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SEX,  
POWER  
AND  
CONSENT



ANASTASIA POWELL

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# Sex, Power and Consent

## Youth culture and the unwritten rules

*Sex, Power and Consent: Youth culture and the unwritten rules* draws on the real world stories and experiences of young women and young men – as told in their own words – regarding love, sex, relationships and negotiating consent. Judicious reference to feminist and sociological theory underpins explicit connections between young people's lived experience and current international debates. Issues surrounding youth sex within popular culture, sexuality education and sexual violence prevention are thoroughly explored.

In a clear, incisive and eminently readable manner, Anastasia Powell develops a compelling framework for understanding the 'unwritten rules' and the gendered power relations in which sexual negotiations take place. Ultimately *Sex, Power and Consent* provides practical strategies for young people, and those working with them, toward the prevention of sexual violence.

**Anastasia Powell** is Lecturer in Sociology in the School of Social Sciences at La Trobe University.



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# 1

## Introduction

### Rewriting the rules?

CONTEMPORARY WESTERN CULTURE has been described as the ‘age of raunch’, ‘generation sex’ and generation SLUT (Sexually Liberated Urban Teens).<sup>1</sup> These are the times of an unprecedented sexualised, sex-crazed and sex-everywhere culture, following the so-called liberation of the 1960s and 1970s. The rules for negotiating a sexual relationship have changed and are still changing. Today’s young people – meaning those born in and after 1982, collectively referred to as ‘Generation Y (Gen-Y)’ or ‘Millennials’<sup>2</sup> – are negotiating their early love and sexual relationships in an increasingly fluid and uncertain environment. The apparent mellowing of traditional values towards sex, marriage and the family mean that Gen-Y is redefining these new rules. But just what is it about these rules that is changing? In what ways have they changed already? In what ways are they still the same?

Certainly, young people today are first engaging in sexual intercourse at an earlier age than their parents or grandparents did. The nature of their love/sex relationships is also changing. With most people marrying later, young people are more likely nowadays to have many sexual partners before settling down.<sup>3</sup> The sexual double standard, the concern with sexual reputation that once precluded women from engaging in sex for pleasure and outside of a long-term committed relationship, may have shifted and may even no longer exist.<sup>4</sup> We have been described as living in a post-feminist age, a time of girl power where ‘young women are saying, “We have a right to sexual pleasure,” and they’re going out and getting it.’<sup>5</sup>

Despite this apparent sexual freedom, however, rates of sexual assault continue to be of concern. For instance, Victoria Police data show that women represent 92 per cent of victims of sexual assault, while

99 per cent of offenders are male, consistent with figures across Australia and internationally.<sup>6</sup> How can we speak of ‘liberated’ and ‘empowered’ Gen-Y women when, according to Australian figures, as many as 10 per cent of women aged 18 to 24 will have experienced sexual violence in the last 12 months and young women aged 16 to 20 and 21 to 25 are the most likely to experience sexual assault?<sup>7</sup> The lived experience of young women brings these figures into sharper focus. As ‘Grace’, a 21-year-old woman living in metropolitan Melbourne, reveals:

I started seeing this guy and he knew I hadn’t had sex before and I wanted to wait and I wanted to, you know I wanted it to be special and everything blah, blah, blah. And in the end, I can only just remember before and then remember seeing him on top of me and then after it was over, I panicked . . .

Grace’s experience of forced sex from her boyfriend further demonstrates a common feature of sexual violence: that it is most often perpetrated at the hands of a known man rather than at the hands of a stranger. Perhaps as tragic as the experience itself, is that Grace holds herself at least partly responsible for it, another common feature of women’s experience of sexual violence:

. . . like it obviously was kind of partially consensual, I don’t know whether you’d classify it as rape or anything, but it was an experience I’d never want anyone else to go through, it was very traumatic. But, I don’t know how I should have dealt with it differently. I think I should have maybe not put so much trust in him.

Sexual assault data for younger teenage women are difficult to come by, but in one national survey, as many as 14 per cent of young women aged 12 to 20 reported that a boyfriend had tried to physically force them to have sex, and 6 per cent reported that they had been forced to have sex.<sup>8</sup> However, statistics on the prevalence of physically coerced sex are not representative of the self-reported 21 to 30 per cent of young women who have experienced unwanted or pressured sexual intercourse; figures range from 40 to 77 per cent of teenagers and young adults who report having experienced unwanted sexual activity.<sup>9</sup>

Yet what are we doing to help prevent experiences like Grace’s? What are we doing to truly empower young women and to place the responsibility for sexual violence where it belongs? Thirty years of law reform, programs and education to try to prevent sexual violence have not been enough

to truly change the experiences of young women. Tighter laws, teaching young women refusal skills and running campaigns that ‘no means no’, have not changed the old rules of negotiating sex and consent. It is time to seriously re-think our approach to reducing sexual violence. We need to engage both young women and young men in challenging a culture that continues to allow sexual violence to occur.

This book provides a window into the changing world of young people’s love/sex relationships. Through the perceptions and stories of 117 teens and young adults of diverse backgrounds and sexualities, the unwritten rules for negotiating sex and consent are explored (see [Appendix 1](#)). A central concern is the extent to which these rules might still represent unequal and potentially harmful understandings of gender and consent. Young people’s experiences of equal and ethical negotiation in their love/sex relationships are also explored. By talking to young people in Victoria, Australia, about how they negotiate their sexual encounters, this book sheds light on the complexity of sexual consent and on the varying capacities of young people to actively engage in consensual sexual practice. It considers several key questions. What meanings do love/sex relationships hold for Gen-Y? How do young people negotiate sexual encounters and why might they do so in these ways? How can we account for the persistence of pressured and unwanted sex in young women’s experiences? What are we doing to try to prevent young women’s experiences of pressured and unwanted sex and, crucially, what more needs to be done?

