

Peter ŠAJDA

## *Harming the Body*

### *Or the Softening of the Negative Touch*

*The human body has throughout the ages inspired a great variety of arts. Its beauty and colourfulness have never ceased to evoke admiration and awe. It has been ever again experienced as a unique medium of love, care and interest. On the other hand, however, the human body has been the constant medium of pain as well. The sad history of pain contains too many examples of how often the human body has been used as the medium of punishment or revenge. Even if the sensation of love (penetrative physical warmth) and the sensation of pain (penetrative physical coldness) are usually two diametrically different sorts of experience, their origin can lie in the same movement – the movement of physical touch. For this reason the culture of the touch can be seen as a phenomenon, which deserves the attention of every person striving for an integrated approach towards human relationships.*

### **I. The Remote Negative Touch – Society vs. Individual**

#### **VIOLENCE AS THE NEGATIVE TOUCH**

The society awards, as well as punishes, the individual. It has often been argued that violence is the essence of law (TOLSTOY). Historically, the law itself has always availed itself of violence as a measure of correction, albeit in different measures and with different explanations. It has also been argued in this connection that *lawless power*, as well as *powerless law*, are of a very limited duration (TUKA). From another perspective, however, the enforcement of law can be seen as a part of the *culture of the negative touch*. Even if the society represents a very abstract institution, its touch is as concrete as the touch between two individuals. Therefore the laws of the society that concern the culture of the touch do matter, since their impact is usually broad and general. In this lies also the responsibility of the individual towards the society. The individual by her/his stance determines the flow of the society and through this the to-be-adopted culture of the touch.

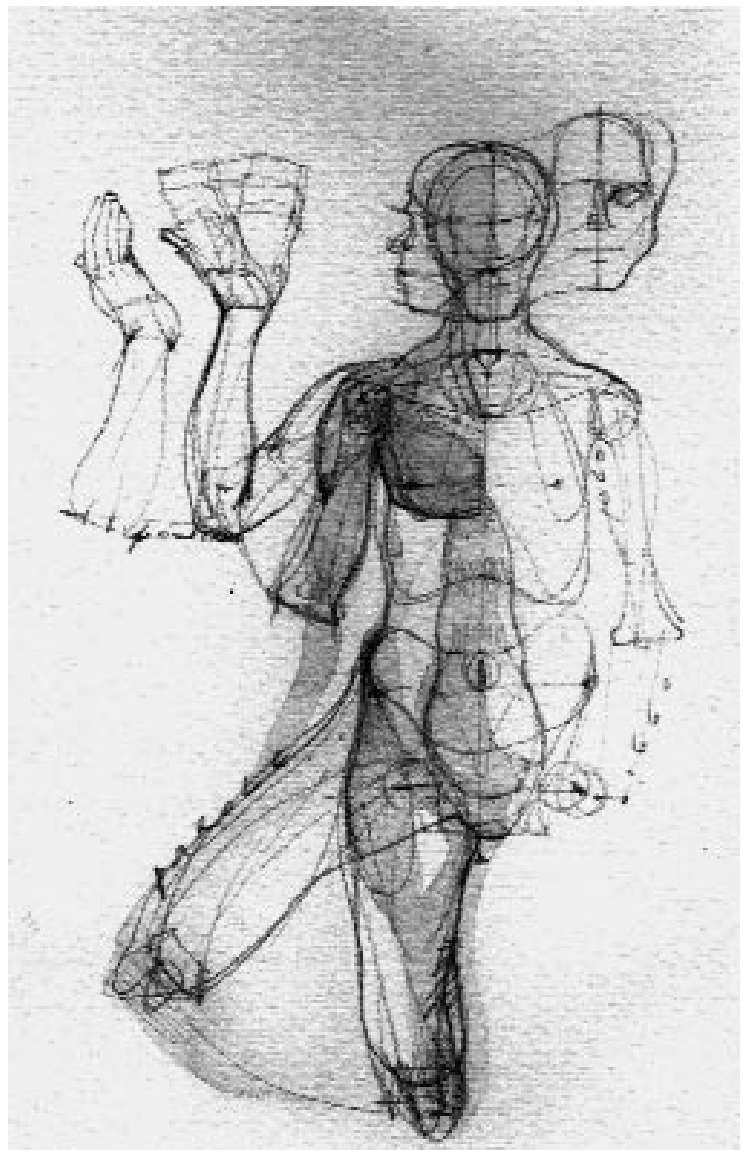
#### **“EVERY ACT OF VIOLENCE IS A LOSS OF ENERGY”**

This statement pronounced by the Slovak law theoretician *Vojtech TUKA* seems obvious when it comes down to the physics of violence. The statement, however, explains the social dynamics of violence. As *TUKA* puts it, the society should be careful about its *economy of enforcement* and violence should be understood as a warning (Damocles' sword) rather than as a handy tool. It should be the *ultima ratio iuris* (the last instance of the law), rather than just

