

# SHARPE'S PERVERSE AESTHETIC

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## INTRODUCTION: SHARPE AND ART

Robin Sharpe<sup>1</sup> was charged with possession of child pornography under section 163.1 of the *Criminal Code*.<sup>2</sup> He argued that the section violated his freedom of expression under the *Canadian Charter of Rights and Freedoms*.<sup>3</sup> The Supreme Court of Canada found that the provision prohibited the possession of visual representations that a reasonable person would view as depictions of explicit sexual activity with a person under the age of eighteen. The Court found that the sexual nature of the representations must be determined objectively. That is, it must be the “dominant characteristic.”<sup>4</sup> In addition, the Court found that the section prohibited possession of written or visual materials that actively induce or encourage sexual acts with children.<sup>5</sup>

Leaving the task of distinguishing “art” from “pornography” to the courts is problematic on three levels. Firstly, the Supreme Court’s definition of possession of pornography contradicts the very definition of art because it restricts the possession of self-created pornographic works to those intended for the creator’s eyes only. The importance of the ability of an artist to share his work with others is ignored. Secondly, because the courts analyze these works in the context of pornography, rather than other artistic works with similar themes and elements, they are ill-prepared to recognize the artistic merit of such pieces. Finally, a literary analysis of Sharpe’s work clearly demonstrates its artistic merit.

## FOR ONE’S OWN PERSONAL USE VERSUS FOR ONE’S EYES ALONE

*Bell: What does the court’s decision to allow the possession of self-created materials (written and visual) for one’s own use mean in terms of your own work?*

*Sharpe: The exceptions are meaningless. [They] were based on a false premise in the case of written material that the author does not and never intends to show his/her material to anyone else; this is not how writers operate. Most writers and artists seek the perusal of friends and others they respect.*

*Bell: Do you think it is meaningless for almost everyone?*

*Sharpe: Except for lawyers and vanilla civil libertarians, yes. It is a token gesture.*

*Bell: A token gesture to what?*

*Sharpe: Freedom of expression.*

*Bell: Where does possession end and possession for the purpose of distribution begin?*

*Sharpe: Possession should include private showing and communication. If I have something and I want to show it to you then that is part of possession. The private sharing of things should not be considered distribution.<sup>6</sup>*

In *Sharpe* the Supreme Court of Canada found that the *Criminal Code* provisions encompass two circumstances in which there is no potential harm to children and therefore read in two exceptions to the offence of possession of child pornography. One exception removed the criminal sanction from the possession of written or visual material, that, while

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<sup>1</sup> *R. v. Sharpe*, [2001] S.C.J. No. 3 [hereinafter *Sharpe*].

<sup>2</sup> R.S.C. 1985, c. C-46, as am. S.C. 1993, c. 46, s. 2.

<sup>3</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11 [hereinafter *Charter*].

<sup>4</sup> *Sharpe*, *supra* note 1 at para. 50.

<sup>5</sup> *Ibid.* at para. 56.

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<sup>6</sup> Interview with Robin Sharpe (14–16 February 2001).

meeting the definition of child pornography, was created by the accused alone and held for his or her own personal use.<sup>7</sup>

There is very hastily added “for his or her eyes alone” to this exception.<sup>8</sup> There is a significant difference between the phrases for one’s “own personal use” and for one’s “eyes alone.” Personal use includes unpublished private showing and communication; for his or her eyes alone means no one else sees the material. The latter nicely fits the example given, a teenager’s confidential diary; but it is highly unlikely that a teenager’s diary would come under scrutiny anyway. The other material that fits into the first category is “any other written work or visual representation confined to a single person in its creation, possession and intended audience.”<sup>9</sup>

What if you were an author who has read dissenting works of philosophy and literature such as Marquis de Sade’s *The 120 Days of Sodom*,<sup>10</sup> Algernon Charles Swinburne’s *The Flogging Block: An Heroic Poem*,<sup>11</sup> and William Burroughs’ *The Wild Boys*,<sup>12</sup> all of which, in unpublished form, would fall under the new and specific artistic merit defence for child pornography? What if you felt that your written material had similar merit in the same perverse aesthetic? You as a writer would very likely make a number of copies of your manuscript and distribute it to friends and fellow authors to solicit their critical assessments; you as an author might send the manuscript to potential publishers to have it reviewed. This is precisely what Robin Sharpe was doing when the police intercepted ten computer-disk copies of his

manuscript *BOYABUSE*, in 1995. Very quickly the reviewers became court professionals — police, medical doctors, a psychiatrist and a couple of government censorship bureaucrats — whose task it is to assess the child pornography content of a work. Once your work is accused of being child pornography, your readership is narrowed to those employed by the criminal justice system; criminal assessors are not known for having a background in literature, let alone in a perverse literary aesthetic.

The problem with the addition of “for his or her eyes alone” to the personal use exception is that, although it allows for a broadened understanding of artistic merit, the people reading self-created expressive material suspected of being child pornography are those in the criminal justice system whose job it is to determine if the work is child pornography. They are experts like Dr. Peter Collins, who claims to objectively “as a forensic psychiatrist, [be able to] diagnose someone as being a pedophile solely based on the fact that they have fantasies.”<sup>13</sup> In this context they will perhaps see only sexual acts that involve three-year old children, violence against children, murder of children. Does de Sade’s work “advocat[e] the commission of criminal offences against children”?<sup>14</sup> Does his work “actively advocate or counsel illegal sexual activity with persons under the age of 18”?<sup>15</sup> Of course, if a police official trained in determining child pornography, someone like Noreen Waters, who under cross-examination admitted, “I don’t read the material other than as part of my job,”<sup>16</sup> were given a computer disk of de Sade’s work, all she would see would be child abuse.

