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BELT WHIPPINGS IN BRAZILIAN JIU JITSU: A CASE STUDY EXPLORING CONDITIONAL CONSENT AND THE VALUE OF OPTIONS

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ABSTRACT

In this paper, considering the practice of whipping students with belts, when grading, I argue that the most obvious objections, considering the harm involved or questioning the validity of the consent, are inconclusive. However, I argue that, even if we assume the consent is valid, the practice can still be shown to be problematic. This argument relies on the idea of *conditional* consent.

Keywords: ethics; martial arts; consent; violence in sport; rituals

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INTRODUCTION

If you do not train in Brazilian Jiu Jitsu (BJJ), you are unlikely to be familiar with the belt whippings that are common at many BJJ clubs. In BJJ, the students wear a uniform (a gi) and a belt similar to those worn in judo. In many BJJ clubs around the world, when a student is promoted to the next grade he has to go through the following “ceremony”: The other students and instructors form two lines, facing each other. They then take off their belts (made of thick cotton) fold them in half, and then in half again. The student being promoted then walks slowly through the two lines of students who then whip the student as he walks past them.

Given the thickness of the uniform top, this is a relatively harmless practice, at least in the form described above. However, the nature of these gradings can be altered in a number of ways:

1. In some cases, students are required to remove the top of their uniform, such that they get whipped with the belts on their bare flesh. Furthermore, there have been cases of people then rubbing fiery jack into the raw back afterwards.

2. In some cases, people have tied knots in their belts, starting with small knots, increasing to knots tied upon knots so that the belt essentially becomes like a club: solid and at least as big as a fist.
3. In some cases, people have – as a joke – tripped the student up as he walked through, and then carried on whipping him on the ground, and then kicked the student while he was on the ground.¹

So is this just harmless fun, or would BJJ be better without these belt whippings? What, if anything, is wrong with belt whippings?

Ryan Hall

Ryan Hall was a student of the BJJ coach, Lloyd Irvin. I do not claim to know the details of the case, and it is not clear that the facts have been established, so I do not wish to make any specific claims about what happened between Irvin and his students. There were, however, accusations of misconduct and the abuse of power, with many describing the environment as cult-like, talking specifically about “a rape culture”.²

In 2013, Ryan Hall wrote an open letter to the martial arts community, urging coaches and students to question their own practices, and the practices of the clubs they belong to. (Hall, 2013, <http://livingthemartialarts.com>) He urged people to question things that they considered suspect, and to be willing to challenge those things, and not just blindly do what the instructor asked them to do or go along with what the rest of the club members were doing.

In a BJJ forum I asked if anyone thought this could apply to the practice of belt whippings. In response, a few supported me, many seemed annoyed at the question, and a few responded by saying that Ryan Hall was writing about martial arts instructors forming cults, and didn’t see what it had to do with the belt whippings.

My point was that Ryan Hall wrote: “For whatever reason, serious students of the martial arts too *often forego their own responsibility for critical thought* in order to be accepted by someone they perceive to be a guru” (my emphasis).

Ryan Hall also wrote: “If you aren’t sure anymore that you know what’s right and what’s wrong, get a reality check about your situation, from people outside your academy. Whom do you have access to who is known to have integrity? Be honest: would your grandmother be proud of the place you call your martial arts home?”

I can’t speak for anyone else, but, from my own experience, it is fair to say that everyone I know, outside of BJJ, thinks the belt whippings are either crazy or, at least, just a bit weird.

A couple of things strike me as being rather odd, from my own personal experience. First, as far as I know, there is no combat sport that allows strikes to the spine. Even in

¹ Number 2 I have experienced first hand. Numbers 1 and 3 I have only heard about, from other students and coaches, mainly talking about cases in America and Brazil.

² I have deliberately avoided providing any references here. This is not a paper about Lloyd Irvin, or the accusations against him, and I am not taking a position on these issues. To provide reference might imply that I take those sources to be authoritative or true. I mention these accusations only because they are important in understanding the context of Ryan Hall’s letter.

mixed martial arts competitions, like the Ultimate Fighting Championship, better known as the UFC, strikes to the spine are not allowed, on the grounds that they are too dangerous. This is a sport that allows kicks, knees, elbows and punches to the face, and which can be won by a knockout, or by breaking your opponent's leg. And *this* sport considers strikes to the spine to be too dangerous. Yet, for a bit of fun, or for tradition, we tie our belts into a knot, the size of a fist, or bigger, and then hit our friends repeatedly in the back.