## **THEORETICAL PERSPECTIVES AND CONCEPTUAL FRAMEWORK**

To answer these key questions, this book engages with current theoretical debates, emerging international research and the lived realities of Gen-Y Australians aged 14 to 24 years. By bridging these different perspectives, I develop a unique and challenging approach to both our understandings of youth sexuality and the prevention of sexual violence. Tackling these issues presents numerous challenges: understanding young people’s experiences of unwanted sex and negotiations of sexual consent; seeking to understand the contemporary influences on these negotiations; and at the same time resisting particular problematisations of youth as a fixed category and of sex as something inherently risky and dangerous. Recognising this complexity, this book is as much about acknowledging young people’s varied experiences and voices as it is about sexual violence prevention – the two

are absolutely connected and young people's voices should always inform policy and program work. Thus a key theme that emerges is the need to take seriously the views and experiences of young people themselves in the development of policy and programs that affect them. In doing so, it has been my intention throughout this book to bring both sociological theory and qualitative empirical research to bear on policy and practice for those *in* policy and practice.

At the same time, this book articulates some critical social and theoretical analyses regarding sex, gender, violence and prevention. The theoretical perspectives with which we seek to understand these issues have important implications for what we do in practice. In this book, drawing significantly on the sociological theory of Pierre Bourdieu and engaging with postmodern feminist and gender theorists, I develop a theoretical framework for understanding gendered power relations and the negotiation of consent. This framework seeks to take account of both the persistent social structures and rules governing these negotiations and young people's capacity to rewrite the rules and negotiate consensual and ethical sex. In turn, this framework informs the empirical work undertaken and the models of sexual violence prevention that have been considered.

## WHY YOUNG PEOPLE?

In the earliest stages of developing the research on which this book is based, I decided to focus on young people, whom I defined as aged 14 to 24. This decision is not intended to dismiss the fact that sexual violence affects individuals across the lifespan. Indeed, recent Australian survey research indicates that women aged 25 to 69 also report experiencing sexual violence, and there is much evidence to suggest that pressured and unwanted sex, particularly in intimate relationships, remain significant issues for adult women, despite being rarely acknowledged.<sup>10</sup> Nonetheless, women aged 18 to 24 are repeatedly reflected in various data sources, including police reports and national surveys, as the most common victims of sexual violence.<sup>11</sup> As a young woman myself, while undertaking this research, I also felt compelled to focus on the experiences of young people. Yet more than this, I and many people I spoke to had also observed that media and public debate frequently focused on young people and sex, often within an overwhelmingly negative risk-based framing of the issues. Debates appear to focus on young people only as problems to be managed, and often name young women's sexual behaviour in particular as risky



or dangerous<sup>12</sup> without acknowledging the broader gendered context in which young people's sexuality is lived and experienced. With so much discussion circulating about young people and sex, I became concerned to make sure that young people's own views and experiences were somehow entered into these debates.

## WHY PREVENTION?

The overarching concern of this book is with the *prevention* of sexual violence. This is not in any way to downplay the continued need for support and services to assist victim/survivors of sexual violence, or the importance of police and justice responses to perpetrators. There can be no doubt that these sectors play a pivotal role in dealing with sexual violence. Yet we also know from national research that many victims of sexual violence never report their experience to police or other formal response services. Indeed, 85 per cent of women who experience sexual violence do not report it to police.<sup>13</sup> Moreover, as this book discusses, there is much sexual pressure and unwanted sex that, while not necessarily fitting within the legal frame of sexual assault, nonetheless requires societal action.

Notably, in the last five years, there has also been a significant focus within Australian Government and policy debates on the role of prevention to address violence against women, including sexual violence. This focus is reflected at Federal level in the work of the National Council to Reduce Violence against Women and their Children, and at State level in the various departmental policies guiding both responses to and prevention of violence against women. For example, the Victorian Government launched a state plan to prevent violence against women in November 2009.<sup>14</sup> The plan builds on a public health model for primary violence prevention, i.e. before it occurs, supported by the work of the Victorian Health Promotion Foundation (VicHealth) on a framework for preventing violence against women. The Victorian State Plan to Prevent Violence against Women is the first of its kind in Australia and indeed one of the few examples of concentrated government policy and leadership for the primary prevention of violence against women in the world. This local context and the significance of this work internationally, places the prevention of sexual violence firmly on the policy agenda. Now, more than ever, there is a need for conceptual and empirical work that brings together the issues of sex, power and consent with frameworks for violence prevention.

## NOTE ON TERMINOLOGY

The language used to describe sexual violence, and those who experience it, can carry with it particular meanings that are important both symbolically in the field and in legal terminology. Throughout this book, experiences of pressured and coerced sex are discussed under the umbrella term ‘sexual violence’, alongside criminally defined offences of sexual assault. I deliberately use the term sexual violence broadly so as to acknowledge the full range of experiences (see [Chapter 2](#)), and to remain consistent with the approach adopted by the sexual assault service sector. For instance, Centres Against Sexual Assault (CASAs) in Victoria refer to sexual violence as: ‘any behaviour of a sexual nature that makes someone feel uncomfortable, frightened, intimidated or threatened’.<sup>15</sup>

This book is also primarily concerned with the prevention of sexual violence against women because 92 per cent of the victims of sexual violence are women. I do not intend to ignore or silence men’s experiences of broad forms of sexual violence. There is a growing acknowledgement and service response to male victims of sexual violence, as evidenced by the funding of specialist counsellors in many sexual assault services specifically for male victims. At the same time, men’s experiences of sexual violence differ from women’s in some important respects, which reflect the particular gendered pattern of this form of violence. For example, where men are victims of sexual violence, it is also often the case that the perpetrator too is male.<sup>16</sup> Thus prevention of sexual violence against women requires separate analysis and strategies from prevention of sexual violence against men.

