities, the same is plausibly true on procedural theories, as well.

I've reviewed these arguments about the relationship between in-game agency and autonomy in order to bring out that there is a similar relationship between in-scene roles and autonomy in BDSM. I'll make my argument for this claim below, but in order to see how the autonomy of BDSM participants might be similarly affected by a familiarity with these agencies, it will be important to appreciate just how complex and nuanced in-scene agencies can be.

To get a sense for this, consider the literature of instructional materials on BDSM. Many of these materials provide extensive information about different BDSM roles and guidance on how to step into these roles during a scene. And importantly, this is not limited to practical information about how to perform specific BDSM activities or how to accommodate for certain safety risks. For in addition to these things, much of this material is devoted to exploring the nature of different BDSM roles—for example, characteristics of the psychological "headspace" that many people associate with the role of a dominant or a submissive; the interpersonal responsibilities associated with each role; and the perspectives these roles invite participants to take on themselves and their relationships to their partners: on their abilities and capacities and desires and needs and power within the scene (Easton and Hardy 2001).

The existence of this literature highlights that, in many ways, stepping into these roles, and having some familiarity and facility with them, involves a certain level of *skill*, one that people don't necessarily possess simply by virtue of having an interest in BDSM. To appreciate this, recall that in *Marcy Learns Something New*, Marcy doesn't just learn how to order people about, or use certain implements. She learns how to step into a role, one with particular psychological characteristics, and which involves a particular "headspace" or perspective. Among other things, this role requires certain forms of attentiveness, spontaneity, forethought, creativity, problem solving, and communication skills. And not only does Marcy learn *that* these traits and skills are associated with being a domme, she also learns *how* they are associated with the role, as well as *why*—for example, it's helpful to be creative and spontaneous when scenes don't go how you planned; it's necessary to be attentive and check-in with your partner to make sure they are doing alright; it's good to be able to anticipate complications and risks for the safety of everyone involved, and so on. The fact that someone can be more-or-less skilled as a domme, or as a submissive, etc. emphasizes that these roles can be quite rich and complex. Importantly, the perspectives, qualities, and skills associated with these roles are clearly not exclusive to BDSM—they are relevant to many other domains of our lives as well.

With the understanding that these in-scene agencies can be very complex, and so, that stepping into them can require a certain level of skill, we're now in a position to see how a familiarity with these agencies plausibly stands to increase the autonomy of BDSM practitioners. I'll use another example to make my point here, this time working with excerpts from interviews included in the volume *Different loving*: *The world of sexual dominance and submission* (Brame et al. 1993). This volume consists in a

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qualitative sociological study of over one hundred BDSM practitioners, with the overarching goal of explaining how BDSM is incorporated into their lives and what they find rewarding about it. In the passages quoted below, long-time BDSM practitioners discuss the ways in which qualities and characteristics of the roles they occupy in BDSM extend into their daily lives, outside the scene:

> When I'm being dominant, all of the attributes I need to be successful at being dominant and making the whole thing work enter into play, like listening more intently than you would in a normal relationship and making sure you're taking care not just of your own needs but the needs of the submissive. That kind of attitude has carried over into my daily life. For example, when I'm working with an employee of mine, I see not just what I need but what the employee needs. It carries over to the way I behave in other relationships. Not that I need to be aggressive or in control, but I extend myself in much the same way that I do while dominant. (Brame et al. 1993, 112)

> In my professional life I'm not submissive. I figure out what people's problems are and tell them what to do about them. I supervise large businesses where I'm the only woman. But I find being personally submissive works very well in controlling people who I have to work with. I'm quietly assertive as opposed to aggressive. I don't get any satisfaction from forcing my way. I find that if I compromise, I can get things so that they're usually satisfactory. I'll find a way around rather than straight through. (Brame et al. 1993, 116)

> S&M has led me to be assertive and aggressive in my work. Before, I could never do this. If somebody said, "That's too much money," or "You're a woman, you're not capable of doing this type of work," I would say "Okay." Now if they give me this argument, I can come back at them. (Brame et al. 1993, 120)

Nguyen talks about how familiarity with the agencies made available in games like chess made him better at constructing and thinking through philosophical arguments; how games which emphasize creative and communicative agencies apply to his teaching; and how games with strategic and political agencies apply to some of the administrative responsibilities associated with working in higher education (Nguyen 2020, 88). In each of these ways, familiarity with the agencies made available in games plausibly enriched his autonomy, insofar as it made it easier for him to act in accordance with his genuine desires, and in accordance with the genuine reasons in these contexts.

