

Consent Counts—Or Does It?

by Judy Guerin

If you practice BDSM in fully consensual ways, you may still be criminally prosecuted under many assault laws and other laws throughout the U.S. The BDSM-Leather-Fetish communities have focused heavily for years on defining “safe, sane and consensual BDSM practices” for practitioners as well as to help the broader public better understand what it is that we do. It was, after all, only in 1994 that the DSM criteria of the American Psychiatric Association changed their categorization of sadomasochism, paving the path for us to do more effective social, legal and political change. Until 1994, BDSM was defined automatically as a mental illness. Prior to 1994, it was difficult to organize effectively to protect and advance our rights as BDSM practitioners. This categorization and long-term societal view of BDSM as a mental illness resulted in severe consequences for many practitioners over the years—loss of child custody and jobs as well as criminal prosecutions. Fortunately for all of us, NCSF was formed in 1997 to work on these issues and to protect and advance our rights.

Although things have certainly improved for us over the years, we still have significant legal, political and societal issues facing us. The majority of us are not “out of the closet”, still fearing the very real threat of being prosecuted or losing our jobs or families. BDSM is still prosecuted criminally as assault, and the legal precedents that we inherited from the early years related to consensual BDSM prosecutions as assault are not in our favor. Many of the laws intended to protect victims of domestic violence and rape need to be modified to exempt consensual BDSM activities. The DSM criterion still needs further reform—it is still used against us, and we can still be defined as mentally ill for what it is that we do. And, members of our communities still routinely face ongoing issues of divorce, child custody, job discrimination and even criminal charges.

In 2007, NCSF organized a leather leadership roundtable at the Creating Change conference to discuss the goals of the BDSM-Leather-Fetish communities. The number one priority was determined to be decriminalization of BDSM. A subsequent town hall meeting was held at LLC to further discuss this goal and to establish an outline for a working plan for this 10-15 year project. This is a community-wide project, with participation by national groups as well as activists to help determine the strategy and plan to accomplish this goal. Earlier this year, it was determined that it would be in the best interest of the project for NCSF to take a leadership role. NCSF had already established the DSM project as a major area of focus and decided it made sense to also add the Consent Counts project as a major focus. Judy Guerin, former Executive Director of NCSF and long-time sexual freedom activist, recently re-joined NCSF as the Consent Counts project director. Susan Wright, NCSF board member and founder, directs the DSM project for NCSF.

Please learn more about these important projects—visit www.consentcounts.org and www.ncsfreedom.org. We need your help and support to be successful. To get involved, contact Judy Guerin about Consent Counts at judy@ncsfreedom.org or Susan Wright about the DSM project at susan@ncsfreedom.org

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