Consistent with the scope of this book, the term ‘victim’ has been used throughout to refer to women who experience sexual violence. I acknowledge that there are significant ongoing debates over the use of this term, with some women – including many in the sexual assault service sector – preferring to use the word ‘survivor’ or the dual term ‘victim-survivor’. In legal proceedings, a victim of sexual violence is typically referred to as the ‘complainant’ or ‘alleged victim’. While each of these terms could be equally valid I have, for consistency, used the term victim. Likewise, for the purposes of this book I have also used the word ‘perpetrator’ to refer to those who engage in sexual violence against women (or ‘alleged offender/perpetrator’ when referring to a specific criminal case). I use these terms in this way because together they more accurately reflect the gendered nature of sexual violence and the seriousness of the harms that women experience, most commonly, at the hands of men. It is also the language adopted throughout much Australian public policy and

as such provides a level of consistency with the terminology referred to in that field.

‘Prevention’ too, is a term that can vary in meaning across disciplines and professional fields. For simplicity, I use ‘prevention’ throughout this book to refer broadly to the primary prevention of sexual violence, that is, to strategies that target the underlying causes of violence before it occurs.<sup>17</sup> Primary prevention as a category is typically used to distinguish this kind of work from both secondary prevention, which targets ‘at risk’ populations, and tertiary prevention, which responds to past victims or perpetrators of violence to prevent future occurrences. I use ‘secondary’ and ‘tertiary’ prevention only to refer to these specific elements. However, as noted by the Victorian Health Promotion Foundation (VicHealth) and others, it is not always possible to draw clear boundaries around these three levels of prevention.<sup>18</sup>

## STRUCTURE OF THE BOOK

In [Chapter 2](#) (Generation Y: Problematic representations of youth and sex), I consider the popularised ‘problem’ of youth sex, and the extent to which pressured and unwanted sex remains a feature of Gen-Y’s sexual encounters. I suggest that the ways in which Western society understands and responds to youth sex generally has clear implications for the ways in which we understand and respond to pressured and unwanted sex. This is followed by a discussion of young people’s own views and experiences regarding the various unwritten rules influencing their sexual encounters in [Chapter 3](#) (Sex: The ‘new’ rules of engagement).

Beyond approaches to youth sexuality in particular, there are a number of social and cultural understandings of sex, love and consent that guide love and sexual relationships. In [Chapter 4](#) (Power: Framing sexual violence in young people’s everyday encounters) I employ contemporary social and feminist theories to account for the rules of sexual engagement, and to begin to consider the structural and cultural explanations for pressured and unwanted sex in young people’s love/sex encounters.

In [Chapter 5](#) (Consent: Negotiating consensual sex) I explore young people’s views and experiences of responding to pressured and unwanted sex and negotiating sexual consent. Drawing on Grace’s story, as well as the varied experiences of both young women and young men, the gaps between young people’s experience of negotiating consent and current legal models of consent are also explored. [Chapter 6](#) (Technology: Unauthorised sexual images and sexual violence) further explores legal issues in relation

to the emerging use of information and communication technologies to distribute images of sexual violence and other unauthorised sexual images among youth.

Then, in **Chapters 7 and 8** (Education: Sex, power and consent in schools and Prevention: Policy, programs and practical strategies), the implications of the previous discussions are considered for how we approach both sex education in schools and sexual violence prevention with young people more broadly. By engaging both with young people's experiences, and with informed critiques of sexuality education and violence prevention, I examine the promises and limitations of current education-based initiatives to prevent sexual violence amongst youth.

Finally, in the **Chapter 9** (Conclusion: Rewriting the rules and preventing sexual violence), the closing thoughts and implications of the main research findings are summarised. I suggest that there is a continuing need to frame responses to youth sexuality and the prevention of sexual violence in a way that engages young men and women as active agents in their sexual choice-making and capable of reflection upon these choices. In the absence of this framing, the sexual choices of Gen-Y women, and indeed Gen-Y men, will remain forced choices – or at the very least, pressured. As the title of this chapter suggests, there is a need to continue to re-write the gendered rules governing the negotiation of sex and consent if we are ever truly to prevent sexual violence.

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# 2

## Generation Y

### Problematic representations of youth and sex

TURN TO PRINT and television media or public debate and the message is consistent: youth are a problem in need of a solution. According to the media, public officials and many parents, youth crime is up and teenage sex and oral sex have reached epidemic proportions at the same time that school results, homework and university ambition have gone down.<sup>1</sup> Yet, 'hardly anybody has confronted them with the plain fact that *all of those statements are false*'.<sup>2</sup> What has not changed is the tendency of adult generations to become anxious about perceived problem shifts in youth values and behaviours.<sup>3</sup> This is perhaps especially true when it comes to youth sexuality. As University of London youth sexuality researcher Peter Aggleton and his colleagues exclaim: 'Put the words "youth" and "sex" together and you are sure to generate controversy'.<sup>4</sup> Yet if we take a closer look at youth sexuality we see that while some things have indeed changed, many things have changed much less than is commonly believed.

I begin by setting the scene of youth sexuality with a brief review of the changes experienced by Gen-Y in the Western context. There are a number of challenges faced by today's young people, brought about largely by the processes of modernity and in particular an advanced consumer-capitalist society, as well as gendered social change. I then consider the popularised 'problem' of youth sexuality, as well as the very real issue of sexual violence, with a particular focus on young women's experiences of pressured and unwanted sex. Finally, I review the implications of sexual pressure and coercion for young people's sexual health. In doing so, this chapter gives a broad background to the specific exploration in later chapters of pressured and unwanted sex in young people's love/sex relationships.