The other thing I find odd is the level of acceptance. I have not heard of many people complaining about it. I am aware of only a couple of clubs that have banned the practice (although there are other clubs that never did it in the first place). And, on the face of it, people do seem to consent to it. But should we accept that people really do consent?

Ryan Hall also admits that, "At times, I have been a fool. I have made rationalizations for sociopaths, given them a pass on their behaviour and even their history because I wanted so badly to believe."

Admittedly, Ryan Hall goes on to say that he had become part of a cult. I am not suggesting that the belt whippings are as radical as this. What I am suggesting is that, maybe, the most plausible way to explain why those involved seem to accept the whippings, and even talk positively about them, is that they are trying to offer a rationalisation for something that is actually pretty crazy – or at least, a bit weird and of no value.

Psychologists talk about this in terms of cognitive dissonance. People don't like holding contradictory beliefs, so they find a way to rationalise the situation, to remove the dissonance.

An example of this is explored in an experiment by Leon Festinger and James M. Carlsmith (1959). Here's a very crude summary. Volunteers were asked to perform a tedious task. They were then asked to lie to other volunteers, to tell them that the task is actually quite interesting. Some were given \$1 to lie while others were given \$20. (And remember that this was 1959, so \$20 was a reasonable amount of money.) A control group weren't given any money. The individuals were then asked to report what they actually thought of the task. Those paid only \$1 gave more positive reports than those paid \$20. Why? According to Festinger and Carlsmith, the answer is cognitive dissonance. The subject thinks, I just told that person the task was interesting, but it was actually really tedious. And this causes dissonance, which is uncomfortable. Now, the person paid \$20 can just think: well, I know why I lied. I was paid a lot of money. So that's fine. But the person who was paid only \$1 would have to think, I just lied to someone, and *only for a \$1*. Why would I do that? So this person tries to rationalise his behaviour. He tells himself it was more interesting than it really was, in order to reduce the dissonance.

So how do we explain the fact that I don't know anyone who hasn't experienced the whippings but says, "that sounds great" or "I wish my judo club would introduce these whippings", but I do know plenty of people who have experienced these whippings but claim that it is a valuable tradition, and a valuable part of their club, and that it is just a bit of fun – something they enjoy.

I could be wrong, but in many cases I suspect that this is an example of cognitive dissonance. The alternative is that the person has to admit to themselves: "I wanted to refuse, but I wasn't able to say that I didn't want that to happen." But they don't want to have to say that. Or they have to say to their non-BJJ friends, "I really don't like it, but I want to be part of the club, so I go along with it."

Again, belt whippings may not be as significant as Ryan Hall's experiences, but I do see a parallel when he talks about rationalising behaviour that he clearly disagreed with, and when he writes: "I have even created rifts with my real family because I was unwilling or unable to see through my rose-colored lenses what was clear as day to them about my adoptive one." A lot of what Ryan Hall talks about can, plausibly, be interpreted as rationalisation in response to cognitive dissonance, and this is what he is trying to persuade people to avoid.

However, even if we can demonstrate that people are irrational, or lying to themselves, when they say that they like the belt whippings, this doesn't show that it is morally impermissible. (As I say later, I actually don't dismiss the possibility that *some* people do enjoy it.) So what are the relevant questions if we want to focus on ethics, rather than just rationality and cognitive dissonance?

Consent

The area in which the idea of consent is most fully developed is medical ethics. In this context, there are three components to valid consent:

1. The patient must be provided with sufficient information.
2. The patient must be competent – capable of understanding the information, and to reason in order to arrive at a decision.
3. The patient must make a voluntary decision, free from duress, coercion, force or fraud.