There is another difficulty with this exception. Artistic merit is assessed after material has been charged as child pornography. This means a writer, rather than being simply a failed author, could potentially be subject to imprisonment should a nervous acquisitions editor at a press pass what she deems to be an unmeritorious manuscript containing depictions of explicit child sexuality on to Project P(ornography) or CLUE (Coordinated Law Enforcement Unit), Pornography Portfolio. The “for his or her eyes alone” qualification serves to prohibit unpublished authors who write about childhood sexuality from ever showing their manuscripts to anyone.

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<sup>7</sup> In contrast to the Court’s problematic articulation of the first exception, the second exception reflects a more liberal approach and actually excludes more images from the definition of child pornography than it seems at first. The second exception protects the recording of lawful sexual activity, provided “[t]he person possessing the recording ... personally recorded or participated in the sexual activity in question” (*Sharpe, supra* note 1 at para. 116). The example the Court provides, “a teenage couple creating and keeping sexually explicit pictures featuring each other alone or together engaged in lawful sexual activity,” (*ibid.*) is quite innocuous, as such examples tend to be. The potential radicalism of the second exception is obvious once more controversial lawful sexual activity is entertained. For example, it seems that I can possess a picture of a fourteen-year-old sexual partner or friend playing with her or his genitals, providing he/she agrees to be photographed and the photograph is not shown to anyone else; that is to say, no third party will ever see it — it remains for our “personal use only” (*ibid.*).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Marquis de Sade, *The 120 Days of Sodom*, trans. A. Wainhouse & R. Seaver (New York: Grove, 1966).

<sup>11</sup> A. Swinburne, *The Flogging Block: An Heroic Poem. By Rufus Rodworthy, Esq. (Algernon Swinburne). With Annotations by Barebum Birchmore (Bertram Bellingham)* (London: 1777) [On file at the British Library, Ashley 5256]. Cited in I. Gibson, *The English Vice: Beating, Sex and Shame in Victorian England and After* (London: Duckworth, 1978).

<sup>12</sup> W.S. Burroughs, *The Wild Boys* (New York: Grove Press, 1971).

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<sup>13</sup> *R. v. Sharpe*, [1999] B.C.J. No. 1555 (C.A.) (*voir dire* transcripts) at 64.

<sup>14</sup> *Sharpe, supra* note 1 at para. 72.

<sup>15</sup> *Ibid.* at para. 73.

<sup>16</sup> *Supra* note 13 at 100.

## ARTISTIC MERIT IN *SHARPE*

*Were my writings a threat to children, adolescent boys in this case? I know most people would find the tales shocking, disgusting and highly offensive but would anyone be tempted to act out harmfully as a result of misinterpreting my BOYABUSE stories? I certainly did not think so although I am aware that works of great moral authority such as the Bible have had that unfortunate effect ... The stories contain much that would be considered obscene and abusive but they were my stories and I felt they had some literary merit.*<sup>17</sup>

In *Sharpe*, the Court noted that the *Criminal Code* prohibition on possession of child pornography provided a defence for possession of materials with “artistic merit.”<sup>18</sup> Finding that “artistic merit” should be determined objectively and include “any expression that may reasonably be viewed as art,”<sup>19</sup> they established that “[a]ny objectively established artistic value, however small, suffices to support the defence.”<sup>20</sup> Chief Justice McLachlin indicated that “art includes the production, according to aesthetic principles of works of the imagination, imitation or design.”<sup>21</sup>

The Court rejected the interpretation of community standards and harm in *Langer*<sup>22</sup> on the ground that “reading in the qualification of conformity with community standards would run counter to the logic of the defence, namely that artistic merit outweighs any harm that might result from the sexual representations of children in the work.”<sup>23</sup> They noted that “[t]o restrict the artistic merit defence to material posing no risk of harm to children would defeat the purpose of the defence.”<sup>24</sup> The Court stated that “Parliament clearly intended that some pornographic and possibly harmful works would escape prosecution on the basis of this defence.”<sup>25</sup>

In the context of section 163.1 of the *Criminal Code*, the Court’s definition of artistic merit is unique on two counts. First, the Court privileges artistic merit over potential harm to society. Child pornography can be

obscene, harmful and at the same time, art. Second, artistic merit is understood “differently from that developed under the obscenity provisions.”<sup>26</sup> Chief Justice McLachlin states “the language of ‘internal necessities’ and the logic of ‘either obscenity or art’ [is] inapposite.”<sup>27</sup> While leaving the determination of artistic merit to the trial judge, the Court suggests eight possible criteria to be taken into account when assessing artistic merit.<sup>28</sup> It is these criteria, and not the test of whether the work is predominately a sexual portrayal or whether it has a wider artistic purpose (the internal necessities test), that are determinant in the artistic merit defence.

When evaluating the artistic merit of a piece of literature, it must be remembered that reading is a political act: people read from positions in the world, whether these positions are acknowledged or not. How the reader produces meaning is the result of an interaction between all the texts he/she has read in the past, his/her positionality in the world, and the text of the moment. A number of meanings can be appropriated and read from the same text; the meaning of the text is produced by the reader through a process of grafting: the reader’s meaning is grafted onto the text at hand.<sup>29</sup> The accused’s body of work, the work charged and the work not charged, must be looked at simultaneously, and the accused’s charged work must be placed inside the broader context of writing or images of a similar aesthetic genre. For example, fictive works of the imagination need to be situated in relation to other similar fictive works of the imagination by other authors; one needs to assess works of the imagination that involve children, explicit sexual activity and sadomasochistic practices in the context of other published works of the imagination which include the very same themes.

The question applied to written material in order to determine if it is child pornography is does it “advocate or counsel sexual activity with a person under the age of eighteen years.”<sup>30</sup> The test is “whether the material, viewed objectively, advocates or counsels,”<sup>31</sup> whether it can be seen as “‘actively inducing’ or encouraging” sexual offences with children.<sup>32</sup>

<sup>17</sup> R. Sharpe, *R. v. Sharpe: A Personal Account*, [unpublished, on file with the author] at 3 [hereinafter “A Personal Account”].

