Consent and ethics within sex work and research: An academic and practitioner perspective

Beverly Y Thompson
Siena College, USA

Miss Couple
Independent Researcher, USA

Abstract
In this short piece, we explore some areas of consent within BDSM in relation to our roles as a practitioner and as an academic researcher. Beverly Yuen Thompson is a sociology professor who specializes in ethnographies of deviant subcultures with an emphasis on an intersectional approach. In this short piece, she uses her experience of conducting a long-term ethnography in a BDSM community. Miss Couple (2018) is the author of The Ultimate Guide to Bondage: Creating Intimacy through the Art of Restraint and a relationship and intimacy coach. Miss Couple was previously a manager of a BDSM establishment, from which she draws on her experience for this piece.

Keywords
Sex work, ethics, consent, BDSM, IRB

Corresponding author:
Beverly Y Thompson, Siena College, 515 Loudon Road, Loudonville, New York, NY 12211, USA.
Email: bevyuen@gmail.com
Consent as central to community parameters

From my (Miss Couple) experience in the BDSM community, it became apparent that harm can be caused among S&M practitioners stemming from mismatched expectations of ethical practices. Such misunderstanding can be due to cultural differences, the absence of an authority on ethics, or the lack of an oversight and enforcement process within these small and intimate groups. In the BDSM community, where people may engage in intimate acts and sexualized play, the establishment of mutual consent is imperative, and this process becomes a defining aspect of S&M practice. Various consent practices have gained widespread adherence over the decades. The first consent definition was known as “Safe, Sane, and Consensual” (SSC). Stemming from critique of the terminology and concept of SSC, a new term came to be known, “Risk Aware Consensual Kink.” From there, evolved a more nuanced concept known as Personal Responsibility, Informed Consensual Kink to stress the individual responsibility inherent in such practices. However, due to the nature of the “BDSM conglomerate”—an umbrella term I use to describe the seemingly disjoined and unrelated aspects of the wider kink community—and the lack of a governing body or oversight committee, it is nearly impossible to ensure that all practitioners of S&M are updating their practices to reflect the evolving ethical code or is their awareness of related risks to their activities ensured. This is especially true for those who operate outside of social clubs or organizations. More recently, younger practitioners of BDSM have a much more specific parameter of consent that it must be mutual, informed, and enthusiastic. In 2006, the NCSF attempted to bring some unity and authority to the disjointed conglomerate by hosting a “Leather Caucus,” inviting participants to join in a project called “Consent Counts.” This project resulted in 5500 completed community surveys, which expounded on legal issues and ethical responsibilities within the community. To date, the NCSF’s (2020) Statement on Consent is the most comprehensive and widely used definition of consent. However, it remains a relatively unknown document even within the community of practitioners.

Enforcing community standards of consent

Within the S&M community, most transgressions are handled from within smaller sub-groups by appointed individuals who do not necessarily possess a formal background in ethics. Rules, regulations, and proposed punishments vary widely from one subgroup to another, creating confusion and chaos amongst practitioners. In personal S&M relationships—isolated from other practitioners—those rules and regulations may not even exist.

I, Couple, was a co-facilitator of a BDSM household and play space from 2013 to 2019. This was a 24/7 lifestyle house in which the owner of the house and I invited personal kink community contacts into the space as well as hosted parties. The household established a clear protocol for consent procedures including an
information sheet and consent form upon entry. However, the practice was less
precise, and some guests were not properly informed about exactly what was
allowed and what was not. Procedures to monitor safety were unreliable when
behaviors were off-site, behind closed doors, or otherwise lacked the ability to be
intervened upon by others. When the owner of the house himself was in violation
of the rules, the process for stopping such violations was not implemented. While
the leader of the household was ultimately reported to the NCSF for ethical
violations, the organization and its findings lack legal enforceability. This led to
my ultimate resignation from the household and renewed interest in the impor-
tance of safeguarding such ethical standards.

**Institutional review boards and research ethics**

In addition to issues related to consent and ethics among BDSM community
members, ethical issues also arise in the study of BDSM by academic researchers.
Institutional Review Boards (IRBs) were first established in 1974, specifically for
federally funded biomedical research, in response to a series of egregious research
practices that did harm to participants, who were often deceived as to the true
objective of the study (Sanders and Ballengee-Morris, 2008). By 1981, much
research using human subjects was subject to IRB review (Sanders and
Ballengee-Morris, 2008). Those who conduct naturalistic research, such as anthro-
pologists, ethnographers, oral historians, social scientists, and humanities scholars,
may find the IRB process—as it was founded to confront medical experiment
abuses—inadequate for addressing consent in qualitative research (Cameron,
2016; Gordon, 2003; Hemmings, 2006; Metro, 2014; Moon and Khin-Maung-
Gyi, 2009; Sanders and Ballengee-Morris, 2008).

Many colleges and universities have their own IRB committee on campus.
These committees ensure compliances to the ethnical promises made by the
researcher. Consent forms required by IRBs are intended to ensure the participants
understand the study, what is expected of them, and the risks (if any) involved.
However, an overreliance on consent forms lessens the ongoing consent process.
Some IRBs have come to also protect the university from potential legal chal-
lenes, which critics challenge is not their charter. For some researchers, interview-
ing marginalized populations, signing a consent form can have a chilling effect and
scare away potential participants (Bradburd, 2006; Lederman, 2006).