In most cases, if you have been training long enough to be grading yourself, you will almost certainly have seen someone else grade before you. As such, if you are about to grade, you probably will know what to expect. So, on the face of it, the first of these doesn't look problematic, in most cases, at least (though I will return to this later). And the second shouldn't be a problem either. So, if there is a problem with consent, it is most likely to be because there is some question about whether the consent is truly voluntary, free from duress.

It is very easy to underestimate how difficult it is to say no to something, even when someone wants to. This was demonstrated dramatically by an experiment by Stanley Milgram. Here is Peter Goldie's summary of the experiment:

The experiment essentially involves an "experimenter", a "teacher", and a "learner". The experiment (the original one) takes place in Yale University, and the experimenter is the man in the grey technician's coat giving the instructions. The teacher is the subject of the experiment, but he thinks its purpose is to test the effects of punishment on learning through his administering increasingly severe electric shocks on the learner, who is strapped into a chair at the outset of the experiment so that he cannot escape, with electrodes attached to his wrists. In fact, experimenter and learner are in cahoots, and the learner will not be shocked as the teacher believes [...] The learner is given a paired-word learning test [...] The teacher is told by the experimenter to administer a shock of step-by-step increasing intensity to the learner

each time he gets an answer wrong; the first shock level is a mild 15 volts, increasing in 15-volt increments up to a maximum shock level of 450 volts. The teacher does this by moving a lever on a control panel in front of him on which the voltages are marked, together with words describing the level of shock, increasing in stages from “slight shock” up to 60 volts, to “danger: severe shock” up to 420 volts, followed by “XXX” for 435 and 450 volts. By pre-arrangement, the learner will give wrong answers roughly three times out of four. If at any stage the teacher indicates an unwillingness to go on, the experimenter gives him a series of pre-arranged “prods” as Milgram calls them, starting with “Please continue” up to “You have no other choice, you must go on”. If at any time the teacher says that the learner does not want to go on, the experimenter says to the teacher: “Whether [the learner] likes it or not, you must go on until he has learned all the word pairs correctly. So please go on.” (Goldie, 2000, p. 162)

The most striking thing about this experiment is the huge difference between the expected results and the actual results. Milgram and others involved in the experiment expected that few, if any, would go beyond 150 volts. Also, in later studies, the set up of the experiment was explained to people, and they were asked what they would do in the teacher’s position. Each one was confident that, in the same situation, they would stop very early, at or before 150 volts. In addition, they were also asked to guess what the original participants actually did in the experiment. In their predictions of what others would do, it was generally thought that less than one in a thousand would go all the way to the maximum 450 volts.

In contrast with these expectations, the majority of subjects (26 of the 40) went all the way to 450 volts and not one stopped before 300 volts.

The most common explanation given for this surprising result is that people find it difficult to say no, particularly in response to a perceived authority figure. Most of the participants talked about how they had wanted to stop. They really did believe they were inflicting harm, and possibly in danger of killing the “learner”, and they didn’t want to do this. But, yet, they found themselves unable to refuse. Admittedly, a BJJ coach may not be comparable to a scientist, in a white coat, in a prestigious university. On the other hand, in its own context, the BJJ coach is seen as an authority figure. Add to that the expectations of the rest of class, and the fear of being considered a wimp or a coward, there is good reason to doubt whether the consent (of those doing the whipping or of those on the receiving end) is really valid.

There is also another important lesson from the Milgram experiment, which relates to the possibility of escalation. Some people have suggested that the significance of the authority figure alone cannot explain the result of the Milgram experiment. It is likely that, if the scientist had asked the “teacher” to *start* at 450 volts, significantly less than 26 out of 40 would have been willing to give that serious a shock. Ross and Nisbett offered the following explanations:

First, there is the “step-wise character of the shift from relatively unobjectionable behaviour to complicity in a pointless, cruel, and dangerous ordeal”, making it difficult to find a rationale to stop at one point rather than another. Second, “the difficulty

in moving from the intention to discontinue to the actual termination of their participation”, given the experimenter’s refusal to accept a simple announcement that the subject is quitting [...] Third, as the experiment went on, “the events that unfolded did not ‘make sense’ or ‘add up’”. (Ross & Nisbett, quoted in Harman, 1999, p. 322)