In the passages above, BDSM practitioners say similar things, about how their roles in BDSM have applied to other aspects of their lives: how the attentiveness and assertiveness involved in being a dominant has applied to work relationships, and other social dynamics; how the creativity, power, and communication involved in submission can apply in some of the same contexts. In each of these ways, it's plausible that familiarity with the agencies made available in BDSM has enriched the autonomy of each of these people, insofar as it has made it easier for them to act in accordance with their genuine desires, and in accordance with the genuine reasons in these contexts.[27]

Finally, it's plausible that the possibility of agential fluidity—the ability to switch between different agencies and try on different roles—has special benefits in the context of BDSM, especially in social environments in which sexual roles are otherwise quite

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rigid. For of course, BDSM scenes are immensely diverse: there are hundreds of different general in-scene roles, each of which becomes tailored to the interests and goals of parties to a particular scene; there are a huge range of activities and dynamics which can characterize these scenes, interactions which take place across a diversity of contexts and physical environments. And this diversity plausibly makes BDSM a valuable site for exploration and creativity, both with respect to sexuality and sexual identity, and potentially in other areas as well (e.g., many BDSM roles have gendered elements, and so present the opportunity for gender play and exploration). Here the idea is that the autonomy of BDSM practitioners might be similarly enriched through familiarity with a range of agencies and the agential fluidity that familiarity makes possible, and that this is *especially* valuable in social environments where sexual roles are otherwise quite rigid and prescribed.[28]

But there are also good reasons to think that playing games can have *negative* effects on our autonomy. These reasons arguably become more pressing when we consider them in the context of BDSM, and we can begin to see this in the connections feminists have drawn between oppression and autonomy. In particular, one common way of understanding the moral badness of oppression has been in terms of its effects on autonomy—in social environments characterized by oppression, the autonomy of oppressed people is restricted, or otherwise undermined (Fry 1983/2000; Khader 2011; Young 1992/2004). Importantly, one of the ways this can happen is through the "hijacking" of desire by oppressive ideologies.[29] Second-wave feminists have argued that the desires which lead people (and women, in particular) to engage in BDSM—desires for pain or powerlessness, desires to be dominated—are desires formed by oppression: if a woman wants to sexually submit to a man, it is because she was born and raised in social environments which have coercively constructed her into a sexually submissive role, and the fact that she has come to desire the conditions of her own oppression is simply more evidence in favor of the totalizing nature of patriarchy (Linden et al. 1982). In other words, wanting these things is *very bad*, according to second-wave feminists: it is bad because these desires have been formed under oppressive conditions of compromised autonomy, conditions which these desires also support; and of course, the mere fact that someone has formed these "hijacked" desires is partially constitutive of their oppression.[30]

When we think about BDSM scenes as games, the worry that BDSM desires undermine the autonomy of BDSM practitioners directly correlates to worries that game scholars have articulated about gameplay and value capture. To see this, we can think about the problematic BDSM desires in question as desires which involve attaching *value* to things like pain and power. Now, feminists have argued that attaching value to these things is bad on its own, and it can also have very bad consequences. This version of the concern has to do with which values BDSM activities and relationships appear to represent, whether those values are good, and the consequences of engaging in activities which incorporate those values.[31] But when we see scenes as games, a more general worry emerges here, one which has less to do with the *particular* values BDSM activities might incorporate or represent, and more to do with the fact that BDSM scenes are extremely personal interactions in which the pursuit of sexual goods is gamified.

To appreciate this concern, consider the fact that typical games involve very simple values, and during gameplay there are clear routes to achieving valuable in-game goods. But of course, real life isn't like this: the values we work with in our everyday lives are very diverse, rich, and complex; and the routes to achieving valuable things are often obscure and difficult. The risks associated with gamification, then, are risks that have to

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do with value *simplification* and the expectation of value *clarity* in our everyday lives. Essentially, when we make games out of regular elements of our daily lives—for example, out of work (consider competitions between colleagues for promotions or bonuses), out of exercise (consider FitBit or OrangeTheory), out of relationships (consider dating apps)—there is a risk that we'll begin to expect our lives to look more like games, with simple values and clear routes to attaining valuable goods. The process by which our values are transformed in this way is called *value capture* (Nguyen 2020, ch. 9).[32]

This kind of value capture is very dangerous, for several reasons. It can lead us to lose touch with the richness of our values. It can lead us to internalize values which are not adapted to us. And when our values are captured by things like corporations, social institutions, or ideology, those values can fall outside of our immediate personal control. In addition to these things, *value capture can also reduce our autonomy*: it can lead us to have fewer values, and oversimplified ones at that. And it can impede our ability to act in accordance with our (now diminished) value set. Insofar as our genuine desires are formed on the basis of these values, and genuine reasons for action are also grounded in these values, this amounts to a reduction in autonomy on both coherentist theories and reasons-responsive theories (Nguyen 2020, ch. 9).

In the context of feminist criticisms of BDSM, the worry is that, insofar as BDSM activities are intimately bound up with the agency and lives of BDSM practitioners, value capture is a very real risk here. Additionally, many BDSM scenes seem to reenact elements of oppression, and much of BDSM play involves attaching value to things like pain and power. These things, taken together with the extremely personal nature of BDSM, make it plausible that BDSM play risks an *exceptionally dangerous* form of value capture—namely, one which infects the richness and subtlety of the original values of BDSM practitioners, and transforms and simplifies those values into those which belong to patriarchy, and other forms of oppression. Moreover, this simplification can lead to a reduction in autonomy, insofar as it can leave BDSM practitioners with a diminished set of values with which to reason and act. And of course, if the values they are left with are ones which belong to the patriarchy, then desires formed on the basis of these values will be desires which have been hijacked by oppression. So the original second-wave feminist argument that BDSM desires are a symptom of compromised autonomy finds a central foothold here, as well.

