

From ‘no means no’ to ‘an enthusiastic yes’: changing the discourse on sexual consent through Sex and Relationships Education

Maddy Coy, Liz Kelly, Fiona Vera-Gray, Maria Garner, Ava Kanyeredzi

How sexual consent should be discussed with young people is the subject of current policy debates and contestations in the UK. While the current Westminster government Violence Against Women and Girls (VAWG) strategy (Home Office, 2011) and subsequent action plans recognise the importance of addressing consent, with no statutory relationships and sex education there are few contexts in which these conversations with young people routinely take place. Organisations that work with young people as victim-survivors of violence and through school-based primary prevention programmes have long identified sexual consent as an issue which requires specialist attention and intervention (see e.g. Coy et al, 2010; EVAW, 2011).

In this chapter we present findings from research with young people in England about their understandings of sexual consent. The study was carried out on behalf of the Office of the Children’s Commissioner, as part of their two year inquiry into sexual exploitation in the contexts of gangs and groups.

Young women, young men and sexual consent

How young people make sense of and negotiate the meaning of sexual consent has long been a concern of those researching sexual exploitation and those working with victim-survivors of sexual violence. A range of studies show that not only are young women subject to a range of forms of emotional pressure/manipulation but that they also experience high levels of sexual violence (Barter et al, 2009; Hoggart & Phillips, 2009; Firmin, 2010; Maxwell & Aggleton, 2010; Berelowitz et al, 2012). Somewhat less prominence has been given to the pressures some young men report in meeting the expectations of masculinity in their peer groups. Research has also highlighted that a significant minority of young people believe that certain contexts – being drunk, in an existing sexual relationship, or perceived as ‘easy’ – are understood as legitimising pressure or coercion of young women into sex (Holland et al, 1998; Coy et al, 2010).

Burkett and Hamilton (2012) note that research on how young people negotiate consent is still rare, and that the focus in much SRE on women ‘just saying no’ presumes that young women are free and autonomous to do so. As a result young women believe they must verbalise an explicit and incontrovertible ‘no’, that sexual assault involves physical force and whilst they are aware of pressure – “being worn down” (p821) – for them this still constituted consent. Yet when discussing how they actually negotiate whether or not to have sex what emerged was that much of the communication was non-verbal: the active verbal refusal which the normative framework requires was in this context deemed ‘unnatural’. These findings chime with Frith’s (2009) argument that human refusals are complex and often implicit.

The ‘miscommunication’ discourse remains a dominant framing for making sense of sexual coercion, yet research with young men reveals their sophisticated understandings of verbal and non-verbal sexual refusals (O’Byrne et al, 2008). Here, the ‘sexual miscommunication’

trope operates as a new rape myth to explain and justify using pressure. Two recent books on consent from the US (Powers-Albanesi, 2009) and one from Australia (Powell, 2010) also explore the gendered meanings that underpin sexual consent. One argues that men think women have more power than they do through their positioning as 'gatekeepers' whilst on the other hand young women think young men have more power through their role as the 'initiators' (Powers-Albanesi, 2009). Combined these findings suggest that young men do register the reluctance of young women and use pressure to override it: this is less miscommunication and more a gendered (hetero)sexual script. Young women find themselves within a nexus of contradictions (Thomson, 2004), trying to explore both sexual safety and agency in unequal relationships.

Legal frameworks

The 2003 Sexual Offences Act reformed legal approaches to consent from sexual conquest and reluctance to a statutory definition that aimed to achieve simplicity and clarity. The proposal was to define consent as 'free agreement' alongside a non-exhaustive list of situations where consent could be presumed not to be present. In the actual legislation a more complex formulation appears: the Sexual Offences Act 2003 states that a person consents to sexual activity '*if he or she agrees by choice and has the freedom and capacity to make that choice*'. Guidance from the Crown Prosecution Service (CPS) elaborates further on how consent is to be understood, and explicitly stipulates that '*the essence of this definition is the agreement by choice. The law does not require the victim to have resisted physically in order to prove a lack of consent*' (CPS, 2012).