Imagine that you have been training for over 5 years. You have seen a number of gradings, and have already graded a couple of times yourself. As such, you do have some idea of what to expect when someone grades. At the same time, however, you have noticed a *change* in the gradings. Originally, people kept their gi tops on, and it seemed a fairly harmless tradition. But then the whippings lasted longer, with individuals having to walkthrough the lines of their fellow students repeatedly; those being whipped were required to take their gi top off; and then the coach, and some of the more enthusiastic students, tied knots in their belts; and the knots got bigger. You didn’t really like the way it was going, but – as with the Milgram experiment – it was difficult to “find a rationale to stop at one point rather than another”. And when it was your turn to grade for your brown belt, you certainly couldn’t object at that point. You hadn’t objected to anyone else’s gradings. You had joined in the whippings with everyone else. If you objected now, you would be a hypocrite and a coward.

Also, even if you are not grading yourself, just focusing on your involvement in the whipping of other students, you may still want to refuse. The following example is fictional, but it doesn’t seem to me to be unrealistic and – regarding the possibility of legal action – is based on information provided by a practicing lawyer.

One of the senior students is to be promoted to brown belt. Michael had participated in a grading once before, and hadn’t really understood what was going to happen, so he had joined one of the lines without really understanding what was going to happen, and then followed everyone else’s lead. However, he didn’t like being involved and he participated reluctantly, whipping the student only half-heartedly. This time, however, he did know what was going to happen. He intended to excuse himself, saying he didn’t want to participate, but when urged to join the others by the coach, he found himself incapable of speaking up.

Reluctantly, he joined the others, telling himself he wouldn’t really join in. He would only go through the motions. The coach and a couple of the senior students started tying knots in their belts.

The student to be graded walked between the students, while the others whipped or clubbed him with their belts. On his third pass through the lines he fell to the ground, after being hit hard on the spine. Thinking he had simply tripped, some of the students crowded around him, kicking him while he was down, and laughing at the fact that he had tripped.

When he later went to hospital, he was told that he had a (relatively) minor spine misalignment and a broken rib.

The following is the opinion of a practicing criminal solicitor:

The injury inflicted is all important at court. If you actually break something it is nearly always upgraded from a common assault to an actual bodily harm. It may

be that the court would impose a strict community penalty if no breakage occurred, because they undoubtedly would take into account that the victim “consented” at least to a minor degree – but only if the injury caused was very minor bruising. If you are talking about a spinal injury and a broken rib then prison is almost inevitable and it would be an ABH not a common assault. Probably 4 months custody. The more serious the injury the less likely the victim could be said to be “consenting” to it.

However, in the circumstances, if there is a clear line between the injuries sustained from the whipping as opposed to kicking then it might be that individuals are charged separately. But as it appears that it is a joint enterprise they’d probably all be charged with ABH and it would be for the various lawyers to argue involvement. The Crown might accept lesser pleas at a later date after discussing with the victim who appeared to do what. Or even if they all pleaded guilty to ABH they still might all get different sentences according to their actual involvement.

However, it would only be a total defence if Michael was actually under duress, if for example they told him that they would seriously hurt him (GBH or death) if he didn’t join in. Not getting completely stuck in would be mitigation, but would be very unlikely to be accepted as a complete defence. Frankly, the court will say he should have walked away.

This suggests that it is not only the person being whipping who is harmed by the practice.

Some may be tempted to suggest that Michael is only harmed in this case because he is prosecuted. And one might suggest that it is the law that is at fault in this case, for not being sensitive to the fact that Michael’s involvement was negligible. But there is a reason why the law treats such cases as a “joint enterprise”. Imagine that a thousand people all line up to punch someone in the face, ultimately injuring him so badly that he goes into a coma and later dies. Would it be appropriate for each individual to be convicted of nothing more than common assault when, collectively, they have killed him?

However, we should not be too quick to assume that the consent is not valid, for two reasons.