With this discussion about autonomy and BDSM, we've already begun to transition to the final section of this paper, in which I'll connect this analysis of BDSM scenes to broader discussions on this topic in sexual ethics. I hope that discussion in this section has done some work to demonstrate that thinking about scenes as games brings out much that can be instrumentally valuable about these activities, in terms of the relationship between in-game agencies and autonomy. But importantly, this argument leaves space for caution, and second-wave feminist arguments that BDSM play cuts in the other direction when it comes to autonomy are very much of a piece with the concerns game scholars have articulated about gameplay and value capture. An analysis of BDSM scenes as games leaves space for both arguments and highlights relationships between the two.

5. Are scenes good games?

So far, my argument has been that BDSM scenes are games, and that understanding them in this way brings out much that is valuable, but also potentially risky, about these

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activities. In this section, I'll briefly take up a different but related project, regarding the *morality* of BDSM. In other words, our questions so far have been: what are BDSM scenes and what is valuable about them? In this section, our question now becomes one about whether BDSM is good, in the sense of whether engaging in BDSM scenes is a morally permissible activity. Put in the language of games, then: given that BDSM scenes are games, are they (morally) good ones?

To get a sense for some of the issues here, return to our discussion of *Against Sadomasochism* (Linden et al. 1982). A wide variety of criticisms are leveled against BDSM in that volume. In his (1994) essay "Rethinking sadomasochism," Patrick Hopkins helpfully catalogues the central second-wave feminist criticisms of BDSM, organizing them into three general lines of critique: first, there is the claim that BDSM replicates patriarchy, by replicating values, desires, and behaviors which are partly constitutive of patriarchy. Second, these feminists have argued that it is impossible to consent to BDSM activities; if this is correct, then it follows that all BDSM activities are non-consensual, and that's very bad. Third and finally, these feminists argue that BDSM not only replicates patriarchy but supports and furthers it. This happens in at least two ways: first, BDSM practitioners directly support patriarchy by taking the values, desires, and behaviors involved in BDSM "outside the bedroom" and applying them in various harmful ways to real life. And second, even if BDSM practitioners manage not to do this, many of them still have an audience—and importantly, that audience is made up largely of individuals who do not understand BDSM dynamics and who lead their lives in social environments characterized by gender oppression (as we all do). These two things together then make it very likely that BDSM audiences will adopt (what they take to be) the values and behaviors present in BDSM and apply them in harmful ways in their own lives—ways that ultimately support and further patriarchy. There are many more specific criticisms present in *Against Sadomasochism*, but my sense is that with this list Hopkins captures the three major lines of critique pressed by anti-BDSM feminists.

Now, when we see BDSM scenes as games, certain similarities emerge between these feminist criticisms of BDSM on the one hand, and some of the discussions game scholars have held about the moral challenges presented by games and gameplay, on the other. We saw this already in the previous section on value, with a discussion of the relationship between gameplay and autonomy (section 4). In this section, I'll work through just one more of these connections, in order to model how objections to the morality of BDSM might be represented, considered, and answered, on the scenes-as-games framework.

To begin this discussion, note that many second-wave criticisms of BDSM centrally involve the idea that many of the actions which happen in BDSM scenes carry a *negative normative valance*, and a quite serious one, at that. These are activities which are allegedly so bad that (being perceived as) participating in them amounts to supporting and furthering oppressive social systems. And it's not hard to see why: typically, it is very wrong to intentionally cause other people physical pain; to humiliate them, to punish them, to control them in a way which leaves them completely subject to your will. Moreover, these things seem *especially* wrong when they happen in the context of social relationships already characterized by unjust power dynamics—dynamics which are plausibly held in place by *exactly* these sorts of activities.

Accordingly, a response to these criticisms would seem to require an account of how BDSM activities and dynamics might be permissible within the bounds of BDSM scenes, when typically, they aren't. That is, we need an account of how actions and social relationships which are typically negatively normatively valanced might somehow be morally transformed in these contexts. Thankfully, we have good reasons to think that

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game environments can support this sort of morally and socially transformative power. To get a sense for this, consider games which involve actions which are typically seen as violent, such as boxing.

Let's say that, one afternoon, you and I decide to enter a boxing match together. Now normally, our relationship isn't such that I'll let you punch me in the face for fun, even if you've got a big glove on. So somehow, this sort of violent action has become permissible within the bounds of the match. Furthermore, let's imagine that our friendship is, typically, quite amicable and cooperative; I help you with your watercolors, you help me with my taxes, that sort of thing. But of course, while we're boxing each other, our relationship is not amicable at all; you are quite literally trying to punch me so hard that I lose consciousness for several seconds. Something about the environment of the game has transformed our relationship, if only temporarily. How do we explain this?

Here again, I think an element of Nguyen's analysis can be helpful. Games, on his view, can have a kind of morally and socially transformative power: they can transform actions which are usually negatively normatively valanced and turn them into something good (e.g., boxing), and they can also temporarily transform social relationships between players for the sake of some overall effect (e.g., encouraging competition). How does this work exactly?[33]

Let's start with the morally transformative power of games. Here, three things are needed: first, the skill level of the players must be matched; second, there must be a sufficient level of psychological fit between the players and the game; and third, the game design must support the moral transformation in question (Nguyen 2020, 175).