Whilst the law constructs a clear boundary between consensual and non-consensual sex, experiential accounts are more complex; to reflect this in the accounts of adult women Liz Kelly (1987) introduced the concept of a continuum of sexual violence – that in their perceptions there was not a simple binary of rape and consent, but a more complex reality that includes pressure and coercion. Research with young people suggests that they are less likely to recognise pressure and coercion as unlawful (McCarry, 2010). Jenny Pearce (2013) has developed a framework for exploring how young people, and practitioners, obscure a continuum of contexts of pressure and coercion by understanding consent as freely given. Given that sexual crime is defined in law as the absence of consent – which does not require force – this is a significant issue. It is especially important as young people, and young women in particular, are the demographic group most likely to experience sexual violence (Ministry of Justice, Home Office & Office for National Statistics, 2013).

It is against this backdrop that we set out to explore young women and young men's understandings of sexual consent, and the social and peer landscapes in which it is negotiated.

The Give'n'Get project

From the outset, we were clear that the project should engage young women and young men, and explore both *giving* and *getting* consent. Building on the notion of young people as 'digital natives', we developed an innovative approach to engaging them in research: creating eight short films, shot in the style of video diaries. All except one described a scenario where a young woman or man describes sex in circumstances that legally constituted rape, but introduced elements that research shows often muddy judgments

about whether or not consent was present: alcohol, a relationship, sexual attraction. There were in total seven stories, with one being told first from the point of view from the young woman who is raped, and in another film from the perspective of one of the young men involved. The final video acted as a 'debrief' where the young woman described a mutual decision with her boyfriend not to have sex. A group of young actors refined scripts and language, and filmmakers from London Metropolitan University shot and produced the films. The films featured the following scenarios.

1. Josh, 15, has sex with his partner at a party. She is asleep having drunk too much, and Josh does not understand why, when they 'do it' all the time, she is upset about this occasion.
2. Chelsea is 16 and recently homeless. She accepts an offer of an older man's sofa as she is cold and unhappy living on the streets, but he pressurises her into oral sex. Later she returns to his sofa when the inclement weather becomes too much, and is again expected to have sex as payment.
3. Monique, 17 – has been to a club and the next morning wakes up knowing that has had sex. She cannot remember anything beyond dancing with a man she did not know, and suspects her drink had been spiked.
4. Kate is 14 and went to the house of a young man she knows, wearing a top she thought flattered her breasts. Two of his friends arrive, tease her, take her mobile phone, and then all three have sex with her.
5. Gavin, 15, is one of the boys involved in raping Kate and regrets taking part.
6. Sabrina, 13, sends an older boy who she finds attractive a photograph of herself. Later she goes to his house. They kiss and he makes her have oral sex.
7. Joey, 16, is a young man exploring his sexuality. He goes to a gay bar, accepts a drink from an older man who then follows him into the toilet and insists that Joey gives him oral sex.
8. Kelly is 14 and has just had a 'hot night' with her boyfriend, where he sensed her reluctance to have sex. They talk about it and decid not to have sex.

These films were then embedded into an online survey, with each followed by three statements for young people to indicate their agreement, or not with: I feel ok with the sex that [young person] is describing; X made sure that [young person] was OK with what was happening; [young person] was able to say yes or no. At the end of the survey, young people were asked whether each scenario counted as rape.

A link to the survey was distributed widely on social media and through various networks of schools and organisations working with young people. One telling obstacle was that in some schools, internet firewalls prevented teachers from accessing the survey. Quite how young people are supposed to seek information on sexual violence, where school might be the only safe or unmonitored place where they can access the internet, is an issue for all education settings.

In total 497 young people completed the survey, 365 young women, 129 young men, and three transgender. The sample size enabled detailed analysis by age and gender, as we report below. Analysis was conducted in SPSS and full findings can be found in Coy et al (2013). In order to add depth to the survey findings, we also conducted focus groups with 87

young people in schools (49 young women and 38 young men), and individual interviews with 23 young people (12 young men and 11 young women) who were accessed through support organisations. These took place over sites in England, and no regional differences emerged, although there was some variation in language. The films were used to spark conversation with young people, and open up spaces to explore the wider landscapes in which they learn about, and negotiate sex, including pornography, sex education and sexting. These sessions were audio recorded, with young people’s permission, transcribed and analysed thematically using NVivo.

