

Chapter 4—No Means No, or Does It? Cultural Confusion Over Consent

“The notion of actively seeking consent is largely alien to young people, and compounded by information from adults that focuses on the importance of ‘giving’ rather than ‘getting’ consent.”
*Maddy Coy et al*¹

The topic of consent made regular headlines in 2014, particularly on university campuses in the United States, Canada, and the UK, when female victims of rape went public about the underwhelming administrative and police response to the crimes committed against them. In one case from Oxford University, a female student going by the pseudonym of Maria Marcello talked about being raped in her dorm room by a man she had just met while passed out drunk. She had DNA evidence linking the man to the crime but was told by police to drop the charges because it would be her word against his and, therefore, too hard to prove.²

The crime committed against Marcello falls under the category of acquaintance rape, a close kin of date rape. But rape is not the only type of violation to occur on university campuses or in other places young men and women meet. The *Guardian* article that described Marcello’s case detailed other instances when lines were crossed: women being groped, having hands put up their skirts, being touched in a sexual manner in a crowded bar, and being photographed while sleeping by male students who later posted pictures online. While the females affected by these crimes were horrified, the men who committed the offences had very different reactions: some laughed and others blithely dismissed the women’s protests and concerns.

The common element in all of these cases is a lack of consent. Whether out of wilful disregard for these women’s bodies or genuine ignorance about when consent is needed, it is clear that none of the men sought or received consent for their actions. As the examples above show, consent is not just relevant in intimate encounters. It also applies to unwanted touching, leering, catcalling, or any situation where boundaries are not respected and people are made to feel uncomfortable or unsafe. Nor is consent strictly a male-versus-female issue; boys and men must also deal with unwanted advances.

Because it is rarely modelled in our culture or discussed at school or in the home, consent is a murky proposition for young people. Yet it is critical that they understand consent, especially as they approach their teenage years and become sexually curious and, in many cases, sexually active.

¹ Coy, Maddy et al. ‘*Sex without consent, I suppose that is rape*’: How young people in England understand sexual consent. London: Office of the Children’s Commissioner, 2013.

² Williams, Sally. “Campus nightmare: female students on the rise of sexual harassment” *The Guardian* October 11, 2014

<http://www.theguardian.com/education/2014/oct/11/campus-nightmare-female-students-rise-sexual-harassment> Accessed October 13, 2014.

Gender Codes and the Communication of Consent

Despite the importance of sexual consent, there has been very little research into young people's understanding of it. Psychologist Terry Humphreys is one of the few researchers who have studied the subject. Working primarily with university-aged men and women, he found that most students understood the “ingredients that ideally make up a consensual sexual encounter” but found the “practical application” of these ideas considerably more complicated.³ In other words, what happens in the heat of the moment trumps all rational thinking about consent.

Humphreys' findings were echoed in a 2013 study of youth aged 13-20 by Maddy Coy and colleagues at London Metropolitan University. The Coy study went one step further, pinpointing the reasons consent gets lost in the haze of sexual desire: “...young people's understandings of consent in the abstract are relatively clear, but when applied to real situations, gendered codes of behaviour and victim blame change how they make sense of sexual negotiation.”

These gendered codes can be seen in the lessons taught by the heterosexual script: boys have uncontrollable sexual urges and must seek to satisfy them; girls cannot be overtly sexual and are responsible for setting limits on sexual relationships. This script, the stereotypes within it, and the social implications that emerge from it can affect the sexual decision-making of both boys and girls.

For boys, sexual experience brings status or, according to the Coy study, “man points.” Each sexual conquest means “points” that translate to higher standing in a peer group and definitive proof of a boy's masculinity. In the context of consent, boys who want to maintain their status may push harder for sex or disregard a girl's requests to stop.

Young women, conditioned to believe they should be “good girls,” face considerable conflict in sexual relationships. On the one hand, a girl may fear being called a “slut” or “whore” for going too far even if it is what she wants. On the other hand, if she tries to stop a boy after he gets started, she will be blamed for leading him on and labelled a “tease.” The pressures of these labels weigh on a girl at the very moment she must decide whether to go for broke or put on the brakes in a sexual encounter and can affect her choice.