<sup>18</sup> *Sharpe*, *supra* note 1 at para. 61.

<sup>19</sup> *Ibid.* at para. 63.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.* at para. 64. For a discussion of the interplay in the courts between artistic merit and the community standards test, see June Ross’ contribution to this issue, “*R. v. Sharpe* and the Defence of Artistic Merit.”

<sup>22</sup> *Ontario (A.G.) v. Langer* (1995), 123 D.L.R. (4th) 289 (Ont. Gen. Div.), leave to appeal to S.C.C. refused 100 C.C.C. (3d) vi.

<sup>23</sup> *Sharpe*, *supra* note 1 at para. 65.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.* at para. 67.

<sup>27</sup> *Ibid.*

<sup>28</sup> These criteria are: 1) “The subjective intention of the creator,” 2) “[t]he form ... of the work,” 3) “[t]he ‘content of the work,’” 4) the work’s “connections with artistic conventions, traditions or styles,” 5) “[t]he opinion of experts on the subject,” 6) “the mode of production,” 7) “the ... mode of display,” and 8) “the ... mode of distribution.” *Ibid.* at para. 64.

<sup>29</sup> See S. Bell, *Reading, Writing and Rewriting the Prostitute Body* (Bloomington & Indianapolis: Indiana University Press, 1994) at 7–8.

<sup>30</sup> *Supra* note 2, s. 163.1(1).

<sup>31</sup> *Sharpe*, *supra* note 1 at para. 56.

<sup>32</sup> *Ibid.*

“He has a small boy shit upon the paten, and he eats this while the boy sucks him.”<sup>33</sup> “He only flogs boys aged from fourteen to sixteen and he has them discharge into his mouth afterward. Each is warmed by one hundred lashes; he always sees two at a sitting.”<sup>34</sup> “He wishes to *depucelate* [deflower] none but little girls between the ages of three and seven, in the bum. This is the man who had her *pucelage* [virginity] in this manner; she was four years old, the ordeal caused her to fall ill, her mother implored this man to give aid, money, But his heart was of flint...”<sup>35</sup> “He buries the muzzle of a shotgun in the boy’s ass, the weapon is loaded with buckshot; and he has just finished fucking the lad. He pulls the trigger; the gun and his prick discharge simultaneously.”<sup>36</sup>

Clearly, these words of de Sade cannot be taken as counselling or advocating these sadistic sexual activities. This is obvious because they are so extreme; they are detailed fantasies. With de Sade, readers have been given a context; great philosophers such as Simone de Beauvoir, Pierre Klossowski, Maurice Blanchot, Georges Bataille, Max Horkheimer and Theodor Adorno have contextualized his writing as philosophy *vis-à-vis* the French Revolution;<sup>37</sup> de Sade’s writings are in university libraries and are taught in university literature, philosophy and political theory courses.

The role and testimony of the Crown experts present a serious problem: if a photo of someone under eighteen includes an erect penis, the eyes of the expert are trained to immediately focus on the sex organ or anal region, because their job is to determine whether these regions constitute “the dominant characteristic of the representation.”<sup>38</sup> It is, perhaps, their task, the task of determining the dominant characteristic, that isolates, freezes and thus fetishizes the sex organ even though the semi-erect or erect penis is in the presence of a total body — face, knees, hair, arms, toes, torso, thighs, feet, neck, hands. Not only does the Supreme Court decision refrain from establishing criteria for determining what constitutes the “dominance” of a characteristic, but even

refrains from establishing “the meaning of ‘sexual organ’”<sup>39</sup>

Sharpe’s writing was assessed by Detective Noreen Waters (the police expert witness for the Crown), and two individuals from the provincial Film Classification Branch. Assessors like these individuals read from the position of censorship and detection of child abuse, reading with such mantras as “all sexually explicit depictions of children, youths under eighteen are child pornography.” Of course, a text that combines child sexuality in which the children have agency with sadomasochistic ritual rites of endurance and flagellation is going to be considered “the cruelest pieces of writing I have ever read”<sup>40</sup> by someone like Mary-Louise McCausland, the Director of Film Classification for British Columbia, who, according to Sharpe’s notes, states:<sup>41</sup>

These stories convey, through a sense of the narrator’s satisfaction, that the sexually violent acts being carried out both against the children and by the children are pleasurable, satisfying and beneficial for all involved. It is this theme, and the fact that the abuse of children is presented in all three cases (*Timothy and the Terrorist*, *The Rites at Port Dar Lan: Part One*, and *Tijuana Whip Fight*) as being nontraumatic, that led me to determine that these works of fiction counsel adult sex with children and are therefore child pornography as defined by section 163.1 of the Criminal Code.

Court system experts will never be able to see merit in writing like that of Robin Sharpe because they just don’t have the context; of course, they can count the number of child–child and man–child sexual acts, but the only genre they have to contextualize that work is child porn. Sharpe’s work, for a reader like myself, a reader schooled in the counter-psychoanalysis of Deleuze and Guattari, the classical literary sadism of de Sade, the more contemporary literary sadomasochism of George Bataille and the ethics of Emmanuel Levinas, is a masterpiece of sadistic compassion.<sup>42</sup> Perhaps Sharpe’s intent was to create masturbatory material. Yet his writing is too complex, intricate, detailed and sophisticated; it draws on too many literary conventions to be merely masturbatory material. But then, as the *Sharpe* decision stipulates, “the subjective intention of

<sup>33</sup> de Sade, *supra* note 10 at 581.

<sup>34</sup> *Ibid.* at 592.

<sup>35</sup> *Ibid.* at 599.

<sup>36</sup> *Ibid.* at 653.