How young people understand sexual consent

Analysis of young people’s responses to the survey revealed several key findings.

- Overall, young women were more likely than young men to identify the video scenarios as rape.
- Young people aged 13-14 were least clear about whether or not the scenarios constituted rape. 15 appears a pivotal age where understandings change, possibly because it is the age when young people are likely to begin having sex, and consent shifts from the intellectual to experiential (Holland et al, 1998).

Table 1 shows the proportions of survey respondents who identified each scenario as rape.

Table 1: Young people’s survey responses to scenarios¹

Scenario	Young people who identified this as rape (n=497)	Young women (n=365)	Young men (n=129)
Monique	93.2%	93.7%	91.5%
Kate	90.5%	91%	89.9%
Joey	85.9%	85.8%	86.8%
Chelsea	73.8%	73.4%	75.2%
Josh	72.6%	75.1%	65.1%
Sabrina	68.4%	71.5%	59.7%
Kelly	7%	6%	10%

Two paradoxes also emerged which reveal the extent to which young people’s focus is on the *giving* of consent, and *getting* barely acknowledged. In the first, across the scenarios,

¹ Responses to the survey scenario featuring Gavin are not included here since questions did not ask young people whether or not they thought what he described was rape. For details of responses to all the survey questions, see Coy et al (2013).

more young people said that consent could have been given, than thought it was not sought. When young people ticked 'no' to whether or not X had made sure that [young person] was OK with what was happening, they nevertheless said 'yes' to whether or not [young person] was able to say yes or no. What this exposes is that constraints to consenting to sex are not well recognised. In other words, the notion of 'freedom' enshrined in the Sexual Offences Act 2003 definition of consent does not resonate with young people. For instance, in the scenario featuring Chelsea, over half of young women (54%) and young men (51.9%)² reported that she was not able to consent, although they acknowledged that she agreed to stay with the older man as a survival strategy.

She could say yes or no but she would be back on the streets again so easier just to do it (Young woman, 17 years old, survey respondent).

You can't really call that rape because she's consenting to it, she's saying she will because she wants to live (Young man, 16, SW-I9).

In contrast, 'capacity' to consent (read in law to refer to intoxication or diminished mental capacities) in the scenarios featuring Josh and Monique was more readily recognised. There is a normative discourse at play here; stereotypes of 'real rape' (Estrich, 1987) in which assaults by relative strangers were more likely to be defined as rape than those involving some form of existing relationship or connection. As table 1 shows, the scenario that the highest proportion of survey respondents judged to be rape was the one where Monique fears that a stranger spiked her drink and had sex with her but she does not clearly remember what happened.

The second paradox was that fewer young people defined the scenarios as rape than thought consent had not been sought. So even where they identified that X had *not* made sure that the young person was OK with what was happening, this was not recognised as rape. A reasonable belief in consent, according to the Sexual Offences Act 2003, includes a responsibility to ensure that consent is present (CPS, 2012). It is not surprising that young people were unfamiliar with these legal requirements; it is doubtful most adults would be aware of them. However their responses, again, indicate how normative discourses around consent do not connect rape with a failure to *seek* consent.

The most significant theme to emerge from the survey and in-depth conversations with young people was the gendered lens through which behaviours and actions were viewed. Any sexual attraction placed young women's behaviour under particular scrutiny. For Kate, while 90 per cent of young people identified what happened to her as rape, wearing clothing that flattered her breasts was taken as a sexualised invitation to her body.

It was a bit her fault for wearing that top. It is a bit her fault (Young woman, year 11, SW-FG3).

² These percentages are for the question after the first time Chelsea agreed to have sex with Steve. At the second point, when she returned to his flat, the proportions are very similar at 51 per cent of young women and 55 per cent of young men reporting that she was not able to consent.

You can also take into consideration she wore a certain top to make her boobs look bigger. So ... maybe because she dressed like that, maybe she wants it in a way (Young man, year 11, LON-FG3).