The question in all sexual encounters, for both boys and girls, is this: are they genuinely consenting if they base their decisions on what is expected of them rather than what they really want? They are not being forced by their partner but may feel forced by the social norms that govern sexual relationships. There is potential social fallout in all directions: boys who do not succeed with a girl or choose to be patient will be considered less manly; girls who go too far will be demeaned; and girls who fulfill their role as sexual gatekeeper will be blamed for

³ Humphreys, Terry. “Understanding Sexual Consent: An Empirical Investigation of the Normative Script for Young Heterosexual Adults” in *Making Sense of Sexual Consent* Mark Cowling, Paul Reynolds, eds., Surrey, UK: Ashgate, 2004, p. 223.

tempting a boy then leaving him cold. These kinds of pressures are important for parents and educators to understand so they can, in Coy's words, help kids make better sense of sexual negotiation.

The Coy study also talks about the way teens frame consent and the inherent problems with prevailing definitions of the term. Young people consider consent something to be given rather than gotten, with agreement to have sex "read in terms of absence of resistance." In short, kids don't ask for a yes; they wait until they are told no.⁴

And how do young people, in the midst of a very intense moment, communicate consent? The short answer is that they do not, at least not verbally. As Humphreys found, women state a preference for explicit consent but engage in passive, non-verbal assent to sex—not resisting or saying no, letting things progress to intercourse, responding to a man's advances—or "no response signals" which include saying nothing, doing nothing, and believing their consent was obvious. Humphreys found that as intercourse became a real possibility verbal consent was more likely to be given, but 65% of the students he surveyed found the verbal "ask" for consent very awkward.⁵

For the teens in Coy's study, non-verbal cues were also assumed to indicate consent: reciprocation of kissing and taking off clothes meant a definite "yes" even though it was not expressed clearly.

Some boys use non-verbal cues of their own. Professor of Health Promotion Kristen Jozkowski talks about the "borderline pressure" some boys and men apply as a means of seeking consent: taking a girl to a private place, closing the door, continuing with the activity until she stops him.⁶ The onus, then, is on her to say "no," not on him to ask for a "yes," proof again that consent is something given, not gotten.

The problem with any kind of non-verbal cue is that it can be misinterpreted. Sex role stereotypes play a part in this lack of understanding. Teens often interpret signals through what they think is appropriate for each gender.⁷ Mild reluctance on the part of a girl may be seen as "token resistance," or her playing the part of "good girl." As a result, a boy may ignore her protests if he believes she is just being coy. On the other hand, a girl who has let things progress might succumb to a boy's "borderline pressure," believing that he cannot control himself and she is responsible for letting things get out of hand.

⁴ Coy et al.

⁵ Jozkowski, Kristen N. et al. "Consenting to Sexual Activity: The Development and Psychometric Assessment of Dual Measures of Consent" *Archives of Sexual Behaviour* 43, no. 3 (2014), p. 438.

⁶ Humphreys, Terry and Ed Herold. "Sexual Consent in Heterosexual Relationships: Development of a New Measure" *Sex Roles* 57, no. 3 (2007), p. 313.

⁷ Coy et al, p. 11.

Non-verbal cues are especially suspect when certain situational pressures⁸ intrude and prevent a person from acting in accordance to his or her true desires. Among adolescents and young adults, the primary intervening factors are alcohol and drugs. Both substances can loosen inhibitions and cause people to consent when under the influence or, in a worst-case scenario, lose the capacity to say no.

Unfortunately, as we saw in the previous chapter, media does its share in telling kids that drunken sex is fun. The use of alcohol is a common theme in reality shows. A scene from the MTV program *Are You the One* is typical of the reality genre. In this instance, a man and woman are interviewed about their tryst. They are questioned separately, and she indicates the hookup happened only because they were drunk.⁹ Programs like *The Real World* and *Below Deck* also trade on the idea that excessive alcohol consumption is fun, regardless of where it might lead.

Alcohol figures in stories in lad magazines as well, a trend noted by political scientist Nicole Krassas and colleagues, who found a recurring theme of “intoxication makes sexual conquest better” in these publications.¹⁰ I noticed and was troubled by the frequency of the latter theme in an article I read on the website of lad mag *FHM*, given the association between alcohol and date rape. Entitled “FHM’s best ever Ladies’ confessions: the top 100,” the article included 22 stories where women got drunk or drank heavily. There were no crimes committed or even implied, but the subtext in many stories was that women who drink heavily want sex badly and are always ready, willing and able, with an emphasis on the word “willing,” which is not always the case in the real world.¹¹

A Lack of Clarity on Consent

To avoid confusion and keep safe from unwanted sex, kids need strategies and clarity about consent. So, who’s providing that clarity? Again, the research is spotty, but neither parents nor schools have proven a reliable source of information on the topic of consent. Although many teens might prefer parents as a resource, the Coy study showed that most find it awkward to talk to Mom and Dad about sex and consent. As we saw in the previous chapter, most boys view school-based sex education as inadequate, especially on the topic of healthy relationships.¹² A

⁸ Humphreys and Herold, 2007, p. 314.