<sup>37</sup> de Sade, *supra* note 10; Marquis de Sade, *The Complete Justine, Philosophy in the bedroom, and other writings*, trans. R. Seaver & A. Wainhouse (New York: Grove Press, 1965); G. Bataille, *Eroticism*, trans. M. Dalwood (San Francisco: City Light Books, 1986) at 269; M. Horkheimer & T. Adorno, *Dialectic of Enlightenment*, trans. J. Cumming (New York: Continuum, 1972).

<sup>38</sup> *Sharpe*, *supra* note 1 at para. 52.

<sup>39</sup> *Sharpe*, *supra* note 1 at para. 52. At para. 53, McLachlin C.J.C. suggests that “[p]rudence suggests leaving the precise content of ‘sexual organ’ to future case-law.”

<sup>40</sup> “A Personal Account,” *supra* note 17 at 8.

<sup>41</sup> *Ibid.*

<sup>42</sup> S. Bell, “Sadistic Compassion” (Learned Societies Conference, Canadian Political Science Association, Memorial University, St. John’s, Newfoundland, 1997) [unpublished].

the creator will be relevant, although it is unlikely to be conclusive.”<sup>43</sup>

## SHARPE’S PERVERSE AESTHETIC

Kobena Mercer, writing on Robert Mapplethorpe’s *Black Book*,<sup>44</sup> a photo book of black male nudes, identifies what he terms the perverse aesthetic.<sup>45</sup> The perverse aesthetic, in addition to being sexually explicit, contains a textual ambivalence that ensures the uncertainty of any one, singular meaning;<sup>46</sup> it is Sharpe’s fivefold transgression of age, sadomasochism, homosexuality, race and sexual commerce that potentially disturbs the reader. According to conventional wisdom, the reader encountering such works must be revolted; one must voice one’s disgust otherwise one could be mistaken for a pedophile. Sharpe uses the strategy of perversion in which the liberal humanist values of autonomy, self-possession, self-development, self-worth, individual freedom and empowerment are writ large, but on small bodies.

Sharpe’s strategy, like de Sade’s, of saying everything about what must be kept silent, steps outside the law — a law that, in the words of Southin J.A. of the British Columbia Court of Appeal, “bears the hallmark of tyranny.”<sup>47</sup> What is Sharpe’s crime? It is twofold: primarily it is the portrayal of “incorrect,” improper oedipalization; it denies, overrides, the “proper” identity formation of the modern subject: individuation as a process that places the child in subordination to parental authority as preparation for later subordination to societal authority.<sup>48</sup> In Sharpe’s work, the children are masters of their own bodies and souls; they are not oedipalized. “Oedipus informs us: if you don’t follow the lines of differentiation daddy-mommy-me ... you will fall into the black night of the undifferentiated.”<sup>49</sup> It is precisely here “in the black night of the undifferentiated,” written in the broad daylight of the mythical and mystical “Port Dar Lan” that Sharpe’s detailed fantasies take place. “The pervert ... resists oedipalization ... he\she has invented other territorialities to operate in.”<sup>50</sup> For Sharpe, this other territory is the imaginary realm. De Beauvoir’s observation of de Sade that “he attached greater

importance to the stories he wove around the act of pleasure than to the contingent happening; he chose the imaginary,”<sup>51</sup> applies equally as well to Sharpe. However, Sharpe’s libertine turn inward into his “beliefs, opinions, thoughts and conscience”<sup>52</sup> out of the necessity, brought about by the charging of his material, has been articulated with a libertarian political strategy that demands freedom of expression, particularly the right to concretize and possess, in tangible, material form, the intangibility of one’s own thoughts, one’s own fantasies.

Sharpe’s second crime is not being Sadean enough; specifically he transgresses the great transgressor de Sade on two counts. On the first count, Sharpe violently disrupts de Sade’s work from its point of excess: silence; that is “from the beyond of the bedchamber.”<sup>53</sup> Sophie, in *The 120 Days of Sodom*, emerging from the closet, the offstage chamber, “uttered a piercing scream.”<sup>54</sup> In his sadomasochistic writing, Sharpe, like Georges Bataille, is attempting to write the scream, the narration of the human exposed to pain. Sharpe, like Bataille, is concerned with the moment in which the self is torn open and exposed to what is other to it; the boundary between the self and other liquefy; in a sense Sharpe, in the tradition of Bataille, is delivering the words/feelings of those who remain speechless and thus are merely victims in de Sade’s imaginary world. For de Sade there is no other as bounded being, only the sovereign man: but in Sharpe’s writing this sovereign man comes apart as a bounded being when his partners in crime are boys with agency and not the silent child victims of de Sade. Sharpe is writing the scream as a combination of the will to laughter, “those moments ... that make one gasp,” “moments when the ceaseless operation of cognition is dissolved,”<sup>55</sup> the moments privileged by Bataille, and the will to endure, the practice of the art of fortitude. Sharpe is combining play, laughter and fortitude; his boys are having fun with the men and with each other having sex and engaging in sadomasochistic activities. Victim and executioner, man and boy, laughter and feats of endurance, pleasure and pain slip into one another.

On the second count, Sharpe’s stories fall into what I refer to as postcontemporary sadomasochism. De Sade, the excess theorist of Enlightenment reason, destroyed the objects of his desire. Sadism is replayed in the postcontemporary and in Sharpe’s writing, not as the Sadean negation of other, but as respect for the other’s

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<sup>43</sup> Sharpe, *supra* note 1 at para. 61.

<sup>44</sup> R. Mapplethorpe, *Black Book* (London: Bulfinch Press, 1986).

<sup>45</sup> K. Mercer, “Just Looking for Trouble: Robert Mapplethorpe and Fantasies of Race” in L. Segal & M. McIntosh, eds., *Sex Exposed: Sexuality and the Pornography Debate* (London: Virago Press, 1992).