Similarly so for Sabrina, who recounted ‘fancying’ an older boy and sending him a photograph of herself. Here the gender difference was apparent, in that young men were more likely to suggest that Sabrina ‘could have said no’, despite recognising the manipulation she was subject to.

She could have refused to do it... I don't think it would have been hard (Young man, year 10, LON-FG7).

Even where men’s actions were considered rape, young people blamed young women with extraordinary ease. This inevitability of ‘boys behaving badly’ meant that young women were held responsible for protecting themselves, and their ‘refusal skills’ became the focus of determining whether or not they consented (Kitzinger & Frith, 1999).

‘Man points’ and non-consensual sexual practices

The well documented sexual double standard was clear and present in young people’s accounts. Sexually active young women were labelled ‘skets’, ‘sluts’ and ‘hoes’, and young men ‘legends’, ‘dons’ and ‘players’. As researchers have repeatedly recorded, sexual reputations enhance the status of young men, but continue to shame young women (Lees, 1993; Holland et al, 1998; Marston & King, 2006; Powell, 2010).

Linked to this was the notion of ‘man points’ (described as ‘lad points’ in one region). Defined as ratings between peers which afford young men ‘points’ where they are judged ‘cool’ and able to make others laugh, ‘man points’ was a vernacular term for what Ringrose et al (2012) named ‘competitive masculinity’.³ Young people told us that the most effective way to accumulate man points was through demonstrating (hetero)sexual prowess: boasting of sexual conquest; collecting ‘sexts’ from young women; having sex with young women deemed ugly by peers. This has echoes of Michael Flood’s (2008) exploration of how young men’s relationships with each other shape both their ‘sex talk’ - sexual boasting and storytelling - and their practices: their standing and reputation being linked to having had frequent sex.

The film where Sabrina sends a photograph of herself to an older boy opened a route to explore sexting. Previous studies have suggested that sexting is widespread and mundane in UK schools (Phippen, 2012; Ringrose et al, 2012). Young people we spoke with confirmed this, describing sexting as ‘the new norm’. What this leads to is young women being sexually harassed to send sexts. Some young men acknowledged the coercion present here.

They manipulate them into doing it because a lot of the time I don't think anyone wants to send them... but they do because they like the person (Young man, 18, LON-I4).

³ In current popular culture, ‘man points’ has found its way into novelty card games, pages on social networking sites, an iPhone app and multiple websites.

For young women, being harassed to send sexts is a sign they are judged desirable, an important measure of status in heteronormative peer groups where young women are expected to find reward in a sexualised sense of self. It is nonetheless experienced as pressure, another way in which young women are expected to be sexually available, but judged negatively for this. Young women also report betrayal and shame when sexualised images are shared without their consent or knowledge. Three such patterns of distribution emerged: images being passed around on mobile phones; forwarding onto peers; and finally posting to social networking sites as a deliberate humiliation in ways that mirror what is termed 'revenge porn' among adults.⁴ This tactic only works to humiliate young women where transgressing codes of femininity, as well as those of private intimacy and public exposure, brings social opprobrium.

Sexting reveals the limited space for action that many young women have while their actions are so closely scrutinised. Young men accord themselves and each other far more freedom. The pressure that some young men use to get sexts sent in the first place becomes rapidly invisible, along with their awareness of young women's reluctance. At the same time, young men experience pressure in the form of 'man points' that equate social constructions of masculinity with sexual conquest, and young women through the age old discourses of 'slags and drags'. Yet young women are also subject to additional pressures from individual boys, across a continuum of non-consensual sexual practices.

Pornography: 'it's where most people learn'

Young people were the most animated when discussing pornography. This tells us both about its significance in their lives, and the limited spaces where they can explore their experiences of, and responses to, pornography. The invasion of pornography into their everyday activities was immediately apparent; one young man quipped that a popular social networking site might as well be termed 'Pornbook'. Of most relevance to developing SRE programmes is that pornography served as a substitute for information about sex. One young xxxx summed this up as 'it's where most people learn'. However, unpicking this demonstrates the importance of exploring meanings beyond face value. Many young men reported seeking pornography was 'just entertainment', but when we probed deeper into what was gained from this, it was evident that 'learning how to have sex, learning new moves' was both motivation and outcome.