⁹ Donnelly, Matthew Scott. “Are You The One Aftermath: Jessica Says Her Hookup With Anthony Lasted 30 Seconds” *MTV* October 10, 2014
<http://www.mtv.com/news/1957535/are-you-the-one-anthony-jessica-pound-town/> Accessed October 21, 2014.

¹⁰ Krassas, Nicole et al. “‘Master Your Johnson’: Sexual Rhetoric in *Maxim* and *Stuff* Magazines” *Sexuality & Culture* 7, no. 3. (2003), p. 114.

¹¹ FHM. “FHM’s best ever Ladies’ confessions: the top 100” *FHM.com*
<http://www.fhm.com/girls/true-confessions> April, 2009. Accessed November 29, 2012. Although first published in 2009, this article was being promoted on the FHM website when I visited it in late 2012.

¹² Hampton, Mary R. et al. “Influence of Teens’ Perceptions of Parental Disapproval and Peer Behaviour on Their Initiation of Sexual Intercourse” *The Canadian Journal of Human Sexuality*, 14, no. 3-4 (2005): 114-115.

study of boys in Toronto by Planned Parenthood showed that healthy relationships topped the list of issues they want to learn more about¹³ but it is not something they often hear discussed at school. UK-based Coy and colleagues interviewed students an ocean away from Toronto, but found similar attitudes about sex ed: school does not talk about “anything that actually matters in real life situations.”

Like Ayala in the previous chapter, Coy asked teens where they learned how to behave in sexual relationships. The majority indicated that media plays a big part. Sources cited include:

- magazines with sex tips and “real life dilemmas;”
- TV programs, including soap operas featuring young people;
- the Internet, which is code for “pornography.”

Like others who have researched adolescent use of pornography, Coy found that most boys who watched X-rated films online admitted that they did so in part to learn about sex and, by extension, consent.¹⁴ And we all know how accurate pornography is about sexual relationships. Consent is non-existent in these films. Men can do just about anything they want without a peep of protest from a woman. Porn is an extreme environment, but its depictions of consent are not far off the mainstream. In pop music, television, film, and music videos consent is glossed over or ignored completely.

Consider the 2014 hit song *Blurred Lines*, widely condemned for promoting the idea that men can assume consent with no need to ask. The video only made matters worse. The sight of several naked young women cavorting around fully-clothed men singing “I know you want it” fairly screamed of male sexual entitlement.

Popular television program *Supernatural* has also shown questionable judgment on the topic of consent. A group of fans even started a petition on Change.org asking the show’s creators to stop creating scenes of sexual violence and “dubious consent.”¹⁵ Several episodes are cited in the petition, including one in which lead character Dean talks about killing a woman but tells another man he would have given him “an hour with her first.” No mention is made of what the woman might have wanted.¹⁶ An episode from season 9 included a scene where it was implied that a young soldier enjoying his first weekend pass into town could have his way with a woman if he plied her with alcohol: “So I set it all up. Jamie’s waiting at the bar and has a thing for men in uniform. So, just start buying shots, and you can thank me in the morning.”¹⁷

¹³ Giese, Rachel. “The Talk: A new sex ed for boys *The Walrus* April 2014, p. 29.

¹⁴ Coy et al. p. 43-44.

¹⁵ Gilroy, Kay. “Stop including sexual violence on ‘Supernatural’” *Change.org*
<http://www.change.org/p/the-cw-television-network-stop-including-sexual-violence-on-supernatural>
Accessed October 19, 2014

¹⁶ Warner Bros. Television. “Caged Heat” *Supernatural* December 3, 2010.

¹⁷ Warner Bros. Television. “Devil May Care” *Supernatural* October 15, 2013.

Speaking of dubious consent, in another season 9 episode, Dean preys on a woman knowing that she, as the chastity counsellor at a local church, has vowed not to engage in sex. He manipulates her by feigning an interest in celibacy, insists on walking her home, lights a candle when he arrives—all the better to seduce her—and ogles her while she prays. The entire scene is brimming over with implications about his entitlement to sex: she removes a baggy sweatshirt and spends the rest of the scene in a skin-tight, somewhat sheer tank top that shows a too-small bra; when she bends down to reach some books her tiny top rides up and shows more skin. She eventually and unambiguously consents to sex, but the entire setup smacks of “no means yes” messaging. It is clear she is struggling with her newfound commitment to celibacy yet he lies to her to get her alone, refuses to back down, and gets his way in the end.¹⁸ All in all, some pretty poor lessons for young viewers.

