

Young people's perceptions of sexual consent: implications for policy and practice?

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INTRODUCTION

Our project has sought to investigate young people's perceptions of coercive sexual behavior: how people identify consent and its lack and the propensity for people to blame victims. In particular, we wanted to examine what difference, if any, gender makes. Our findings may have important implications for policing and prosecuting sexual offences and for the work of charities and third sector groups providing services for young people and sexual assault victims.

THE FINDINGS

1. Young people do make social and cultural judgements based on traditional stereotypes. We found, for example:
 - a. Scepticism about the possibility of male susceptibility to female sexual coercion.
 - b. Male coercion judged to be more reprehensible than equivalent behaviour by a female.
 - c. Potentially ambivalent female behaviours during and leading up to the relevant scenario more likely to be treated as signs of sexual availability and amenability than equivalent male behaviours.
2. However, these judgements are *not significant for predicting whether a particular scenario will be interpreted as consensual or non-consensual.*

IMPLICATIONS AND DISCUSSION

These findings suggest to us that young people's understandings about consent, and their ability to distinguish questions about consent from broader societal issues, may be significantly more nuanced than is often given credit. However, we invite views on this, and what implications the findings have, if any, recognising that this discussion takes place against the background of previous, existing and on-going campaigns at national and local levels.²

In general terms we invite you to consider whether our findings strike you as plausible and helpful for understanding sexual consent. More specifically, we would invite you as a stakeholder at this event to consider implications for your own professional or personal perspective. Thus:

¹ All three are academic members of staff at the School of Law, University of Southampton. David Gurnham has published widely on the subject of sexual consent and rape myths. For full details of these and of the research and teaching profiles of the research team, see <https://www.southampton.ac.uk/law/about/staff/dg3r11.page?>, <https://www.southampton.ac.uk/law/about/staff/ha1y12.page?>, and <https://www.southampton.ac.uk/law/about/staff/mjt4.page?>

² For example, the combined campaign initiated in 2015 by the Crown Prosecution Service and Metropolitan Police, including the Director of Public Prosecutions Alison Saunders's use of the 'Tea/Consent' animated film (see <https://www.theguardian.com/commentisfree/2015/sep/23/sexual-consent-rape-prosecution-myth-consentis>); also Hampshire police's 'Don't Cross the Line' campaign (see <http://archive.hampshire.police.uk/internet/advice-and-information/abuse-against-the-person/rape-and-sexual-assault.html>).

- 1) For the young people who participated in one of the focus groups last year: are the findings consistent with your own perspective and life experiences? And for charities and young people’s service providers: do the findings cohere with what you hear from the young people you have contact with and that you help?
- 2) For professional services and organisations (police, prosecuting and defence lawyers, charities and young people’s service providers): do your policies and practices for tackling sexual offending and supporting victims adequately recognise young people’s nuanced understandings of consent, and do they strike the right balance between the need to encourage safe, consensual sexual activity and a concern for offending?
- 3) For going forward in terms of future research and knowledge exchange: would there be value in seeking to explore other factors such as age, class, etc. as other potentially greater determinants of perceptions regarding consent? How might we most beneficially capitalise on this opportunity for better understanding sexual consent?

THE RESEARCH

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Seven single-sex focus groups of 6th form Hampshire school pupils

Four single-sex focus groups of students at a southern university

All eleven focus groups comprised a discussion of up to one hour, and were populated with between three and six young people between 16 and 21 years.³ The groups were asked to respond to three ‘vignettes’ involving *sexually coercive* – and arguably also non-consensual – behaviour. We produced two versions of these vignettes.⁴ The two versions were identical except that the gender of the *dominant* and *passive* parties are manipulated, giving us three vignettes in which the female character is dominant and the male passive (F1, 2 and 3 hereafter) and three vignettes in which the *male* is in the dominant role and a female passive (M1, 2 and 3). Each focus group was shown *either* to F1, 2 and 3 *or* M1, 2 or 3.

Vignette F1 - Steve is 16 and ran away from home at 14; he says he had ‘no choice’ he just ‘could not stay there anymore’. He has been living on the streets for almost two years, but does not feel safe and knows it is not how a 16 year old should live. He met Chelsea, who was 23, and she offered him a place to stay on her sofa. Steve asks about the ‘catch’ but she assures him there is none. He goes back to her flat, drinks and smokes with her to the point where he is ‘absolutely out of my head’. He tells Chelsea he is ‘knackered’ and wants to go to sleep, although Chelsea says he should sleep in her bed, Steve insists that the sofa is fine. Chelsea then says he should show how grateful he is and give her oral sex. Tired and wanting to be left alone, Steve gives her oral sex.

³ The university cohort also contained a small number of mature students. Our method for forming and populating the groups was based on methodology described by Gunby, C., Carline, A. and Beynon, C. (2013) ‘Regretting it After? Focus Group Perspectives on Alcohol Consumption, Nonconsensual Sex and False Allegations of Rape’, *Social and Legal Studies*, 22(1): 87-106. It was approved by the University of Southampton ethics committee (ERGO ref 23781).

⁴ Vignettes are based on those used by Coy, M., Kelly, L., Elvines, F., Garner, M. and Kanyeredzi, A. (2013) ‘“Sex without consent, I suppose that is rape”: how young people in England understand sexual consent’, *Office of the Children’s Commissioner*.