<sup>46</sup> *Ibid.* at 105–106.

<sup>47</sup> *R. v. Sharpe*, [1999] B.C.J. No. 1555 at para. 95 (C.A.).

<sup>48</sup> G. Deleuze & F. Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, trans. R. Hurley, M. Seem & H. Lane (Minneapolis: University of Minnesota Press, 1983).

<sup>49</sup> *Ibid.* at 78.

<sup>50</sup> *Ibid.* at 67.

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<sup>51</sup> De Sade, *supra* note 10 at 9.

<sup>52</sup> *R. v. Sharpe*, [1999] B.C.J. No. 54 at para. 37 (S.C.).

<sup>53</sup> M. Henaff, *Sade, The Invention of the Libertine Body*, trans. X. Callahan (Minneapolis: University of Minnesota Press, 1999) at 78.

<sup>54</sup> De Sade, *supra* note 10 at 525.

<sup>55</sup> G. Bataille, “Knowledge of Sovereignty” in F. Botting & S. Wilson, eds., *The Bataille Reader* (Oxford & Malden Mass: Blackwell Publishers, 1997) 310 at 312.

limits. The other is neither a victim nor the executioner, but a partner in a power exchange of erotic energy. "Each partner serves as an audience, [a witness] to the other, and in the process, contains the other."<sup>56</sup> One has "the Other in one's skin," the "Other within one's self," to quote Levinas.<sup>57</sup> The victim and the executioner, the master and the slave, the dominant and the submissive, the boy and the man, are set face to face.

There are moments in which the caress of a whip, the burning piercing of a needle, takes the players to what Levinas refers to as the mystery of alterity, "always other ... always still to come ... pure future ... without content."<sup>58</sup> The moment of sadomasochistic climax is described as "an ecstatic mind/body release ... [in which] the building of pain/pleasure so concentrates ... awareness into the here and now ... [that] you spin away ... into no place and no time"<sup>59</sup> and no age and no being. This disembodiment is the pure power and joy of sadomasochism in which one reaches the ecstatic moment of simultaneous escape and presence. Sharpe narrates this moment of touching God through the transformation of pain in his "rather autobiographical first novel"<sup>60</sup> *Rupert: Unexpurgated*;<sup>61</sup> he does so with de Sade's love of precise detail.

I will worship God in my own way. After all, I'm eleven now and the church says you only have to be seven to know right from wrong ... [M]y crucifixion pose prayers are getting better ... And then I found these big headed roofing nails ... And are they ever sharp! ... They sure make my crucifixion pose more realistic. I can squeeze them a little bit harder or softer, just as I want, and feel the nail pain in my palms. I can concentrate longer and get closer to Jesus ... I was squeezing the nails harder and harder each day and getting braver and braver. Then one day I squeezed real hard and blood started to run down one hand, just like in my Jesus picture. It sure hurt but I [was] so thrilled I kept squeezing harder and harder still. Wow, I was just shaking and my peeney was throbbing. I'd never felt that close to Jesus before. The blood was almost squirting out so I rubbed some on my other hand and on my side like where Jesus was stabbed. I

looked at myself and my Jesus picture and then I smeared it all over me. It was like I was right there with Him, just the two of us, Jesus and me. My peeney was aching and I remembered they'd done something to Him down there so I smeared blood on it. Oooh! It felt real funny, it sort of tingled. I got back into a proper crucifixion pose right away. Was this a sign? I wasn't sure but something had happened. It was the type of feeling you should get when you're baptized[.]<sup>62</sup>

Rupert, a fictionalized version of Robin Sharpe, is one of the most sensitive, naive, intelligent, spiritual, passionate and ethical boys in literature. *Rupert Unexpurgated* is a coming of age story documenting Rupert's wonderment at the world, at the inappropriate behaviour of his friends, and at his changing "peeney." The novel contains the obligatory pubescent boy circle jerks with the unusual addition of "Oscar's chizz bottle" for collecting the fraternal discharges. Rupert struggles with his desire for his friends — "I wanted to tell him no and I wanted him to jack me"<sup>63</sup> — and his own correct code of ethics derived from devout religious beliefs enacted in devout but innocently desolate religious practices. I suspect what has prohibited the more general publication of *Rupert Unexpurgated* is the Bataille worship scene in which Rupert's boy energy and boy blood is mixed with god energy. For Bataille "God is a whore";<sup>64</sup> for Sharpe, God is a little boy.

There remains a scandal of sadomasochism, but not the obvious scandal: rather, the scandal of sadomasochism is, according to Anne McClintock, "the provocative confession that the edicts of power are reversible ... The economy of s/m is the economy of conversion: slave to master ... pain to pleasure, [boy to man, man to boy, profane to sacred, self to other, other to self] and back again."<sup>65</sup> Sadomasochism stages the signs of power in church, state, home, school and in so doing delegitimizes these; it can also delegitimize the differentiation of adult and child. Sharpe combines the scandal of sadomasochism that reverses power differentials with the scandal of intergenerational intimacy that crosses age appropriate behaviour boundaries. He presents both as completely consensual activities. "Sometimes the very appearance of consent makes the depicted acts even more degrading or dehumanizing."<sup>66</sup>

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<sup>56</sup> A. McClintock, "Maid to Order: Commercial S/M and Gender Power" in P. Gibson & R. Gibson, eds., *Dirty Looks: Women, Pornography, Power* (London: FBI Publishing, 1993) at 224–25.

<sup>57</sup> E. Levinas, *Otherwise Than Being*, trans. A. Lingis (Hague & Boston: M. Nijhoff, 1981) at 86, 96.

<sup>58</sup> E. Levinas, *Time and the Other*, trans. R. Cohen (Pittsburgh: Duquesne University Press, 1987) at 89.

<sup>59</sup> D. Stein, *Urban Aborigines* (Ottawa: Oberon Press, 1994) at 90.