First, we should not simply assume that it is obvious that no one would choose to participate voluntarily. You may not think it sounds like your idea of fun, and think that no one in their right mind would choose to do that, but maybe that is just a lack of imagination on your part. Why assume that, because you wouldn’t like it, no one could like it? While some people see these whippings as barbaric, others may enjoy the challenge of an endurance test, and want to show that they can endure more than anyone else.

If we fail to take these claims seriously, then we simply fail to address what may be one of the strongest defences of the tradition: people enjoy it, and they participate because they want to. If we do not address this defence, and simply dismiss it, refusing to take it seriously, we will never engage with those who participate in the belt whippings. They will simply insist that we do not understand – and they might be right. People who are appalled by the idea of being punched in the face may not be able to appreciate how someone could enjoy boxing – but many people clearly do. Similarly, if you want to argue that the belt whippings are wrong because there is a risk of serious harm, you cannot

dismiss, as irrelevant, the claim that those involved are simply less risk-averse than you, and maybe even enjoy the risk.

Thus, I argue that this defence of the practice needs to be taken more seriously, and can't just be dismissed without further consideration. In particular, there does appear to be empirical evidence that people can enjoy abusive, humiliating and painful activity. Consider, for example, the participants of the TV program *Jackass* or consensual sado-masochistic sex.

Of course, in relation to sado-masochistic sex, although it seems that some people can and do enjoy painful and humiliating activities, many argue that these acts should not be permitted, even in cases where the participants do give their consent. Discussing sado-masochism in *R v Brown* [1994] 1 AC 212, Lord Templeman said:

The violence of sado-masochistic encounters involves the indulgence of cruelty by sadists and the degradation of victims. Such violence is injurious to the participants and unpredictably dangerous. I am not prepared to invent a defence of consent for sado-masochistic encounters which breed and glorify cruelty and results in offences under sections 47 and 20 of the Act of 1861.

Presumably, the same arguments could be used to argue against belt whippings in BJJ, even in cases where those involved consent, and want to participate (although, admittedly, the belt whippings in BJJ are tame in comparison to the sado-masochistic activities that are typically discussed in law). Nevertheless, it seems reasonable to suggest that there isn't merely a similarity between belt whippings and sado-masochistic activities. The belt-whippings simply *are* – by definition – sado-masochistic activities. That isn't to say I think the belt whippings are sexual. I do not claim that they have anything to do with sado-masochistic sex, just that they are sado-masochistic activities: the enjoyment of inflicting and enduring pain. (If we are assuming that people do enjoy it.)

The second reason we shouldn't be too quick to assume that the consent is not valid is that it could be argued that, if people really don't want to participate in the belt whippings, and don't want to be on the receiving end, there is a very simple way to avoid them. Don't turn up to training. Simply do not train in BJJ and do something else instead. (This makes the example of belt whippings quite different from the Milgram case – at least after the individual has been training for some time, and has experienced the belt whippings before.)

I suggest therefore that we must take seriously the possibility that people actually enjoy the belt whippings.

In what follows, I will argue that BJJ would be better off without the belt whippings, and that there is something wrong with BJJ clubs expecting people to endure the belt whippings that go with gradings, even if we reject the claim that the consent is not valid.

Conditional Consent

Even if people do give informed consent, and even if we conclude that the consent is valid (and not merely the result of duress), we may still be able to criticise the practice of belt whippings in BJJ.

Even in cases in which it is plausible to claim that consent was given, the consent would appear to be conditional. So you may have the option to refuse, and you may be

able to make this choice freely, but nevertheless it is clear that you are required to consent, *if you want to be part of the club*.

So now the question is, is there anything wrong with conditional consent? If I run my own club, and I want to insist that individuals can only join my club if they are willing to be initiated into the club, why shouldn't I be allowed to do whatever I want to do to the club members? The potential members still have a choice: either they can join the club, enduring the initiation, or they can walk away. It is a free choice. What is wrong with this?

Consider the following two cases:

John wants to join a group – called The Sado-masochists – who whip each other with knotted belts, giving out increasingly extreme beatings, with members aiming to outdo each other in terms of violence and endurance. This is all they do. They do not train in BJJ or any other martial art. They just whip each other. In order to join the group, John has to be whipped to show that he meets their standards.