The issue of consent does not just affect female characters on *Supernatural*. In this series, possession by demons, angels, and reapers is the norm, so consent becomes rather confused for all characters. In a 2013 episode entitled *I'm No Angel*, a woman named April initiates sex with male character and former angel Castiel, who finds out later that she is not who he thought she was. Her body had been inhabited by a reaper sent to kill Castiel. In a statement fraught with sexual imagery, the reaper clarified that April “didn’t mind [him] entering her one bit.” It is unclear whether this statement is proof that she consented to being “entered” or if the act was carried out by force.

This episode was roundly criticized by fan bloggers for its overtones of non-consensual sex in which both Castiel and April were victims: he believed he was engaging in sex with a woman he was attracted to, while she had her body taken over and used for sex. As the Change.org petition and other fan bloggers noted, April could not consent to this use of her body and Castiel’s uninformed consent could not possibly be construed as real consent. The situation in this story is bizarre, what with the possessions of other bodies, but the concerns about consent are real. Castiel was not aware of what was really going on and despite the way it was presented, the kind of manipulation he endured is not a valid way of attaining consent.

Even cultural depictions of loving, gentle sex lack basic references to consent. In the vast majority of cases on television and in film, sex just happens with little or no discussion. In non-explicit fictional portrayals like those found in the soapy dramas favoured by teens, sex is an act of passion. Characters get caught up in the moment and things progress with little or no hesitation. Few characters take the time to ask permission.

Comedies can get in on the act too. Sitcom *The Mindy Project* covered the issue of consent with questionable results in a 2014 episode entitled *I Slipped*. The “I” was Mindy’s boyfriend Danny who “slipped” his penis into a place Mindy did not want it. Danny pretended it was an accident but then later admitted he made the move on purpose because “sometimes a guy just has to try something.” Mindy cheerily forgives him but doesn’t stop there. Desperate to please him and worried that he finds her boring, she invites him to do what he wants after sedating herself to numb the discomfort she feels for anal sex. Lessons are learned and the episode ends with Mindy

¹⁸ Warner Bros. Television. “Rock and a Hard Place” *Supernatural* November 26, 2013.

very politely asking Danny to “run it by her first” when he has the urge to do something “freaky.” Danny then suggests sex in a hospital bed—Mindy having been admitted after mixing her sedatives with scotch and passing out. When Mindy declines he jokes that “asking sucks.”¹⁹

What is the takeaway from this episode for any young man who happened to tune in with his family? A reinforcement of stereotyped sexual roles with a healthy degree of ambiguity about consent: the man is initially portrayed as the sexually adventurous one; the woman fears being too prudish; he tries something invasive without asking first; and she gives into his request despite not really wanting to. The fact the episode tackled consent is positive, but its end result is less so.

Unsurprisingly, the reality genre is particularly bad when it comes to depicting consent. As we saw earlier, many of these programs are based on promiscuity and hookups with consent rarely, if ever, mentioned. As I noted in the previous chapter, reality shows are the perfect forum for responsible talk about sex but such messaging seems to be anathema to producers.

A demonstration of consent would not have to be a scene stealer or mood killer. A simple “Are you okay with this” between kisses would go a long way. Yet such examples are few and far between in the media popular with teens. The end result? Not asking is seen as normal.

These examples prove the truth of a statement from Terry Humphreys, who wrote that media are saturated in sexual imagery but tell us “little about how to negotiate our daily sex lives with partners whose reactions actually matter to us.”²⁰ He concludes that young people need more “concrete examples of successful behavioral strategies for negotiating sexual consent,”²¹ especially since so many get cues from the popular culture that surrounds them.

Boys need these lessons not just so they can understand a girl’s attempts to say no, but also so they can feel free to say no themselves. Sexual stereotypes that position boys as sexually insatiable and tie masculinity to sexual experience can exert pressure on boys to perform even when they may not want to. As journalist Rachel Giese noted in *The Walrus* article cited in the previous chapter, boys are repeatedly told in sexual education classes that “no means no,” but they are rarely asked if they would like to say no themselves.²²

Changing Attitudes

In North America, governments are making an effort to talk about consent, especially as it pertains to men and boys. US Vice-President Joe Biden has been involved in the creation of public service announcements (PSAs) involving several high-profile celebrities. The first, called *I is 2 Many*, featured male actors like Daniel Craig, Benicio del Toro, and Steve Carell along

¹⁹ Universal Television. “I Slipped” *The Mindy Project*. October 7, 2014.