To illustrate, return to our boxing example, and let's say that you and I are evenly matched in skill. This makes it possible for us to enjoy the struggle of trying to win the match—for since we're equally skilled, it really is a struggle, one of us won't win immediately. Let's say that we also plan to box at the end of a particularly stressful and frustrating workweek; we both appreciate the opportunity to release our pent-up energy, to turn off the over-active parts of our brains and focus instead on the movements of our bodies in the ring. In this respect, the design of the game is psychologically fitting for each of us. And lastly, the design of the game facilitates our play in these respects: there are various rules about how we can move, how we can engage with each other, and these place constraints on our actions which encourage exactly the sort of physical exertion and mental concentration that we're looking for. Nguyen argues that these things together make for aesthetic experiences of struggle during our match, and these elements also explain why our violent actions toward each other are not normatively bad in this context. Instead, they contribute to the aesthetic value of our experience.

Our relationship to one another is also transformed during the match, from one which is typically amicable and collaborative, to one which is competitive and antagonistic within the bounds of the game. This social transformation owes largely to some of the same design elements which make for the moral transformation of our actions during the match. It is by "intentionally manipulating the goals, abilities, and obstacles facing individual agents, [that] game designers can create specific relationships of interdependence, vulnerability, and antagonism between players" (Nguyen 2020, 167). And this is precisely what happens during our match: in creating new, temporary agencies for us to step into, the game also provides a way for us to relate to one another in our new agential roles, a social relationship which bears many of the characteristics of these agencies, and their associated capacities and goals.

My claim here is that what makes for the moral transformation of actions within typical games also goes for actions in BDSM scenes. More precisely, actions within

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BDSM scenes can be morally transformed—from ones which are typically negatively normatively valanced, to actions which are morally permissible, and positively contribute to the value of play—when these elements are present. To show this, I'll work through another popular film representation of BDSM, but this time with the aim of explaining what the movie gets *wrong*. In particular, in this example, in-scene actions do *not* undergo moral transformations; they remain negatively valanced. And I'll argue this happens because the required elements are not present.

Consider the wildly popular erotic drama *Fifty Shades of Grey* (2015). In the film, the main characters Anastasia Steele and Christian Grey enter into a BDSM dynamic, one in which Steele submits to Grey. Notably, Grey has far more experience than Steele does, both with respect to BDSM, and in sexual relationships more generally. In other words, their skill level when it comes to BDSM is dramatically unequal, with Steele being a complete beginner, and Grey having practiced BDSM for many years. In addition to this, Steele expresses clear reluctance to engage in some of these activities and appears to consent to them primarily because she has romantic feelings for Grey, and he has made it clear that BDSM is the only form of intimacy he will accept. This results in several scenes which leave Steele in psychological distress, and she goes back and forth over whether her feelings for Grey are worth the price of subjecting herself to bondage and beatings, and forms of power exchange she seems to find difficult. In other words, if BDSM scenes are games, the games Steele plays with Grey are not ones which fit her desires and needs—and this is true even though they negotiate a formal contract together, one which Steele signs, which is supposed to indicate her consent.[34]

That Steele at least nominally consents to these activities is important. It means that, if there is something ethically bad about the scenes in *Fifty Shades of Grey* (as I'm arguing there is), this is true *even if* the scenes in this film are consensual. Now, one way to explain this might be in terms of consent violations: in signing the contract, Steele consented to particular activities and not to others, and Grey went beyond the terms of their agreement, and thereby violated the terms of Steele's consent. But the language of consent violations doesn't capture much of what goes wrong in this film; for it seems as though some of the scenes have an ethical badness to them, *even when they fall squarely within the bounds of the contract*. That is, even if Anastasia consents to these activities, consent doesn't seem sufficient for ethical activity here.

In the contemporary literature on sexual ethics, it is now common to think that consent is not sufficient for ethical sex (Fischel 2019; Kukla 2018; Woodard 2022). Moreover, Nguyen also argues that consent alone is not sufficient for the moral transformation of actions within games (Nguyen 2020, 174–75). So, if consent is not sufficient for ethical sex, and consent is also not sufficient for the moral transformation of actions within games, then it shouldn't be surprising that the same goes for BDSM, especially when we think about scenes as games. BDSM scenes can be unethical, even when they are consensual.

Here, my claim is that the scenes in *Fifty Shades of Grey* are unethical because they lack the elements which are required for the moral transformation of action—Steele and Grey's skill levels are dramatically mismatched, and the scenes they engage in do not fit Steele's psychology: her needs, desires, and capacities. And lastly, the design of their scenes does not support the moral transformation of the actions within those scenes. For example, the scenes are not designed to make it easy for Steele (a complete beginner) to engage in BDSM activities for the first time; Grey does very little to explain to her how different implements and tools work, apart from telling her their names; zero safety risks are discussed (and several of the things they do are quite risky); and at one point Grey

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tells Steele that her consent (their contract) was just a formality, and he would have done these things to her even if she hadn't agreed to them.

Each of the elements required for the moral transformation of actions in scenes is missing in *Fifty Shades of Grey*. And if Nguyen is right that each of these elements is typically needed in order for these sorts of transformations to occur, then the activities in this film aren't transformed, and so made morally permissible—they retain the same negative normative valence that they would typically have, outside the scene. As such, *Fifty Shades of Grey* is effectively just a portrait of eroticized abuse, rather than ethical BDSM.[35]

Importantly, Nguyen's discussion of moral transformation also helps us see how things could have been otherwise. If Steele and Grey were more equally experienced, for example, or if the scenes had been designed to better fit the psychology of *both* people involved, these activities could have been morally transformed, and so ethical. Of course, if that's right, it follows that it's possible for at least some BDSM activities to undergo this sort of moral transformation. And this seems plausible. For, if violent actions in sports like boxing, wrestling, slap-fighting, rodeo, and football can undergo these sorts of moral transformations within the bounds of a game, this gives us some reason to think that many similar (and in some cases, identical) actions can be transformed within the bounds of a scene, as well.