Jack wants to join his local BJJ club. Unlike other BJJ clubs, however, this club doesn't only have the whippings at gradings. In addition, new members are whipped on their first day of training. Anyone who refuses is not allowed to join the club. Therefore, in order to join the club, Jack has to consent to a whipping.

So, essentially, both clubs have the same requirement if you want to join. However, whilst I have no objection to the first case, I do think that there is something problematic about having to consent to whippings in order to join a BJJ club. I will now explain why this is problematic, even if the consent is valid.

Conditional consent and the value of options

On one view, all that matters is that Jack and John are free to choose. They don't have to consent if they don't want to. Of course, if they don't, they won't be allowed to join. John will not be allowed to join the Sado-masochist club, and Jack will not be allowed to join the BJJ club. But it is my club. So why can't I decide what people need to do if they want to join? No one is forcing you to join the club.

If you want to use this argument to defend practices such as belt whippings in BJJ, then you have to accept the implications of this argument. The same logic would suggest that there was nothing wrong with the club coach requiring all members to provide sexual services in order to remain in the club, or to progress to the next grade.

The right conclusion, I suggest, is that it is not enough to be allowed to choose. It also matters what options are available to people. It is important that people have valuable options. One of the things that is problematic about belt whippings is that it removes valuable options – especially when it becomes so widespread that it is almost impossible to be involved in BJJ without being required to participate in the whippings too. For example, if it is practically impossible to find a BJJ club in your area that does not involve belt whippings, this is not good for you, or for the sport. People should have the option to participate in BJJ without being required to consent to participating in these whippings.

This conclusion is consistent with the claim that some people can enjoy these practices, and that people opposed to the belt whippings simply do not understand how others could enjoy these sado-masochistic activities. It is also consistent with the claim that those people who do enjoy it, and consent to it willingly, should be allowed to. It just

shouldn't be a condition of joining a club, and shouldn't be so closely associated with BJJ that it isn't possible to enjoy that sport without also having to participate in an entirely different and unrelated activity.

Thus, on this account, the BJJ club is more problematic than the Sado-masochists. Unless you agree with Lord Templeman about the impermissibility of sado-masochistic activities, regardless of consent, there is nothing wrong with the Sado-masochists asking John to consent to a whipping before he is allowed to join their club, whilst the same cannot be said about the BJJ club.

The BJJ club is objectionable, because it removes a valuable option – the option to train in BJJ, and be part of the club, without having to participate in the whippings.

The Sado-masochists' having the same initiation, however, is not objectionable in the same way, because what he is required to do is precisely what he wants to do – it is what he is joining the group to do in the first place.

CONCLUSION

The argument above should not be taken as evidence that I dismiss the concerns considered before. I have simply remained agnostic for the sake of argument.

Given the evidence from psychology, it seems there is good reason to think that, for some at least, the individual's claim that he or she enjoys the activity may be a rationalisation, to avoid cognitive dissonance. For those who do not dismiss all forms of paternalism, this might be considered sufficient to argue that belt whippings should not be a part of BJJ.

Given the evidence from the Milgram experiment, and given the level of pressure from coaches and peers, there may be reason to challenge the validity of any consent given. I have challenged the suggestion that the consent is not valid. However, I do not take those challenges to be conclusive. It seems to be unclear to me whether we should consider the consent valid or not.

Ultimately though, even if we assume the consent is valid, I have argued that this is not sufficient to demonstrate that there is nothing wrong with the belt whippings in BJJ.

REFERENCES

- Festinger, L., Carlsmith, J. M. (1959). Cognitive Consequences of Forced Compliance. *Journal of Abnormal and Social Psychology*, 58(2), 203–210.
- Goldie, P. (2000). *The Emotions: a philosophical exploration*. Oxford: Clarendon Press.
- Hall, R. (2013). *An Open Letter to the Martial Arts Community* [online]. (Accessed 27th January 2013.) Available from: <http://livingthemartialarts.com/>.
- Harman, G. (1999). Moral Philosophy Meets Social Psychology: Virtue Ethics and the Fundamental Attribution Error. *Proceedings of the Aristotelian Society*, 99(3), 315–331.

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