## GENERATION Y: YOUTH AT RISK?

What does it mean to be Gen-Y and how can we understand and explain the bad reputation of this generation amongst their elders? The concept of 'generation' is widely used in everyday language, typically referring to the differences between age groupings or birth cohorts of people, and to locate individuals in a particular historical context. Recently, much has been made in the media and public debate about the generation gap between the Baby Boomers and Gen-X on the one hand and Gen-Y on the other.

A number of popular books speak of the unique characteristics and particular problems of different generations. The work of US authors Neil Howe and William Strauss (*Generations* and *Millennials rising*) is well known on this topic. Howe and Strauss point out that Gen-Y members are more likely to be university educated, are on the whole more affluent, more technologically savvy, and more accepting of racial and sexual diversity than previous generations. They also suggest that Gen-Y has received an unfair 'bad rap' from adult generations who overstate the problems and pitfalls of today's youth and underestimate their potential as the 'next great generation'.

Attention to the significance of generations within the social sciences has been somewhat scant. Most sociologists tend to agree that the idea of youth is itself a modern phenomenon, one that is characteristic of advanced industrial societies with well-developed educational systems. For example, in his book *Centuries of childhood*, Phillip Aries argues that youth is a relatively modern concept. According to Aries it was only from the mid 17th century that young people started to be seen as both dependent on adults and as having special characteristics of their own.<sup>5</sup> Similarly, in psychology, the concept of adolescence only started to become current at the end of the 18th century.

The specific idea of adolescence, defined as a period 'between childhood and adulthood', was outlined by G Stanley Hall in his 1904 book, *Adolescence*, which provides the first 20th century discussion of the supposed relationship between adolescence and distinctive patterns of behaviour among young people. Hall described several 'problems of youth', including: unbridled sexuality; rejection of parents/teachers; lack of concentration; extremes of emotion including aggression; and unpredictability. Youth problem behaviour was seen to result from chemically based body changes in the transition from child to adulthood, with social conditions seen as aggravating this condition. Hall thus placed great emphasis upon

adolescence as being a time of emotional ‘storm and stress’, suggesting that the concept of adolescence relates to the psychological problems associated with the transition from childhood to adulthood in *modern* societies – problems that only arise in these types of society because small-scale, non-industrialised societies do not develop a transition period between childhood and adulthood.<sup>6</sup>

The concept of youth itself then, refers to more than a period of chronological age: it refers to the particular ways in which popular and expert knowledge about young people is itself socially constituted. The social construction of youth, and in particular ‘problem’ youth, is demonstrated by the ways in which children and young people are differently defined and understood across time and social location. While at some periods in Western culture – and indeed in other cultures – young people have been considered capable of making adult decisions and taking on adult responsibilities, in contemporary Western culture youth is understood as a phase of transition from childhood to adulthood. Consequently, youths may have the biological characteristics of adults but are still viewed as emotionally and intellectually not adults and are therefore also seen as being in need of particular guidance and protection.<sup>7</sup>

Despite the very concept of adolescence only coming into existence at the start of the 20th century,<sup>8</sup> it appears that for much of the time since, adults have been concerned about problem behaviours of youth<sup>9</sup> and in particular about the policing of youth sexuality. For example, in her book *Act your age! A cultural construction of adolescence*, Professor Nancy Lesko describes a number of key assumptions that influence how adults understand and respond to young people, in particular, their immaturity, their ‘raging hormones’ and their difficult transition to adulthood. Lesko critiques these assumptions, suggesting that they are socially constructed – the product of a particular place and time – and not necessarily in the best interests of society or young people themselves. Rather, Lesko seeks to reimagine adolescence: to see young people differently and involve young people as active participants in decisions affecting their lives. She calls on those working with young people to acknowledge their capacities for making reasoned choices and for engaging in mature, responsible actions.

## **THE CHALLENGES FACING GENERATION Y**

Analyses such as Nancy Lesko’s remind us that we should avoid essentialising young people, that is, viewing all young people as having an inherent set



of natural or inevitable characteristics. While it would be overly simplistic to ignore that there are various challenges facing today's young people – some of which may be quite unlike the challenges that have faced previous generations of youth – it may also be the case that some young people are well equipped to respond to these challenges, and that there are ways to enhance other young people's capacities to respond.

One of the key contemporary challenges facing today's youth is the increasing uncertainty that characterises modern life. Since the start of the 21st century, sociologists have been suggesting that with the decline of many traditional boundary setting social institutions (such as organised religion, the nuclear family and the life-long career trajectory) self-identity itself has become much more 'reflexive'<sup>10</sup> or 'liquid'.<sup>11</sup> This means that the guidelines – the social rules and structures – that we once looked to to tell us who we were and who we should be are no longer as influential. Today, all of us living in late modernity, young people included, are making up the rules and reinventing ourselves as we go along. Not only this, but sociologist Anthony Giddens argues that this reflexivity occurs with no higher moral reasoning to guide it. For young people today, there is little to guide them – the world is full of apparently endless choices.