Now, it's certainly possible to be convinced of the morally and socially transformative power of games in *general*, and yet to resist my claim that actions within BDSM scenes (as games) are so transformed. In fact, I expect some of the same considerations which led many second-wave feminists to the criticisms Hopkins catalogues above will motivate this sort of concern. One might worry that, for reasons related to the social environments in which BDSM scenes take place, actions cannot undergo moral transformations within BDSM scenes (and perhaps the social relationships between scene participants are also resistant to these transformations, as well). Why worry about this? Well, recall that, in order for actions to undergo moral transformation during a game, the skill level of the players must be *matched*. The worry I'm raising here concerns this requirement. For fundamentally, this condition seems to have to do with the balance of power between players in the game.

To see this, consider an altered version of our boxing match: this time, you are a pro boxer and I started yesterday. In this case, you're going to absolutely obliterate me unless we play in a way which mitigates this power disparity. And if we do *not* play in a way which mitigates this disparity, then our "match" will look less like a game, and more like you beating me up—a situation in which your actions retain their typical negative normative valance, and so are not morally transformed. Extending feminist worries about BDSM to this context then, the concern here has two parts: first, all BDSM scenes take place in social environments characterized by pervasive gender inequality, and this will inevitably make for deep power imbalances between participants to a scene, *especially* when the BDSM scene involves reenacting elements of those same social inequalities. The second part of this concern is that there is no way to mitigate this. Unlike the boxing match, where the more skilled player can take on certain additional constraints in order to balance out any power differentials, there is nothing equivalent to this that can be done within BDSM scenes. That is, any social power disparities which exist between participants outside the scene will inevitably be present and operative during the scene as well. The worry, then, is that BDSM will very often involve interactions between people who are unevenly "matched" in this sense, and this will

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prohibit in-scene actions from being morally transformed in the ways which are necessary for ethical play.

Much like our previous discussion about autonomy (section 4), discussion in this section highlights that a metaphysical analysis of scenes-as-games doesn't bake in answers to the central normative questions here, or otherwise stack the deck in favor of one side or the other, when it comes to debates in sexual ethics about BDSM. Instead, thinking about scenes as games opens up theoretical space around these moral questions, allowing us to deliberate about them from new perspectives which bring more of the nuances of these activities into focus, without sacrificing any of the elements which traditionally have made moral evaluations of BDSM so fraught and complex.

6. Conclusion: "Is BDSM really that unique, after all?"

My focus in this paper has been on the nature of BDSM and BDSM activities: what they are like, what makes them unique, and the ways in which these activities can be valuable. I've taken this project to be intimately related to, but importantly distinct from, philosophical projects centered on the morality of BDSM play. But with this analysis, my aim has been to show that getting clear on the underlying metaphysics of these interactions can aid the moral evaluation of them. To this end, I've modeled two ways in which we might pursue moral questions about BDSM on this analysis of scenes-as-games, in exploring the relationship between BDSM play and autonomy, and in interrogating the elements of games which might be required for the moral transformation of action against the background of traditional feminist criticisms of BDSM.

In closing this discussion, it's worth remarking on the fact that, as games, there is a sense in which BDSM scenes aren't very special. For, on the Suitsian picture, any voluntary attempt to overcome unnecessary obstacles is a game. And so it follows that a great many things will count as games on this view—cooking dinner can be a game, or walking your dog, or taking a hike. I've argued that BDSM scenes are games on this view too, and so there is a sense in which these scenes are much like other activities or hobbies that people engage in.

Among those things which count as games on this general view will likely also be many sexual and/or erotic interactions which *do not* happen as part of a BDSM scene, interactions which might not even be described as kinky. My sense is that many of these more typical sexual interactions (sometimes called "vanilla" sexual interactions) will count as games as well, on the view offered here. Briefly, this is for a couple of reasons. First, these non-BDSM sexual interactions may still involve voluntarily attempts to overcome unnecessary obstacles. Consider, for example, a couple who enjoy prolonging orgasms during sex for as long as possible, not to the point of discomfort and not as some form of power play, but simply as a fun challenge which makes an enjoyable interaction last longer. That certainly seems to be a game. Second, many non-BDSM sexual interactions plausibly bear the same relationships to agency and autonomy detailed above. That is, I think it's very plausible that many non-BDSM sexual interactions involve stepping into different agencies (whether parties to the interaction are aware that this is happening, or not), and doing this can have an effect on the autonomy of participants to the interaction.[36]

Lastly, insofar as many second-wave feminist criticisms were directed at *all* sex under patriarchy, there is a sense in which this result will be a welcome one for critics of BDSM. This is because, for those feminists, BDSM is just an especially harmful instance of a

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more generally detrimental activity; there is no ethical sex under patriarchy, kinky or otherwise (Dworkin 1987; MacKinnon 1989). In this way, many second-wave feminist criticisms of BDSM already seem to background the view that there are central commonalities between BDSM and more typical sex, so the fact that my analysis here can explain those commonalities will be a boon to opponents of BDSM as well.