²⁰ Humphreys, 2004, p. 209.

²¹ Humphreys and Herold, 2007, p. 313.

²² Giese, p. 29.

with President Barack Obama, and emphasized the need for clear consent. The second, called *It's On Us*, included male and female actors in a more wide-ranging message about being proactive in preventing sexual assault and not blaming the victim.^{23,24}

Specific states have gone even further, challenging the prevailing notion that the absence of resistance in a sexual situation means consent. In response to high numbers of sexual assaults on college campuses, the state of California adopted requirements for colleges that receive state money to follow when investigating such crimes. Dubbed “yes means yes,” the law defines consent as “an affirmative, conscious and voluntary agreement to engage in sexual activity” and clearly states that lack of resistance and silence do not constitute consent. It also states that someone who is drunk, drugged, or unconscious cannot grant consent.²⁵ The influence of the law is spreading. Shortly after its passage in California, New York governor Andrew Cuomo ordered a similar approach for all campuses of the State University of New York, with plans to expand the law to all colleges and universities.²⁶ The laws have their critics but have certainly drawn attention to the need for clear consent in sexual relationships. Still, there are people for whom the concept of consent remains unclear, including younger teens.

Coy’s research found that teens aged 13-14 are less likely to recognize non-consent than older boys and girls. Will they be influenced by news stories about “yes means yes” policies on college campuses in the US? Not necessarily. Other points of confusion also with consent also emerge among adolescents. For example, if a couple is in a relationship where intercourse has occurred before, is consent necessary each time they have sex? Is it necessary to ask for consent at each step of a sexual encounter, from kissing to sexual touching and all the way to actual intercourse?

These are the kinds of questions younger teens have, yet, as we have seen, few receive answers from parents, school, or media. There are also issues with the single-gender focus of most sexual consent initiatives. Girls can also take things too far so it important to communicate to teens that people of both sexes must seek consent before engaging in sexual behaviour.

For some children, the situation may slowly be changing. Schools in some jurisdictions in Canada are seeking to provide younger students with much-needed information about consent. In 2015, the province of Ontario began implementation of a new sexual education curriculum that would introduce the general concept of consent in grade 2. The intent at that age would be to

²³ White House. *I is 2 Many*. YouTube <https://www.youtube.com/watch?v=xLdElcv5qqc> Accessed October 13, 2014.

²⁴ It’s On Us. *It’s On Us*. <https://www.youtube.com/watch?v=wNMZo31LziM#t=11> Accessed October 13, 2014.

²⁵ Associated Press. “California adopts ‘yes means yes’ law aiming to curb campus sexual assaults.” *Globe and Mail*. September 29, 2014. <http://www.theglobeandmail.com/news/world/california-adopts-yes-means-yes-law-aiming-to-curb-campus-sex-assaults/article20823487/> Accessed October 13, 2014.

²⁶ Kaminer, Ariel. “Cuomo Orders SUNY to Overhaul Its Sexual Assault Rules” *New York Times* <http://www.nytimes.com/2014/10/03/nyregion/cuomo-orders-suny-to-overhaul-its-sexual-assault-rules.html> Accessed October 13, 2014.

teach lessons about respecting boundaries and listening to the word “no.” Age-appropriate lessons in consent would continue throughout elementary school.²⁷ The changes in Ontario motivated school boards in other provinces to push for the inclusion of consent in their own curricula, including Alberta and British Columbia.^{28,29}

As these Canadian educators realize, the earlier discussions about consent start, the better. Without clear lessons on consent from a young age, boys are left to figure things out for themselves. In a media environment lacking positive examples of consent, the end result is blurred lines that can be all too easily crossed.

²⁷ Leslie, Keith. “Ontario’s new sex ed curriculum will teach consent in grade 2” *Global News*. February 23, 2015. <http://globalnews.ca/news/1844927/ontario-revises-sex-education-curriculum/> Accessed December 8, 2015.

²⁸ Snowdon, Wallis. “Alberta school boards want consent added to sex-education curriculum” *CBC News*. November 18, 2015. <http://www.cbc.ca/news/canada/edmonton/alberta-school-boards-want-consent-added-to-sex-education-curriculum-1.3324110> Accessed December 8, 2015.

²⁹ B.C. Almanac. “B.C. sex-ed curriculum should follow Ontario’s lead: expert” *CBC News*. March 3, 2015. <http://www.cbc.ca/news/canada/british-columbia/b-c-sex-ed-curriculum-should-follow-ontario-s-lead-expert-1.2979102> Accessed December 8, 2015.