<sup>60</sup> "A Personal Account," *supra* note 17 at 2.

<sup>61</sup> R. Sharpe, *Rupert Unexpurgated* (Vancouver: Kalayaan Publications, 1995).

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<sup>62</sup> *Ibid.* at 35.

<sup>63</sup> *Ibid.* at 62.

<sup>64</sup> *Eroticism*, *supra* note 37 at 269.

<sup>65</sup> McClintock, *supra* note 56 at 207.

<sup>66</sup> *R. v. Butler*, [1992] 1 S.C.R. 452 at para. 49.

The most contentious of Sharpe's seventeen stories in *BOYABUSE*<sup>67</sup> are "The Rites At Port Dar Lan: Part One," "The Rites At Port Dar Lan: Part Two," "The Rites At Port Dar Lan: Part Three," and "Tijuana Whip Fight." "The Rites at Port Dar Lan" trilogy pushes all censorship buttons. The three-part story is structured around "boys' initiation rites" that take place in the imaginary Port Dar Lan, "a very isolated settlement on the coast of Borneo."<sup>68</sup> Sharpe is drawing on two codings of sadomasochistic actual or imagined practice: ritual and a designated sacred/profane space located outside time, a place beyond societal and moral restraint for the time one is there. Ali, a veteran of Dar Lan, informs the protagonist, on his first visit:<sup>69</sup>

To enjoy the unique delights of Dar Lan to the fullest your mind must be clear and free from the constraints of ordinary morality. Dar Lan is a land of suffering and noble courage, of endurance and sweet agony, of drama and pathos where outrageous lusts and fantasies find satisfaction and fulfilment in both loving and torturing boys ... [H]ere we make a mockery out of mere perversity. It is a dangerous place for the normal mind[.]

What Sharpe accomplishes by introducing cash as early as paragraph two in "The Rites at Port Dar Lan, Part One" is to link consensual sadomasochism with commercial sadomasochism; by establishing that the boys are supporting the community through sexual and sadomasochism activities with paying sponsors from the outside, Sharpe inverts the usual and appropriate power/authority relation in which adults are responsible for children's and adolescents' well-being. Here Sharpe has introduced the foreign (the refugee boys of Borneo and their exchanges with western male tourists) of the exotic; the Port Dar Lan stories remain open to the possibility of a racist reading. It is perhaps Sharpe's ingenuity, an ingenuity shared with Mapplethorpe in his representation of the black male body, that he is able repeatedly to take the reader close to making charges of racism and then to have the reader refrain. The boys speak in broken English: "Jean suggested, 'Maybe you like to go to sandbar, see boys play rape tag. Just like ordinary tag but after tag you fuck boy too.'"<sup>70</sup>

However, like Mapplethorpe's work, Sharpe's work ambivalently falls short of the charge of racism. Perhaps

this is because the boys are in charge; perhaps it is because they are equal to (although not the same as) their adult sponsors; perhaps it is the writer's profound respect for the boys' fortitude or perhaps Sharpe's work, in a manner that is almost unheard of in such extreme sexual literature, contains what one finds in the work of the Levinasian philosopher Alphonso Lingis.<sup>71</sup> Sharpe, like Lingis, allows the trace of God to show through as he exposes us to the faces of the foreigner, the stranger outside the economy of the same, as he exposes us to the sexualized other: foreign, child, sadistic, masochistic, homosexual.

Lingis theorizes the semen exchange culture of the Sambia of Papua New Guinea documented by the Stanford anthropologist Gilbert Herdt.<sup>72</sup> Lingis explains:<sup>73</sup>

For the Sambia, the vital fluids transubstantiate as they pass from one conduit to another. They are the scarce resources of the life, growth, strength, and spirituality of the clan. ... The abundance of male fluid produced in the men is transmitted to the mouths of boys, where it masculinizes them by being stored in their innately empty *kereku-kerekus* [semen organs]. It is marriages ... that determine which boys have access to the fluid of which men.

The most shocking sexual vignette in *BOYABUSE* actually mimics tongue-in-cheek the central sacred masculinity rituals of the Sambia. A stranger, Simon, takes the protagonist to his home. The following scene unfolds:<sup>74</sup>

[T]he sister was nursing a sturdy two year old and ruffling his genitals ... his sister offered tea. The child was reluctant to give up his teat ... The two year old sulked briefly and then waddled over to his brother watching TV, and tugged on his shorts. The five year old ignored him for almost a minute but then without taking his eyes off the screen he half rolled over, pulled down his shorts and let his brother suck on him ... "Soon," Simon observed, "he'll want his brother to fuck him, but he gets fed up doing it when held rather be screwing kid his own age, but I don't want to discourage the little one from

<sup>67</sup> R. Sharpe, *BOYABUSE: Flogging, Fun and Fortitude – A Collection of Kiddiekink Classics* (1987-1995) [unpublished; on file with the author] [hereinafter *BOYABUSE*].

<sup>68</sup> R. Sharpe, "The Rites At Port Dar Lan: Part One" in *BOYABUSE*, *ibid.* at 61 [hereinafter "Rites: Part One"].

<sup>69</sup> *Ibid.* at 70.

<sup>70</sup> R. Sharpe, "The Rites at Port Dar Lan: Part Two", in *BOYABUSE*, *supra* note 67 at 126 [hereinafter "Rites: Part Two"].

<sup>71</sup> A. Lingis, *Foreign Bodies* (New York: Routledge, 1994).

<sup>72</sup> *Ibid.* at c. 8. Sambia is a fictitious name given to these people by Herdt to protect their identity. Gilbert Herdt tells of the Sambia in his book, *Guardians of the Flute: Idioms of Masculinity* (New York: McGraw-Hill, 1981) and two books he edited: *Rituals of Manhood* (Berkeley: University of California Press, 1982) and *Ritualized Homosexuality in Melanesia* (Berkeley: University of California Press, 1984).