In sum: my analysis here suggests that paradigmatic BDSM scenes and many non-BDSM sexual interactions can be understood as the same general *kind* of activity: both are games. And I think this is the right result. For of course, BDSM activities are unique in several significant respects, but there is another sense in which BDSM practitioners are just regular people, engaging in games they enjoy, where in many respects those games aren't so radically different from the many other things that people do for pleasure. Here, I've offered an analysis of BDSM which recommends understanding and evaluating these activities in this light.

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Notes

1 See e.g. Califia 1987; McClintock 1993; Miller 2017; Rocha 2016.

2 See e.g. Bar-On 1982; Butler 1982; Rian 1982; Russell 1982.

3 See e.g. Califia 1987; Card 1995.

4 See e.g. Hopkins 1994; Stear 2009.

5 This is what led some feminists to argue that all heterosexual sex under patriarchy is rape, for instance. See e.g. MacKinnon 1989.

6 For discussion of the role consent in BDSM see Rocha 2016. For a more general, non-ideal theory of sexual consent see Kukla 2021.

7 I know of two existing papers in analytic philosophy on this subject. Patrick Hopkins (1994) has argued that BDSM activities are *simulations*, and BDSM practitioners have desires for things like simulated dominance and simulated submission (rather than the real or "genuine" versions of these things, as critics of BDSM have argued). More recently, Nils-Hennes Stear (2009) has argued that BDSM practitioners engage in acts of *make-believe*, and so in activities which are similar to those of actors performing a play, or children who play in fictional worlds. On both pictures, the general idea is that BDSM involves generating and participating in certain *fictions* (and both Stear and Hopkins argue that once we see this, it's clear how BDSM activities and relationships can be ethical).

Stear and Hopkins are onto something about the role of fiction in BDSM. But in the interest of avoiding criticism, my own sense is that they characterize BDSM as being too disconnected from reality, and from the lives of BDSM practitioners. That is, even if BDSM play involves certain fictions, it remains deeply connected to the attitudes and agency of its practitioners, and these elements of BDSM are not fictions, something that critics of BDSM have understood well. In addition, these earlier analyses of BDSM do not address the roles of consent and autonomy in BDSM play, and they also have little to say about the effects that BDSM is positioned to have on the values, desires, and behavior of its practitioners. In short, while they are insightful, these analyses are over-simplified and incomplete, and so leave much to be desired when it comes to illuminating the nature of BDSM. I won't discuss these projects further below, but I mention them here for readers who may be interested in existing accounts, and comparing the virtues and vices of my analysis here to those proposed by Stear and Hopkins.

8 Much of BDSM play happens in the space of structured scenes like this. But also, a lot of it doesn't (e.g., some of the activities which occur in the context of 24/7 BDSM relationships). I will restrict my discussion here to what I'm calling "paradigmatic" BDSM scenes, where examples of paradigmatic BDSM scenes include things like dungeon scenes; scenes which happen at play parties or conventions; and scenes that partners plan to engage in privately at home, perhaps after the workday is done, or over a long weekend.

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9 Notably, there is a question here about whether my analysis applies *only* to BDSM scenes or whether it might also apply to some erotic/sexual interactions which do not have elements of BDSM or kink whatsoever (sometimes called "vanilla" interactions). In answer: while my analysis here is designed to apply specifically to what I'm calling paradigmatic BDSM scenes (which make up the bulk of my examples below), I think it's highly plausible that my view here will apply to some "vanilla" interactions, as well. That is, I suspect that a lot of typical erotic/sexual interactions can be well-understood as games, and this is actually good news for this analysis of BDSM, as it implies that BDSM interactions are not fundamentally different in kind from other sorts of erotic/sexual interactions. I will return to this point briefly at the end of the paper, once the basics of this analysis are on the table (section 6). Lastly, it's also true that my analysis here applies to many *non-erotic/sexual* paradigmatic BDSM scenes as well; those scenes will also be games in this sense, as they constitutively involve voluntary attempts to overcome unnecessary obstacles. My thanks to an anonymous referee for raising these points!

10 For critical discussion of Suits' original definition see Nguyen 2019; Upton 2015.

11 Unfortunately, most film representations of BDSM are far from ideal in several respects. For this reason, I'd like to flag at the outset that, in using these films as examples in my discussion below, *I am not thereby endorsing them as accurate representations of BDSM overall*. Each film mentioned in this paper has elements which I find helpful for building an analysis of BDSM, and I focus on just those elements below. But my discussion of these films does not amount to an endorsement.

12 Power exchange scenes like these are asymmetrically structured in yet another way. To see this, note that the obstacles that Grey is presented with in these scenes are substantially different from those that Holloway is presented with. Namely, the obstacles facing Grey are more closely associated with scene design and management—e.g., the challenges of maintaining the power dynamic throughout these activities, coming up with new challenges for Holloway, or actively mitigating risks during play. But importantly, this asymmetry doesn't make their scene less game-like. For there are many typical games which share this asymmetric structure. Consider, e.g., tabletop role-playing games like *Dungeons & Dragons,* in which one player occupies the role of the dungeon master (or "DM"): the DM is largely responsible for crafting and managing the campaign. Among other things, this can mean coming up with challenges for the other players—battles for them to fight or mysteries for them to solve. In games like *Dungeons & Dragons,* the obstacles facing the DM are different from, but intimately related to, the obstacles facing the other players. My claim here is that, as games, BDSM scenes like Holloway and Grey's are structured similarly. (My thanks to the participants of WOGAP for raising this point!)