In my (Thompson’s) experience of applying for IRB approval for my ethno-
graphic research at a BDSM household, I encountered more difficulties than I
have ever experienced in my previous applications to the IRB. The tone of the
institutional resistance had very little to do with concern over the safety of the
participants, and it reflected bias against this subculture (thus demonstrating
the need for such research). The institution was demonstrably concerned about
their own legal liability, as they brought the university lawyer to the table—not out
of concern for participants, as is their official charge, but to ensure that no harm
would be done to the university itself—including its image as a private religious college.

Outcomes of IRB oversight of ethnography include a lack of understanding of qualitative methods, positioning qualitative researchers as if they were medical researchers and an indifference to the chilling effect of consent forms; while at the same time not requiring an ongoing, complex consent process (Hamburger, 2005a, 2005b; Katz, 2007). Qualitative research would be better served by either having a specifically focused qualitative process or to be exempt from IRB requirements, in the same manner that oral historians and journalists are exempt. Disturbingly, while IRBs are mandated to protect participants, in many cases, IRBs have acted to censor research or to protect the legal liability of the institution itself (Hamburger, 2005a, 2005b).

**Ethics in ethnographic fieldwork**

Once a researcher has gained their IRB’s approval and begins fieldwork, the institutional ethical oversight is complete and rests solely upon the researcher to continue to maintain such standards. Ethnographers Bosk and De Vries (2004) write about the problem fieldworkers may encounter:

> The ethical problems that we meet in the field are so complex and the situations are so fraught with the moral and existential dilemmas of leading a life that consent does little to assure our subjects or ourselves, for that matter, that we will do the right thing when the situation presents itself...The problem with IRBs and qualitative research is that they are such a distraction from the real difficulties that we face and from the real ethical dilemmas that confront us that we many not recognize and discuss the serious and elemental because we are so busy with the procedural and bureaucratic. (Bosk and De Vries, 2004: 260)

Herrera (2000) therefore suggests the creation of a “fieldwork monitoring committee.” One of the first issues for deviant ethnographers is to gain access into a particular subculture and then to navigate the politics of one’s primary contact within the community. In my (Thompson’s) field research at a BDSM household and professional dungeon, I had found the location before I completed the IRB process. After the delayed approval, I entered the field in which I would be embedded for the next several years. As I was sponsored into the scene by the owner of the household, along with his approval and encouragement, I had full access to approach clients, partygoers, house members, and their friends. When there were conflicts and people left the house on negative terms, my access to them disappeared; therefore, I lost out on the ability to hear a more critical side within this particular community. The access to people, information, and events was monitored by the house owner, who likely viewed my participation as potentially promotional for his business. I diligently had each person sign the consent form before we engaged. If someone changed their mind after signing the form,
I respected their wishes and removed their data from my research, however begrudgingly. For some who withdrew, this was the first time in such a sexual community, and their intense experience left them feeling disturbed or vulnerable, and they no longer wanted that image of their experience available for research data. Sometimes, this included useful information that I was sorry to lose access to; but such is the risk of having an ongoing consent process on a vulnerable aspect of one’s intimate life.

One of the findings of my fieldwork was the questionable ethical procedures taking place at this particular location, which engaged with people on three levels: paid clients who attended sessions with a Dominatrix, regular paid play parties, and a 24/7 lifestyle for the owners with their personal submissives, Masters, and visitors. While the house owners had described a bureaucratic process for consent, in which they discuss on the phone with clients and new house members their desires and boundaries, this process was often neglected or evaded. Individuals would routinely complain of violated boundaries. I would never see them again. I knew I was getting only half of the story. However, a researcher can never ensure gaining full access to all perspectives. If a researcher engages heavily with one population, they likely inhibit their access to populations with whom the original group is in conflict. Indeed, within the BDSM community, consent is a central issue discussed on forums and at workshops, and the community has put forth different terms to describe their subculture’s ethics of consent. As an ethical researcher, conducting fieldwork in a community managing its own consent process brought to light the significance of such concerns and my place within this context as researcher and as a community observer.

As ethnographic researchers conducting fieldwork on marginalized and stigmatized topics, we do have ethical challenges to consider as professionals. The real issues of consent and security come in the field, long after the IRB has approved our proposal. As sociologists and anthropologists, we have organizations that understand our work distinctly and have created standards for the profession such as the American Anthropological Association’s 2012 Ethics Statement that provides meaningful guidelines for responsible ethnography, with honesty at the center of the code.

In sum, we have overviewed the importance—as practitioners and researchers—of continuing to expand the parameters of consensual and ethical practices beyond the symbolic consent form signature. There should be an informed practice of consent that takes place over time and has a process of accountability in the IRB review process, the fieldwork process, and within the BDSM community of practitioners itself.

Declaration of conflicting interests
The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.
Funding
The author(s) received no financial support for the research, authorship, and/or publication of this article.

ORCID iD
Beverly Y Thompson https://orcid.org/0000-0001-7375-2789

References
**Beverly Y Thompson** is an Associate Professor of Sociology at Siena College, Loudonville, New York, USA. She is the author of *Covered in Ink: Tattoos, Women and the Politics of the Body* (NYU Press, 2015).

**Miss Couple** is the author of *The Ultimate Guide to Bondage: Creating Intimacy through the Art of Restraint* (Cleis Press, 2018) and a relationship and intimacy coach. Miss Couple was previously a manager of a BDSM establishment.