<sup>73</sup> *Supra* note 71 at 140-41 [footnotes omitted].

<sup>74</sup> "Rites: Part Two," *supra* note 70 at 127-28.

trying. ... The five year old was now disinterestedly fucking his brother, his eyes still glued to the TV screen. "My late brother fucked me from infancy and I tasted my uncle's milk while I still suckled on my mother's."

Only the profoundly humourless who have never encountered anthropological studies of sexual initiation rites would read this as advocacy. The description is remarkably similar to actual Sambian rites:<sup>75</sup>

The first three initiations, [for Sambian males] at ages seven to ten, at eleven to thirteen, and at fourteen to sixteen, function to forcibly break the boys from their long association with their mothers, and their milk. At the first initiation, the seven-to-ten year old boys are weaned from their mothers' milk and foods to male foods and the penis milk of youths of their brother-in-law's clan. After the third initiation, they will serve as fellateds to feed semen into first- and second-stage boy initiates. The fourth initiation purifies the youth and issues in cohabitation with his wife.

By the third paragraph of "The Rites At Port Dar Lan: Part One" the rules of the ritual, "puberty rites,"<sup>76</sup> are set out:<sup>77</sup>

The boys had to undergo severe tests of their manhood including heavy whippings which left them scarred and the initiates were circumcised slowly and painfully with a crude stone saw knife. This the boys had to endure silently without flinching.

Here, four main codes of sadomasochism are explicitly set out: severe tests, heavy whipping, cutting, and silent endurance. Taking one beyond one's limit is prohibited; this is an explicit postcontemporary sadomasochism rule. "Those who abuse the boys beyond their limits are not welcome back."<sup>78</sup> However, if you want a boy's respect, "push him to his limits."<sup>79</sup> Sharpe is careful to state: "The boys do not allow themselves to use drugs."<sup>80</sup> He doesn't state that they are not allowed to use drugs. The control lies with the boy. The boys participated with a Doctor Swartz in designing the rituals. "He and the boys set out the rules and standards ... the boys ... run the show. Those who've been through the entire process, the cutlings,

form a Council who make the rules and rule on exceptions."<sup>81</sup> There are different endurances, different feats for different ages beginning with the minor torments of the stinging thong and light cane at seven and culminating with circumcision at fifteen. At each stage the boys seek a foreign sponsor who gets to perform these privileges for a price.

Providing a trace to similar feats of youth in ancient Rome, Sharpe points out that the boys don't "compete under the whip as happened in the temple games of Artemis Orthia in ancient Roman Greece. Plutarch recorded how bleeding boys, their bones flayed bare, would often die before they'd yield."<sup>82</sup> Ali informs that "[s]ome of the boys love the whip just as I can remember the cane. I came across the cane in one of the last great schools in England."<sup>83</sup> Here Sharpe is connecting the rituals at Dar Lan with the long tradition of flogging at English boys schools that so fascinated the Victorian poet Algernon Charles Swinburne that he wrote an anonymous lengthy mock-epic poem, "The Flogging-Block: An Heroic Poem"<sup>84</sup> about it.

How those great big ridges must smart as they swell!  
How the Master does like to flog  
Algernon well!  
How each cut makes the blood  
come in thin little streaks from that broad  
blushing round pair of naked red cheeks.<sup>85</sup>

The faces of Sharpe's imaginary boys shine through his writing. Sharpe is no paternalistic adult author patronizing his boy characters; rather, he is the boys he has created; they are parts of himself that can be traced back to their genesis in his own boyhood, self-inflicted, sadistic, masochistic ordeals.

Ali leant over Paul and placed his hands on the boy's shoulders looking him in the eyes, and kissed him on the forehead. And then without haste Ali began inserting additional sticks between those already there. The holes started tearing through to each other, ripping the flesh. Paul was exhausted from the pain but he made no move to struggle or cry out. There was only ten minutes left. After the last stick had been shoved through only a few strands of skin still connected the foreskin to the shaft, these Ali snipped, and he took the now detached ring of skin and slid it onto his finger holding up his hand so all could see. "A souvenir of your

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<sup>75</sup> *Supra* note 71 at 139.

<sup>76</sup> "Rites: Part One," *supra* note 68 at 62.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.* at 63.

<sup>79</sup> *Ibid.* at 70.

<sup>80</sup> *Ibid.* at 63.

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<sup>81</sup> *Ibid.* at 62.

<sup>82</sup> *Ibid.* at 63.

<sup>83</sup> *Ibid.*

<sup>84</sup> A.C. Swinburne, "Algernon's Flogging" in Gibson, *supra* note 11 at 121.

<sup>85</sup> *Ibid.*



courage my friend.” Ali said respectfully to Paul. Then taking one of the buddies bolos Ali deftly sliced off the ring of bruised and torn skin of Paul’s remaining foreskin to make it a clean cut and blood flowed at last. Paul was able to smile as the money was counted out and he shook Ali’s hand firmly before his buddies walked him down to the sea to wash off in the surf. He had probably just purchased his freedom from the stifling confines of Dar Lan.<sup>86</sup>

Port Dar Lan is a rule-bound, highly ethical fantasy space; it is anti-Sadean: the so-called victims have set the rules and make the perpetrators abide by these. Sharpe is able to hold an ambivalence between presenting the boys as victims of exploitative circumstances — poverty and the sexual tourism of the west — and portraying the boys as exercising control inside these confines: extracting a price, setting the rules, running the show and proving fortitude.

The boys’ feats at Dar Lan, their spirit, their ability to endure, their strength and wildness, the absence of social conventions link Sharpe’s boys to William Burroughs’ imaginary wild boys; Burroughs’ eighteen short stories are collected into a book under the title *The Wild Boys*, which is the name of the fifteenth story. Burroughs begins his wild boys story with:<sup>87</sup>

They have incredible stamina. A pack of wild boys can cover fifty miles a day. A handful of dates and a lump of brown sugar washed down with a cup of water keep them moving like that — The noise they make before they charge[.]