Another key challenge facing Gen-Y is the so-called age of raunch, which has been force fed to today's young people more than to any previous generation, thanks to a culture of highly sexualised consumer capitalism. Young women are represented in the advertising media and throughout popular culture in particular sexualised ways. As Ariel Levy suggests in her book *Female chauvinist pigs*, it is as if feminism gave women the right to choose to be sexual, but not *what kind* of sexual – what appears in the public domain is a very narrow and unfulfilling view of women's (and men's) sexuality. In a world with apparently endless choice, young women and girls are simultaneously under pressure to conform to particular versions of so-called empowered female sexuality. And these notions of sexuality are reinforced, according to some authors, by marketing and advertising deliberately representing girls and young women as sexual objects for male consumption.<sup>12</sup>

Emerging information and communication technologies (ICTs) are a feature of contemporary young adulthood that pose potential challenges. For example, the focus of much recent public debate has been the revelations about young people 'sexting' (sending sexually explicit text and picture messages via their mobile phones). While there is as yet little Australian research into the exact nature and prevalence of sexting, some surveys have found that as many as 25 per cent of respondents have been asked to send a

nude picture of themselves, and as many as 51 per cent of teenage girls say they sent the sex message due to pressure from a boy.<sup>13</sup> Certainly reports from schools and parents suggest that sexting is an important emerging issue in the Australian context.<sup>14</sup> Two particular concerns are that teenage girls and young women may be experiencing pressure to send the sexually explicit images in the first instance, and that, where the initial image has been sent with consent, they are not prepared for widespread circulation of the image without their consent, which can often be the case. Emerging technologies have also been used in the perpetration of sexual assault itself. The challenges that the increasing use of ICTs present for young people's sexual encounters will be taken up further in subsequent chapters.

## THE PROBLEM OF YOUTH SEX

In many respects the times have indeed changed: young people today *are* often younger when they first experience sexual intercourse than were their parents or grandparents and, due to trends in delayed marriage and childbirth, young people are also likely to have had more sexual partners by the time they enter this stage of adult life. According to Victorian data, about one-third of Year 11 students have engaged in intercourse.<sup>15</sup> The average age of first intercourse for young people (born between 1981 and 1986) is 16 years, the legal age of sexual consent. Yet, while this is a decrease in age from 18 years at first intercourse for those now aged 50 to 59 years,<sup>16</sup> international research suggests that the steepest drop in age actually occurred during the 1950s and 60s and that the trend of increasing proportions of adolescents aged 15 to 19 engaging in sex had stabilised by the late 1980s.<sup>17</sup> About 5 per cent of today's young people report being same-sex attracted, with 2 per cent of most-recent sexual encounters being same-sex encounters.<sup>18</sup>

But do all of these changes really constitute a problem? Young people today are also more likely to have used a condom or other form of contraception at their first experience of heterosexual intercourse, with 90.2 per cent of men and 94.8 per cent of women who first had sex in the 2000s doing so, compared to just 17 per cent of men and 34.6 per cent of women in the 1950s.<sup>19</sup> Indeed, young men aged 16 to 19 are also most likely of any age group to have used a condom during their most-recent heterosexual encounter, with 80.3 per cent doing so, compared to just 42.8 per cent of men aged 20 to 29.<sup>20</sup> While these data reflect that young people more consistently use condoms than older people, this is also a reflection of broader patterns of condom use. For instance, condoms are

most likely to be used with a casual rather than a regular sexual partner, and when other forms of contraception such as the pill are not being used.<sup>21</sup> Thus young people's higher rates of condom use may also reflect that they are less likely to have settled down with a regular partner.

In line with these trends showing improved sexual health practices amongst youth, the rate of teenage pregnancies has continued to decline in developed countries.<sup>22</sup> Recent Australian data suggest a significant shift in the age of first-time mothers, with a significant increase in the number of women aged 35 years and over giving birth for the first time.<sup>23</sup> Australian data further suggest that 'the bulk of Australia's unplanned pregnancies are likely to be attributable to method failure rather than inconsistent use'.<sup>24</sup> Moreover, while contraceptive use amongst young women under 20 is slightly lower than for the general population, this difference has not been found to be statistically significant. In other words, while Gen-Y may have had early and regular exposure to sexual issues, 'This exposure has also helped make this generation more sexually aware and responsible',<sup>25</sup> as evidenced by increased contraceptive use and older ages at first pregnancy.

It is not all good news, however. While Australia's rate of teenage pregnancy is lower than New Zealand, the United States and the United Kingdom, it remains higher than many European countries,<sup>26</sup> such as The Netherlands, Switzerland and Sweden. There are also data to indicate that despite relatively high rates of condom use amongst youth, there remains a higher rate of some sexually transmissible infections, such as chlamydia, amongst 15 to 24-year-olds than among the general population,<sup>27</sup> reflecting that there is room for improvement.

The continued fear, even moral panic, among adults about youth sex and sexual practices can have significant implications for policies affecting young people, including those surrounding sexuality education. According to many researchers, this helps explain adult fears in relation to youth sexuality, such that young people remain understood within the 'sexually innocent' frame of childhood.<sup>28</sup> Yet contemporary Western taboos about young people and sex are not simply to be dismissed as over-zealous or irrational: they arise in particular social contexts. These taboos reflect broader concerns about the breakdown of the traditional family structure,<sup>29</sup> a structure that has long been viewed as integral to economic security. Youths engaging in sex reminds us that Western values towards marriage and the family have changed, and continue to change. According to some, young women's sexuality in particular also plays on fears – perpetuated in media and policy discourse though largely unfounded – of a growing 'underclass' of young single mothers dependent on state resources.<sup>30</sup>

Importantly, taboos regarding young people and sex also reflect our fears that children and adolescents may be easily exploited and victimised by adults.<sup>31</sup> In defending the concept that children and young people need protection from sexual exploitation, Western society has become invested in the idea that we cannot simultaneously allow them any sexual agency at all. Young people are seen as lacking the maturity to make good sexual decisions as well as being vulnerable to sexual corruption or victimisation.<sup>32</sup>

Paradoxically, ongoing emphasis in public debate on the ‘dangers’ of youth sex in terms of pregnancy and disease sometimes prevents rather than encourages adults talking to young people about sex. The appropriateness of delivering sexuality education to young people and the risk of inadvertently encouraging youth sex continues to be debated in the US, where vast amounts of funding are dedicated to education programs promoting youth abstinence until marriage.<sup>33</sup> In Australia, while abstinence programs have not featured prominently in schools to the extent that they have in the US, school sexuality education is inconsistently delivered by teachers not necessarily specifically trained or resourced for the task.<sup>34</sup> Furthermore, the aims and content of sexuality education remain subject to considerable disagreement in the context of often widely divergent views of parents, teachers, governments and cultural and religious communities. The views of young people themselves are rarely canvassed or considered in the sexuality education debate or in the formation of policy and curricula.<sup>35</sup> This reflects and reinforces their largely uncontested status as ‘not adults’ who are in need of guidance, rather than as potential sexual agents who have unique knowledge and insight into their own education needs.