one of its instances. In other words, human bodies are not to be treated in the same way as material objects or property, since there is a qualitative difference between them. Thus harm done to human bodies cannot be likened to damage done to material goods.

#### **TUKA: DEATH PENALTY IS SUB-LEGAL**

The advocates of the absolute corporal punishment (the capital punishment), e.g. Jean-Jacques ROUSSEAU or Immanuel KANT, denote the death penalty as an act of self-defense of the society. This is also the teaching of the Catechism of the Catholic Church (N 2266). *TUKA* remarks in connection with this concept that it presents only one side of



a two-sided coin. The usual ceremonies connected with public executions prove in his opinion that the society is aware of the fact that something more is happening than just an elimination of a socially dangerous element.

The society cannot totally annihilate compassion with the condemned one. In other words, *the society realizes that this touch is the last one perceived by the condemned individual*. The society consciously gives up the touching relationship with one of its members. Because of its final character Tuka refuses to accept the capital punishment as punishment. This negative touch can namely never improve the condemned individual and is thus not a proper instrument of law. It is rather a sub-legal solution of cases, in which law is at a loss.

## II. The Close Negative Touch – Individual vs. Individual

### THE NEGATIVE TOUCH AND THE MARQUIS DE SADE

It is not the aim of this essay to present a deeper study of SADE's life and work. Nevertheless it is the aim of this essay to make a mention of the fact that SADE's works reflect the interconnection between *the negative social touch* and *the negative individual touch*. Even though SADE's works touch primarily upon individual pain-infliction, they also reflect the reality their author experienced on a day-to-day basis as a member of the French society at a given time.

The fact that SADE was imprisoned in Vincennes (1777) and later in the Bastille (1784) on the basis of a *lettre de cachet* (sealed letter) of the King Louis XVI, meant that there was no official sentence pronounced about the accused one. Sade was condemned without a trial. In other words, the touch of the society tried to remain as anonymous as possible. Therefore his work *120 Days of Sodom*, written in the Bastille (1785), reflects the helplessness connected to the capriciousness of the negative touch.

Later on, when Sade was appointed a revolutionary judge during the French revolution, he himself was accused of anti-revolutionary behaviour and imprisoned anew. From the window of his cell he could not avoid seeing the executions taking place in the courtyard. Sade, who was an opponent of capital punishment, witnessed in this way no less than 1800 executions. He tried to capture the seen brutality of the negative touch in his *Philosophy in the Bedroom* (written at that time), where he "justifies" the violence committed by the protagonists as being "republican".

### SADE'S LIFE AS THE BODY OF EVIDENCE

SADE, who spent most of his life locked in, died finally at the mental institution of Charenton. No matter how we judge his life and his writings, the fact that they bear clear evidence of the interconnection between the negative social touch and the negative individual touch is of importance for the presented essay. Therefore the touch-relationships of *society vs. individual* and *individual vs. individual* (incl. *self-touch*) can never be completely disconnected. They reflect and nourish each other. The touch-culture of the society and the touch-culture of individuals are in constant touch.

### SOFTENING THE NEGATIVE TOUCH

When speaking about the culture of the negative touch it can seem sensible to claim that it should disappear altogether.

er. Such a statement could be, however, considered illusory. Even if it should be presented as the ultimate goal, it should not exclude pondering on the moderation, minimisation and humanisation of the extant negative touch. There are several values, which can be promoted in connection with the negative touch. TUKA suggests e.g. total elimination of humiliation.

Penetrative physical touch is irreversible. Even if the body recovers from it, it leaves a print on the mind. If the negative touch becomes too cold, too insensitive and too humiliating, it loses its power of correction and turns against the society and the individual. Thus if the society or the individual are forced by circumstances to defend themselves using the negative touch, it would make them noble if they bore in mind that what they touch is the mirror of the Divine Beauty – the fragile, but eternal, human body.

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