You get to see the way it's done, and the way people do it. It's not like it trains you in a way but you have a kind of idea of how you might be able to do it (Young man, year 11, LON-FG3).

Clear gender differences in young people's engagement with pornography emerged. That young men would use pornography was described as inevitable, although a few were critical (see Coy et al, 2013, for further discussion). Echoing a recent review of research literature (Horvath et al, 2013), young women were more likely to be upset or concerned by viewing pornography. The idea that young women would seek, or look at pornography, was greeted with squawks of mirth: this was 'weird' and 'disgusting'. Both young men and young women

4

also identified gender patterns in terms of influences of pornography. Their key concern was that it leads young men to think that young women are 'easy' and sex should be 'aggressive' and 'forceful'. Some explicitly identified the implications of pornography for gender equality, describing young men becoming 'more sexist' as a result of viewing pornography. Young women reported feeling under pressure to behave like women in pornography.

In short, young people perceived that pornography sexualises sexism, and also that it filled a gap in information about sex because of patchy, inadequate or simply absent sex education. This raises significant issues for SRE and particularly the teaching of sexual consent. The gendered messages from pornography – men's entitlement to women's bodies for sex and the presumed sexual availability of young women - are reflected in how young people understand sexual consent. How pornography is used as an instruction manual for sex, and what young people report learning from it about how women and men should behave sexually, underscores the need for SRE to be rooted in a gendered analysis.

Implications for SRE

Young people understand the concept of consent and frame it in terms of mutuality, approval and permission. However, when real life contexts are introduced – alcohol, a relationship, sexual attraction – the less clear young people are.

Young people's views on SRE reflect those of the evidence base: that sessions were limited to the 'plumbing and prevention' approach, yet this is not what young people want or need (see e.g. Forrest et al, 2004; UKYP, 2007; Powell, 2010; Newby et al, 2012); that what they seek is an open forum in which it is possible to explore questions, emotional conflicts and complex realities. Young people lamented the focus on risk and safety; 'only all the bad stuff', and 'they just literally focus on the negatives'. Not one young person could identify being taught about consent in terms of deciding to have sex or the circumstances in which agreement to have sex is sought or granted.

They aren't taught that it's okay to say no and that you don't have to do it (Young woman, year 10, LON-FG1).

A minority referred to discussions about coercion – 'the pressure from boyfriends or sexual assault and rape and stuff like that' (Young woman, year 10, LON-FG2) or 'what would you do if someone is forcing you' (Young man, year 11, SW-FG1). However, it was clear from the accounts of both boys and girls that the focus here was for young women to *resist* pressure, entirely based on the notion that consent is *given* rather than *got*.

This jars with the legal framework in England and Wales which requires a reasonable belief in consent. It also reinscribes moral responsibility as carried by young women to police and maintain boundaries, to anticipate – and avoid – the possibility of pressure and coercion. As young people's accounts show, this slithers all too quickly into victim-blame. **Instead we need to**

SRE that truly aims to prevent sexual violence needs to enable young people to understand, and seek, consent as an enthusiastic and embodied yes.

Policy and Practice contributions – summary

The implications for Sex and Relationships Education (SRE) are multiple. As sexual consent cannot be separated from ideas about gendered codes of behaviour, it is essential that conversations with young people unpick the assumptions about women and men's behaviours that lie underneath discourses on negotiating consent. This also requires willingness to engage with evidence about gendered patterns of perpetration and victimisation in sexual violence. A fundamental shift is needed, for consent to be framed – and recognised - not as an absence of resistance, but as an enthusiastic and embodied yes. Such a transformative shift can begin with conversations with young people in SRE.