13 BDSM scenes can have a huge array of aims or goals. These goals can be very specific and practical, like those of the scenes in *Secretary* (e.g., staple the papers), but they can also be much more general. For example, the goal of a scene might have to do with arriving at a particular feeling, or emotional space (e.g., the goal of feeling powerful or powerless; strong or grounded; liberated or connected). Scenes can have very personal goals that are deeply intertwined with participants' lives (e.g., processing grief or trauma), silly goals (e.g., getting someone to laugh until they cry), artistic goals (e.g., creating beautiful shapes using rope and other materials), performance-oriented goals (e.g., entertaining a crowd at a convention), or educational goals (e.g., demonstrating a particular new technique), among many others. The goals of a scene are largely given by what the people in it want to create together and the ways in which they want to create those things.

14 Importantly, I'm not saying all *kinky* activities are necessarily games, as I suspect things like e.g. fetishes don't really fit into this framework at all. But for those interactions which involve bondage, discipline, dominance, submission, sadism, and/or masochism—if the interaction is a BDSM scene, then it is a game. Thanks to an anonymous referee for pressing me to make the points in this section explicit!

15 Again, these obstacles are "unnecessary" not because the activities themselves might be engaged in with zero risk (an impossibility), but because BDSM activities are optional.

16 Importantly, I think sometimes these obstacles are overlooked because they are not always obvious to people who are not participating in the scene, but are rather viewing/evaluating it at some distance. For, a lot of risk-awareness and risk mitigation here happens *internally* for scene participants, and informs their behavior and interaction in subtle and very specific ways which might not be obvious to people outside the scene, or to those who are not intimately familiar with the particular sort of activity they are engaging in. For example: a rope top takes care to place all of their main uplines on the inside of a bamboo hanger; this might not *seem* like risk-aware activity to an audience new to shibari, but it certainly is risk-aware activity.

17 A potentially serious counterexample is presented by some forms of recreational drug use. In brief, here's what I think about these cases: (a) some people engage in these activities without knowledge of the risks, and

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so they won't count as playing games; (b) addiction does not involve *voluntary* drug use, and so "recreational" drug use which happens as a consequence of addiction is not a game; (c) some people use drugs, are not addicted, and are aware of the risks—I think those people are knowingly taking a *gamble* every time they use drugs, and I think this sort of gamble counts as a game. Certainly not an advisable game, perhaps an unethical game (depending on the drug and the context), but a game, nonetheless.

18 In fact, I suspect that these risks can strongly contribute to what makes these scenes erotic, sexual, or otherwise pleasurable for many people.

19 Note that there is a more basic view of BDSM which I am quietly rejecting here, a view according to which something is BDSM simply because it involves breath play, or impact play, or bondage … perhaps for the sake of (erotic) pleasure. I *do* think it's plausible that all breath play for erotic pleasure is *kinky*, and similarly for these other activities. But I reject the idea that any activity which involves bondage, discipline, dominance, submission, sadism, and/or masochism for the sake of erotic pleasure is BDSM. If Bob ties Amy's ankle to the bed post with ribbon before proceeding with missionary sex, I think that's kinky, but I don't think it's BDSM (even if it involves a form of bondage); if Amy spanks Bob with a feather, I think that's kinky, but I don't think it's BDSM (even if it involves a form of impact play). And if Mona and Joha proceed with their interaction in a way which indicates they have *no idea* what the risks are (physical, psychological, or otherwise), I think they are doing something very kinky, but they are not doing BDSM. Admittedly, I suspect these intuitions may be somewhat controversial, but my hope is that the analysis to follow will be fruitful enough regardless, to be worth taking seriously.

20 Here's another example to motivate this same point, one which may be more compelling for some audiences: consider the risks involved in practicing shibari, a form of Japanese-inspired rope bondage. The risks here are very serious, but some of them are also quite complicated, in a sense; these are the risks which have to do with nerve compression and loss of sensation due to circulation restriction and other forms of potential tissue damage. Many people, when they first start practicing shibari, are ignorant of these risks and not necessarily due to negligence; for it just takes a bit of time to understand what's at stake here and how that applies to your body/your partner's body. However, I'm reticent to say that entry-level shibari practitioners fail to engage in BDSM scenes until they've acquired knowledge of the risks of rope bondage; rather, I think it's more intuitive to say they are doing scenes, and so engaging in games in view of *other* obstacles (e.g., immobilize your partner in a way which makes them feel helpless but also sexy!), while remaining ignorant of the risks here.

21 A counterexample here would take the form of something which (a) is clearly a BDSM scene, but (b) does not involve paradigmatic in-scene obstacles (e.g., those in the scenes in *Secretary*), and (c) is an activity which players *do not* acknowledge is extremely risky. My own sense is that nothing fits this description. Again, such an activity might still be kinky, it might be erotic, it might be pleasurable … but I don't think it's BDSM.

22 My discussion here draws primarily from Nguyen (2020), but where appropriate I cite additional work in the games literature, where similar themes and topics have been discussed.