The wild boys, “in their early-and-mid teens,”<sup>88</sup> originate out of the violence of French colonialism in Morocco, but the phenomenon catches on.

The legend of the wild boys spread and boys from all over the world ran away to join them. Wild boys appeared in the mountains of Mexico, the jungles of South America and Southeastern Asia. Bandit country, guerrilla country, is wild-boy country. The wild boys exchange drugs, weapons, skills on a world-wide network.<sup>89</sup>

Wild boys all over the world are united by the goal of total revolution: “We intend to march on the police machine everywhere ... The family unit and its cancerous

expansion into tribes, countries, nations we will eradicate at its vegetable roots.”<sup>90</sup> Tender, magical and romantic, as the boys are with one another:<sup>91</sup>

His hands mold and knead the body in front of him pulling it against him with stroking movements that penetrate the pearly grey shape caressing it inside. The body shudders and quivers against him as he forms the buttocks around his penis stoking silver genitals out of a moonlight grey then pink and finally red the mouth parted in a gasp shuddering genitals out of the moon’s haze a pale blond boy spurting thighs and buttocks and young skin.

This does not exclude the violence of Burroughs’ wild boys who play with one another’s genitals and afterwards “bus[y] themselves skinning the genitals”<sup>92</sup> of captured soldiers whose “heart, liver and bones” are removed for food. This reveals by contrast the fair play of Sharpe’s boys of Dar Lan and Sharpe’s gladiator Tijuana whip fighting boys, who fight for money and for the pleasure of their mixed audience of boys, locals and foreigners. *The Wild Boys* is legal; *BOYABUSE* is illegal. “The opinion of experts on the subject may be helpful.”<sup>93</sup>

In my stories s/m is a form of fortitude; the boys of Port Dar Lan and Tijuana Whip Fight have endurance and the pride or self-knowledge which comes from the ability to take it. You will notice an absence of humiliation in the stories; one of the rules in Port Dar Lan is that there be no master-slave relationship; the boys have autonomy. The stories really are about fortitude and calculating fortitude; the interaction is all negotiation; the boys agree to something for a price.<sup>94</sup>

That Sharpe’s work has literary merit is unquestionable; it no more advocates the actions depicted than does de Sade’s work or Burroughs’ work. Sharpe’s detailed fantasies relate as the dark underside to his published work *Manilamanic: Vignettes, Vice and Verse*, a slightly fictionalised ethnographic narration of the street hustling scene on the boy corner in Manila’s now defunct sex zone. *Manilamanic* is a book about street youth — boys, hustlers and beggars — as seen through the eyes of the western traveller who spends time with them. Sharpe’s respect and love for his semi-fictionalised characters recuperates their lives, lives outsiders would portray as merely deprived and at points quite

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<sup>86</sup> “Rites: Part One,” *supra* note 68 at 80-81.

<sup>87</sup> Burroughs, *supra* note 12 at 145.

<sup>88</sup> *Ibid.* at 148.

<sup>89</sup> *Ibid.* at 150.

<sup>90</sup> *Ibid.* at 139-40.

<sup>91</sup> *Ibid.* at 160.

<sup>92</sup> *Ibid.* at 156.

<sup>93</sup> *Sharpe, supra* note 1 at para. 64.

<sup>94</sup> *Supra* note 6.

horrendous. Sharpe is able to show the agency of the so-called victims and their joy of life, even in dire material circumstances.

Perhaps the real power and beauty of Sharpe's published and unpublished writing is that it is unrecoupable, not "co-optable"; for it both fits and in some ways goes beyond the genre that Deleuze and Guattari term "[s]trange Anglo-American literature":<sup>95</sup> literature from Henry Miller to Allen Ginsberg, Jack Kerouac, and William Burroughs. Sharpe's home is with these "men who know how to leave, to scramble the codes, to cause flows to circulate, to traverse the desert."<sup>96</sup> Like the writing of Miller, Ginsberg and Burroughs, Sharpe's writing "overcome[s] a limit ... shatter[s] a wall";<sup>97</sup> but unlike that of his literary neighbours, Sharpe's writing does not "fail to complete the process."<sup>98</sup> Deleuze and Guattari argue that although these writers "shatter the wall" "[t]he neurotic impasse again closes — the daddy-mommy of oedipalization"<sup>99</sup> and capitalism close in and they become counter-cultural icons, despite themselves. Sharpe's work resists appropriate oedipalization and mocks the capitalist free-market by portraying boys as sexual entrepreneurs supporting an extended community, in the case of Port Dar Lan.

*Bell: How would you characterise your writings?*

*Sharpe: They're detailed fantasies.*

*Bell: Detailed fantasy. I have never written about anything I haven't done.*

*Sharpe: [laughs] In that case I would have written nothing.*

*Bell: I am not a fiction writer. How does one, how do you write fantasy?*

*Sharpe: The fantasy creates the interpersonal situation and this situation expands. The way I write is a jig-saw puzzle method. I don't set out an overall plot and then start at one end and work through it. Rather, I start, then other things fit in; there are implications from these and it ends up as a complete story.*

*Bell: What motivates you. Why do you write?*

*Sharpe: Because I get off on it, I enjoy it, I get high on it, I laugh and cry while writing; it's thrilling when you get so into something and reach a level of consciousness that's sort of ecstatic.<sup>100</sup>□*

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<sup>95</sup> Deleuze & Guattari, *supra* note 48 at 132.

<sup>96</sup> *Ibid.* at 132–33.

<sup>97</sup> *Ibid.* at 133.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

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<sup>100</sup> *Supra* note 6.