References

Barter, C., McCarry, M., Berridge, D., & Evans, K. (2009) *Partner exploitation and violence in teenage intimate relationships* London: NSPCC

Burkett, M. & Hamilton, K. (2012) Postfeminist sexual agency: young women's negotiations of consent *Sexualities* 15: 815-833

Coy, M., Kelly, L., Elvines, F., Garner, M. & Kanyeredzi, A. (2013) *Sex without consent, I suppose that is rape: how young people in England understand sexual consent* London: Office of the Children's Commissioner

Coy, M., Lee, K., Roach, C. & Kelly, L. (2010) *A Missing Link? An Exploratory Study of Connections between Teenage Pregnancy and Non-Consensual Sex* London: CWASU, London Metropolitan University

Crown Prosecution Service (2012) *CPS Policy for Prosecuting Cases of Rape* Available at: <http://www.cps.gov.uk/publications/prosecution/rape.html> [accessed 13th April 2013]

Estrich, S. (1987)

EVAW (2011) *A Different World is Possible: Promising practices to prevent violence against women and girls* London: EVAW.

Frith, H. (2009) Sexual scripts, sexual refusals and rape in: M.A.H. Horvath and J.M. Brown (eds) *Rape: challenging contemporary thinking* Cullompton: Willan Publishing

Firmin, C (2010) *Female Voice in Violence Project: A study into the impact of serious youth violence on women and girls*, London: ROTA

Flood, M. (2008) Men, Sex, and Homosexuality: How bonds between men shape their sexual relations with women *Men and Masculinities* 10(3) 339-359

Forrest et al

HM Government (2011) *Call to End Violence Against Women and Girls: An Action Plan* London: Cabinet Office.

Hoggart, L., & Phillips, J. (2009) *London Teenage Abortion and Repeat Abortion Research Report* London: Policy Studies Institute

Holland, J., Ramazanoglu, C., Sharpe, S. & Thomson, R. (1998) *The Male in the Head: Young People, Heterosexuality and Power* London: The Tufnell Press.

Horvath, M.A.H, Alys, L., Massey, K., Pina, A., Scally, M. & Adler, J. (2013) *“Basically... porn is everywhere”: A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People* London: Office of Children’s Commissioner

Kelly, L. (1987) *Surviving Sexual Violence* Cambridge: Policy Press

Kitzinger, C and Frith, H. (1999) Just Say No? The Use of Conversation Analysis in Developing a Feminist Perspective on Sexual Refusal *Discourse and Society* 10(3):293–316.

Marston, C., and King, E. (2006) Factors that shape young people's sexual behaviour: a systematic review *Lancet* 368(9547): 1581-6

Maxwell, C & Aggleton, P. (2010) Agency in action – young women and their sexual relationships in a private school, *Gender and Education*, 22 (3) 327-343

McCarry, M. (2010) Becoming a ‘proper man’: young people’s attitudes about interpersonal violence and perceptions of gender *Gender and Education* 22(1) 17-30

Ministry of Justice, Home Office & the Office for National Statistics (2013) *An Overview of Sexual Offending in England and Wales* London: MOJ. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214970/sexual-offending-overview-jan-2013.pdf [accessed 5th March 2013]

Newby, K., Wallace, L.M., Dunn, O., & Brown, K.E. (2012) A survey of English teenagers' sexual experience and preferences for school-based sex education *Sex Education* 12(2) 231-251

O’Byrne, R., Rapley, M., & Hansen, S. (2006) ‘You Couldn't Say “No”, Could You?’: Young Men's Understandings of Sexual Refusal *Feminism & Psychology* 16(2) 133-154.

Pearce, J.J. (2013) 'A Social Model of ‘Abused Consent’ in Melrose, M. and Pearce, J. (eds.) *Critical Perspectives on Child Sexual Exploitation and Related Trafficking* London: Palgrave Macmillan.

Phippen, A. (2012)

Powell, A. (2010) *Sex, Power and Consent: Youth Culture and the Unwritten Rules* Cambridge: University Press

Powers-Albanesi, H. (2009) *Gender and sexual agency: how young people make choices about sex* Lanham MD: Lexington Books

Ringrose, J., Gill, R., Livingstone, S., & Harvey, L. (2012) *A qualitative study of children, young people and 'sexting'* London: NSPCC

UKYP (2007)