23 Notably, some but not all of the agencies involved in BDSM are *unique* to BDSM. For example, there are many forms of role play which happen in BDSM where the roles involved are drawn from other parts of life, and hardly altered at all for the sake of play. The fact that these roles don't have to be unique to BDSM suggests that some *non-BDSM* erotic/sexual encounters which involve roleplay may be games. I think this is exactly the right result, and I return to this idea briefly in section 4.

24 As one final remark here: note that the distinction between enduring agencies and temporary agencies is especially significant in this context. For it implies that participants to these scenes adopt agential roles which *differ* in many ways from the enduring agency in which they lead their everyday lives. This is important because it means that people do not come to BDSM scenes e.g., *as submissives* or *as dominants*. They might come to the scene with an interest in being dominated, for example, but the submissive role is just that—*a role* which some people choose to step into during BDSM scenes. But on this picture, there are no "natural" dominants and nobody is "born" submissive. For an excellent book-length discussion which engages with this topic, and more generally, with issues related to gender, oppression, and the (social) nature of submission, see Garcia 2021.

25 Nguyen also holds an extended discussion about the relationship between in-game agencies and the aesthetic value of gameplay. At this point, it likely won't surprise readers to learn that I think that discussion can also be helpfully applied here, to illuminate the aesthetic value of action in BDSM scenes. But this paper is already too long, so I'll save that discussion for another day.

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26 Of course, there are many other views about the nature of autonomy in addition to what I've mentioned here. I've chosen to discuss coherentist and reasons-responsive theories because those views have been taken up in the philosophical literature on games; and I've chosen to discuss procedural theories of (relational) autonomy because these are the primary views at work in the background of many second-wave feminist discussions about BDSM.

27 It's important to note here that the "genuine reasons" which BDSM agencies help us to act in accordance with don't need to be BDSM-*exclusive*, or even BDSM-related. Recall our earlier discussion of *Marcy Learns Something New*: in familiarizing herself with the agential role of a domme, Marcy learns how to attend to her partners during a scene; how to keep them safe, how to read their body language and check in with them, how to come up with creative activities on the fly. In this case, the role of a domme plausibly makes salient certain reasons for action: reasons related to safety and security, communication, intimacy, and play. But of course, these aren't BDSM-*exclusive* reasons: there are many contexts in which it's helpful to be able to recognize and act in accordance with reasons like these. BDSM is just one of them.

28 Note that this can be true even if, in practice, BDSM practitioners rarely switch up the in-scene roles they occupy (i.e., if practitioners tend to settle on just one role, or a couple of roles, and occupy those in nearly every scene). In other words, the fact that BDSM scenes present the *opportunity* for exploration and creativity in this respect might be enough to garner the benefits of agential fluidity here (especially when someone is just beginning to acquaint themselves with these roles, e.g., in discovering BDSM for the first time).

29 See in particular Khader (2011) on adaptive preferences and oppression.

30 Notably, second-wave feminists specifically framed their criticisms in terms of patriarchy, and so focused on BDSM which involves men dominating women, but there is a version of this concern which applies to many more unjust social structures and power dynamics, those which involve e.g., race, class, disability, and perhaps other gendered dynamics (e.g., masc/fem), as well. This matters because it's important to understand that the general spirit of these feminist worries does not exclusively apply to BDSM practiced by cisgender, white, middle-class heterosexuals. That is, a version of these concerns plausibly applies to anyone who engages in BDSM. Thanks to an anonymous referee for emphasizing this point.

31 Note that somewhat analogous concerns have been raised regarding the consequences of playing violent video games, and whether the values represented in these games will be taken up by players in ways which ultimately have bad consequences. See e.g. Bartel 2012; Luck 2009; Patridge 2011.

32 See also Nguyen (forthcoming).

33 It's worth pointing out that boxing, as a sport, has been criticized on these grounds: according to this critique, violent actions actually *do not* undergo moral transformation during a boxing match, and so this sport potentially does involve morally impermissible violence (Herrera 2012). For those readers sympathetic to this objection, consider an alternative example: poker. Typical games of poker, especially at the professional level, involve *deceit*. Of course, normally it is not morally permissible to deceive other people, especially about things they care a great deal about and when the stakes are quite high; however, clearly it is permissible for players to deceive one another in a game of poker. So, something about the nature of the game environment has transformed what would otherwise be a morally impermissible action into something not only permissible, but something which ultimately positively contributes to the value of gameplay.

Now, I have chosen to work with boxing as an example in the main body of the paper here because my sense is that, for better or for worse, the violent actions which stand to be transformed in boxing are relevantly similar to many of those which stand to be transformed within paradigmatic BDSM scenes (particularly many of those actions which second-wave feminists are the most concerned about). However, I offer this poker example here for readers who are compelled by the criticisms of boxing in particular, but who may otherwise be sympathetic to my general point in this section. Thanks to an anonymous referee for raising this issue and suggesting this alternative example.

34 Notably, whether contracts like this can make for genuine consent is disputed. See e.g. Anderson 2005; Loick 2019. (My thanks to Hilkje Charlotte Hänel for raising this point!)

35 I am hardly the first person to raise this point. See e.g. Green 2015; Khan 2018.

36 Notably, I think that a more general analysis of sex in terms of games could be extremely worthwhile. Of course I won't pursue that here, but remark on this as a possible avenue for further research.

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