## RESPONDING TO YOUTH SEX

Where policy makers and educators do intervene, responses to youth sex often have explicit and implicit moral undertones that reinforce particular understandings about men, women and sex. Even in allegedly sexually liberated Western societies, social institutions such as education, public health – and in many cases the family – continue to expect young men’s sexuality to be uncontrollable, and to focus most of their efforts on policing young *women’s* sexuality.<sup>36</sup> This is apparent both in the content of sexuality education and health promotion programs that continue to teach young women refusal skills and how to ‘say no’ and in the content of much youth sexuality research, which focuses on young women’s sexual decision making to the virtual exclusion of young men’s.<sup>37</sup>

The moral panic over young women's sexuality, in particular, is further evidenced by widespread public concerns that girls are physically maturing at an earlier age. Data suggest that the average age of puberty for girls is approximately 10 years, with the average for boys being slightly lower.<sup>38</sup> Compared with previous studies there has indeed been a shift of about one year, *for both sexes*. However, concern over 'early' sexual maturation appears to be confined to girls, with anecdotal evidence suggesting that some parents in the US are asking doctors for treatments to slow down the process for their daughters, but not their sons.<sup>39</sup>

As British researcher Deborah Tolman notes in her book *Dilemmas of desire*, in many ways it is not surprising that so much effort is focused on policing young women's sexuality. After all, it is young women who often bear the brunt of problematic youth sex in terms of poor health outcomes, including teenage pregnancy and sexual violence. However, policy makers and educators should remain vigilant about the potential negative impact on young women and their sexuality of a sole emphasis on risk and danger. Positioning youth sex as an object of anxiety and risk, rather than a normal feature of many relationships, undermines young people's potential to actively negotiate and make choices about this period in their lives.<sup>40</sup> It precludes a simultaneous expectation of responsible and safe sexual behaviour on the part of youth. Yet, what would happen if we *did* support young people's exploration of sexuality and their ability to deal with it? Data from European countries such as The Netherlands and Denmark suggest that open and progressive approaches to youth sex produce better (not worse) sexual health statistics, lower rates of teenage pregnancy and older (not younger) ages at first sex.<sup>41</sup> Highlighting the potential danger associated with positioning youth as by definition 'at risk' does not mean, however, that society should not intervene at all. Rather, the lesson is to be particularly vigilant about the assumptions underlying our interventions, and their possible impacts on those we are trying to help.

## **RAPE MYTHS AND THE CONTINUUM OF SEXUAL VIOLENCE**

Contemporary young people must negotiate a tension – when it comes to sexuality – between messages of sex as danger or risk and messages promoting young people's engagement in an exaggerated raunch culture. At the same time, the persistence of sexual violence remains cause for concern. As mentioned in [Chapter 1](#), in Australia 10 per cent of young women aged 18 to 24 report experiencing sexual violence in the last

12 months.<sup>42</sup> Young women continue to be the segment of society at highest risk of experiencing sexual violence, and this continues to be most likely at the hands of a known man, such as a boyfriend, friend or acquaintance, rather than at the hands of a stranger.<sup>43</sup> Furthermore, a recent study of reported sexual assaults in Victoria indicates that young women are most likely to be assaulted by a male of a similar age.<sup>44</sup> The term 'sexual violence' in contemporary discourse may include more than rape and sexual assault, however; it also sometimes includes the harassment, unwanted and pressured sex which continue to be a problem, and not just for the young. Negotiating sexual consent can be difficult for adults as well, both in long-term relationships and in more casual sexual relationships. Many women who are married or cohabit with a male partner, for instance, report experiencing unwanted and pressured sex.<sup>45</sup> The potential ambiguity of consent and sexual violence is perhaps best represented in feminist researcher Liz Kelly's influential work, in which she proposed that rather than discrete categories of violence and non-violence, women's experience exists along a continuum from 'choice to pressure to coercion to force'.<sup>46</sup>

Kelly's concept of a continuum of sexual violence makes clear the important points that a woman does not have to experience physical force in order to experience sexual violence and that subtle systemic forms of sexual harassment, pressure and coercion are part of the same behaviour as the most violent of physical assaults. This is despite much adherence in Western societies to a number of beliefs about what counts, and does not count, as sexual violence: commonly referred to as 'rape myths'. Feminist philosopher Lois Pineau and feminist criminologist Patricia Eastaer, among many others, have written about the operation of rape myths in minimising women's experiences and blaming women for sexual violence against them. Commonly cited beliefs include that: rape requires physical force; rape requires physical resistance by the victim; and the rapist is ordinarily a stranger.