Vignette M1 - Chelsea is 16 and ran away from home at 14 ... She met Steve, who was 23, and he offered her a place to stay on his sofa. [*etc...*]

Narrow view of consent: A minority of both F1 and M1 respondents to the Steve/Chelsea scenario actually found consent negated by the fact that the passive party's purpose in agreeing to sex was only to secure a bed from the night and escape from the cold. Hence in response to F1 we heard, for example, that "a conditional consent, to me, was not a consent", and in response to M1, similarly, "She was giving him oral sex for a different purpose. So, yeah, not consensual."

The possibility of choice: F1 respondents focused on Steve having made a 'choice' or a 'transaction' notwithstanding his 'vulnerability', his drinking with Chelsea, his non-communication of a refusal, possibility of Chelsea's "show gratitude" being mere "dirty talk". M1 respondents similarly spoke of Chelsea having had "two choices", several voices agreeing to the effect that she chose sex because "she just didn't think it was so much of a big deal", and that after two years on the street, her agreement to sex represents her just doing "what she think is best".

Differences between the F and M responses about the degree of seriousness rather than legality: *Only Steve's* behaviour was described in the most serious terms, of 'predation' or 'premeditation'; more participants described Chelsea's equivalent behaviour in less serious terms.

Vignette F2 - Carl, 14, has been 'hanging out' with Kate recently and really 'fancied her'. She invited him to her house one night; he wore a shirt that made his 'body look good'. They chatted, just the two of them, but Kate was 'acting weird' and received lots of messages on her phone. Gabby and Sharon, two of Kate's friends, turned up and 'annoyed' Carl by 'going on' about how good his abs and chest looked'. Carl 'plays up' to them. He went to the kitchen to text his friend, but is followed by the girls. Sharon snatched Carl's mobile phone and although he tried to get it back, Kate told him he could only have it if he kissed them. Carl did this as he wanted his phone back; Kate said to him 'Come on Carl, show some effort'. They all go to the living room, where things go 'too far, just too much' while Kate told all of them to 'do stuff'. The three girls took in turns to have sex with Carl and filmed it all.

Vignette M2 - Kate, 14, has been 'hanging out' with Carl recently ... she wore skinny jeans and a stripy top that made her 'boobs look good'. ...

Duty to resist: "he gave his consent because he didn't fight against it" (F2); "she might not have known, like, how to get out of it in a mature manner" (M2); in both versions of the vignette, the passive party was criticized for not resisting.

Scepticism about female coercion of a male: he is "playing along"; his snatched phone only an "excuse" (M). We observed this in both M and F groups.

Consent may be found in indirect, non-verbal cues: "he was fine and in the beginning when it said he plays up to them, it's showing he was – he's technically telling them that he's in to them in a way [then after the phone is snatched] he's just, "Okay fine, I don't mind" (F2); "she hasn't expressly shown her discontent with the situation. So from the view of the guys in that scenario, they think that she's consenting to it." (M2).

Awareness that ‘provocative’ dress is not consent: “wanting attention for wearing a nice shirt doesn’t equate to sex with three different girls at the age fourteen” (F2); “Wearing a top that makes her boobs look good isn’t giving consent” (M2). Responses to references in the vignette to ‘sexy’ dressing were uniformly rejected as consent cues.

Vignette F3 – Amir is 13 years old and likes Sabrina, a girl in the year above him at school. They have been flirting recently and they have exchanged a couple of photos. He thought she liked him too, so went to her house. Once there, Sabrina showed him a pornographic video on her mobile phone, which Amir thought was ‘kind of nasty, but a bit funny’. He had never seen anything like that before. Afterwards they started kissing and Sabrina put her hands on Amir’s legs, which he liked, but when she started to put her hand into his trousers he was unsure. Sabrina asked if Amir went down on girls – he says no and they both laughed. She told Amir she really liked him and that she thought he liked her too. When they kissed again Sabrina told Amir he made her ‘wet’ and that there was somewhere else she wanted him to kiss. As he did not want her to think he was frigid, Amir agreed, at which point Sabrina showed him her vagina. He kissed her vagina and Sabrina held his head there with her hands and thighs. He ‘didn’t know what to do’ as he had ‘never done anything like that before’, but she instructed him on exactly what to do. When he was finished Sabrina asked Amir if he liked it, and he said yes, but just wanted to ‘go home’.

Vignette M3 – Sabrina is 13 years old and likes Amir, a boy in the year above her at school. ... Amir put his hand up Sabrina’s top, which she liked, but when he started to put his hand into her underwear she was unsure. [etc...]

Gender not significant for judging the intentions and knowledge of the dominant party: “She just thought they both felt the same and so she was trying to just not help him but like kind of take the next step with him.” (F3); “guys ... say stuff that they want you to do but that doesn’t necessarily mean that you actually have to, or that they mean it that way, ... he might have, would have been okay if she said no.” (M3). Uniform acceptance that the dominant party may have had reason to believe in the passive party’s consent.

Ambiguous cues interpreted as consent more readily in case of female passive: this was an exception to the general pattern that gender did not affect perceptions of consent. Amir in the F groups was thought to lack “that worldly knowledge that that’s what this is probably going to lead in to.” (F3); Of Sabrina in the M groups by contrast, it was observed that “she liked the beginning and the previous pictures and the flirting’ was mentioned by a number of respondents, implying that this ‘does suggest she likes him’. (M3).