Research has repeatedly shown that these beliefs about 'typical' or 'legitimate' rape are in fact not at all typical of most women's experiences of sexual violence. In fact, women most commonly experience sexual violence from a known man. While the courts are somewhat better at defining sexual violence when the victim has the requisite levels of physical injuries – usually those sustained from a severe bashing – we know that violent bashing is less common than other threats, coercion and targeting someone who is not in a position to give informed consent – while they are drunk, asleep or unconscious for example. Certainly such examples would usually mean that there is little physical resistance by the victim, but these

are not the only reasons why sexual violence might occur without physical force or resistance. The very situation that the perpetrator is usually a known man means that women are often quite literally taken by surprise by rape, experiencing shock and disbelief at what is occurring. Even if a victim does manage to gather the presence of mind to realise and respond to what is happening to them, many freeze, feeling too afraid or physically unable to resist, not least because it might invite more force against them. While society generally may readily understand sex that occurs in the context of a violent assault as rape, there is much less understanding of the subtleties and complexities of sexual violence. Yet these experiences are remarkably common.

According to an Australian survey of sexually active secondary school students of both sexes conducted in 2002, just over a quarter (25.9 per cent) reported that they had experienced 'unwanted' sex, with the most common reason cited by young women being that they experienced 'pressure' from a sexual partner, while young men most commonly reported that they were 'too drunk'.<sup>47</sup> Alarmingly, in a repeat survey in 2008, rates of unwanted sex were found to have increased significantly for young women since the 2002 survey, while young men's experiences of unwanted sex had decreased. In both surveys, 'pressure' from a partner was cited as the most common reason for young women's unwanted sexual experience.<sup>48</sup> Furthermore, international research has shown that fear of a partner getting angry or ending the relationship if sex is denied is a common reason cited for engaging in unwanted sex.<sup>49</sup> A number of studies over the last twenty years have explored what is sometimes referred to as the 'grey area' of the sexual violence continuum, and have similarly found that physical force and verbal threats are less common than experiences of direct and indirect pressures to participate in sex, with some studies finding up to 63 per cent of women in their samples have sex 'not because they wanted to, but because [they] felt it would be inappropriate to refuse'.<sup>50</sup> Other studies have explored what they refer to as 'sexual compliance' – where one partner actively chooses to consent to unwanted sex. While men too engage in compliant sexual behaviour, most often it is women who comply with men's sexual initiative.<sup>51</sup>

One of the concerns of this book is to explore the complex and often subtle ways in which young women, in particular, experience sex that is not wanted. For this reason I have encouraged the young people I've interviewed to talk broadly about pressured and unwanted sex, rather than focusing purely on sexual coercion by young men against young women. This is not to suggest that I do not perceive such direct coercion and

violence as a very real problem requiring continued attention. However, in my view these more subtle levels of social and cultural pressure can help to explain the grey area in the sexual violence continuum and are therefore worthy of further investigation. Moreover, there is now much research to suggest that women do not necessarily apply the terms 'sexual violence' or 'sexual assault' to their experience<sup>52</sup> and thus some women's self-defined experiences of 'pressured' or 'unwanted' sex may indeed cross over into the coercion or force end of the sexual violence continuum.

In relation to coercive and violent non-consensual sex, there exists a large body of research on the pathology of male sexually violent offenders.<sup>53</sup> However, the relatively few studies exploring the more prevalent experience of pressured and unwanted sex appear to be primarily concerned with young *women's* sexual decision making and their ability to say 'no', rather than simultaneously focusing on young men's negotiation of sexual encounters. Indeed, some researchers claim that young people's experiences of unwanted sex have little to do with sexual violence, but rather represent a period of trial-and-error during adolescence in which skills of sexual negotiation and refusal are developed.<sup>54</sup> Other researchers, however, argue that the pressures to engage in unwanted sex in everyday relationships are intrinsically related to the coercion or force end of the sexual violence continuum, and that intervention is needed to prevent sexual violence across all these levels.<sup>55</sup> It is this latter view that informs much of the approach I adopt in this book.

### **PRESSURED AND UNWANTED SEX: IMPLICATIONS FOR SEXUAL HEALTH AND AUTONOMY**

Experiences of sexual violence, whether in the form of physical force and coercion or pressured and unwanted sex, have direct implications for young women's sexuality and sexual health.<sup>56</sup> Women who experience unwanted sex report negative psychological and social outcomes regardless of whether they have personally labelled their experience as 'sexual assault' or 'abuse'.<sup>57</sup> In addition to poorer physical and mental health, adolescent women who experience unwanted sex are reported to be at increased risk of re-victimisation in adulthood and of experiencing other forms of abuse, including domestic violence.<sup>58</sup> Several recent studies also show that young women's experience of unwanted sex is associated with greater likelihood of being diagnosed with a sexually transmitted infection (STI) and with a pregnancy.<sup>59</sup>



While it can be argued that there is some degree of risk associated with all experiences of sex, what is not commonly acknowledged is that these risks are not evenly distributed. Gen-Y may be more educated and affluent in general, but they also grew up in an era when the gap between rich and poor was increasing in most Western societies.<sup>60</sup> This gap in economic resources is associated with disparities in opportunities for exercising sexual autonomy and promoting sexual health. For instance, some studies have shown that young women who are unemployed, from low-income families or who perform poorly in school are more likely to experience sexual violence.<sup>61</sup> According to recent New Zealand research, while young women from varying class backgrounds may experience a teenage pregnancy, those who are socially and educationally advantaged are more likely to choose and have access to an abortion, enabling them to continue their education.<sup>62</sup>

Living in a rural or regional area can also create distinct barriers for young people's sexual health and decision making. For instance, the scarcity of sexual health services and reduced confidentiality in regional towns can limit young people's access to information as well as to condoms and other contraception.<sup>63</sup> Such lack of access can be compounded for same-sex-attracted-youth (SSAY) for whom confidentiality may be particularly important, or who may be denied services due to their sexuality.<sup>64</sup> Victims of sexual violence in rural areas also lack access to counselling and support. Some research suggests that rates of sexual violence may be higher in rural areas, though the statistical data are contradictory.<sup>65</sup> For instance, in Victoria, according to police data on reported sexual assault, two rural regions had the same rate of reported rape offences as the metropolitan area, though two other rural regions had higher rates of non-rape sexual offences.<sup>66</sup> These data do not, however, account for other variations between rural and urban regions, such as possible differences in reporting of sexual offences.<sup>67</sup>

Furthermore, non-reporting of sexual assault to police is itself a significant problem, with the Australian Bureau of Statistics *Women's safety survey* estimating a reporting rate of just 15 per cent. Data on the extent of sexual violence experienced by Aboriginal and Torres Strait Islander women are particularly affected by under-reporting, though available data suggest an increased risk of sexual violence for Indigenous women compared to non-Indigenous women.<sup>68</sup> In addition, many Indigenous women experience multiple barriers of social disadvantage, including poverty, unemployment, poor health and lack of access to health and other services.<sup>69</sup> Indigenous women who experience sexual violence also face unique barriers to accessing justice through courts, including discrimination from the

judiciary and juries and language barriers.<sup>70</sup> Women from some culturally and linguistically diverse communities (CALD) may also face similar barriers to reporting sexual violence and accessing sexual health services, though whether there is an increased risk of sexual violence is unclear.<sup>71</sup> A lack of culturally specific sexual health and support services continues to be an issue for women from both Indigenous and CALD communities.

While young women are at particular risk of sexual assault and experiences of unwanted sex, it is important to remember that it is not just age and gender that affect these experiences. Sexual violence and its implications for sexual health and autonomy can also have varying effects according to class, rurality, sexuality and race. Furthermore, interactions between these factors may compound the barriers experienced.

However, the concept of sexual health is not just about the *avoidance* of disease and non-consensual sexual experiences – it is increasingly considered to encompass development of a positive sexual identity and ability to experience sexual pleasure.<sup>72</sup> Indeed, youth sexuality researcher Impett and colleagues describe sexual health with respect to adolescence as:

the ability to acknowledge one's own sexual feelings, the freedom and comfort to explore wanted sexual behaviour and refuse unwanted behaviour, and the requisite knowledge and ability to protect oneself from sexually transmitted infections (STIs) and unwanted pregnancy.<sup>73</sup>

An overwhelming tendency to perceive youth sex as a danger in and of itself, and to dwell on the associated risks, may cause us to forget that it is appropriate and necessary for young people to develop a healthy, positive sexual identity and approach to sexual pleasure. Indeed, some researchers suggest that acknowledging young people's sexuality and their development as sexual agents is an important step in supporting their capacity to negotiate safer and consensual sex.<sup>74</sup> This is particularly relevant to young women, whose sexuality appears to be more commonly associated with problems rather than potential pleasure. The problematisation of youth sex as inherently risky constrains both the ways it is understood and what is and is not done about it. A focus purely on risk can preclude the development of more positive frameworks within which safe and consensual sexual practices and the formation of positive and confident approaches to negotiating sexual encounters by youth can be encouraged.

Throughout this book, in agreement with many other sexuality researchers, I take the position that to prevent sexual violence across the continuum of women's experiences we must simultaneously be concerned

with promoting mutuality, reciprocity and ethical negotiation of sexual encounters.<sup>75</sup> This positioning is crucial because of the often subtle and complex ways in which sex can be pressured and how thoroughly this is connected to sexual violence.

## CONCLUDING COMMENTS

The popularised ‘problem’ of youth sexuality might cause us to forget that creating a healthy, positive sexual identity is a valuable developmental task for young people. While it can be argued that there is some degree of risk associated with all experiences of sex, research into the sexual behaviours of Gen-Y suggests that for the most part they are enjoying safer and healthier sex than is commonly believed. However, it is also evident that pressured and unwanted sex remains a feature of many Gen-Y women’s sexual encounters. Moreover, the experience of sexual violence, anywhere along the violence continuum, can have significant implications for young women’s sexual health, and in particular for already marginalised youth.

Yet sex can hardly be said to take place in a social and cultural vacuum.<sup>76</sup> Particularly when we consider young women’s experiences across the sexual violence continuum, it becomes apparent that the social and cultural context in which sex occurs is enormously important and has very real effects. The immediate context and the rules surrounding not only sex but also love, relationships, pleasure and safe-sex practices are all relevant to the negotiation of mutual, reciprocal and consensual sex. Before considering sexual violence in more detail, the next chapter explores these various rules of sexual engagement.

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# 3

## Sex

### The 'new' rules of engagement

WHEN WE CONSIDER young women's experiences across the continuum of sexual violence from choice to pressure to coercion to force, it becomes apparent that the social and cultural context in which sex occurs is enormously important and has very real effects. This chapter explores the immediate context and the rules surrounding not only sex but also love, relationships, pleasure and safe-sex practices, since these are all relevant to the negotiation of mutual, reciprocal and consensual sex. This chapter discusses the day-to-day meanings of young people's sexual relationships and the more general pressures affecting them. How do young people understand their love/sex relationships? How do they understand pressures or the unwritten rules of love/sex relationships? To what extent are these pressures evident in their descriptions and experiences of love/sex relationships? Finally, this chapter explores, and begins to account for, the ways young people experience and make sense of their love/sex relationships. By beginning to understand these meanings and where they come from, we can then consider their more particular influence on experiences of pressured and unwanted sex and their implications for the negotiation of consent.

### **LOVE, SEX AND THE UNWRITTEN RULES**

The young women and men I have spoken to while undertaking this research all distinguished between different types of love/sex relationships. This is consistent with similar international research.<sup>1</sup> These were mostly grouped into 'casual' or primarily sexually-based encounters, and the more 'committed', 'serious' or love-based relationships, as these high-school-age young women explain.

There's purely sexual ones, and then purely love ones.

Yeah, that are like more about feelings, whereas sex is just like "I want to jump on you".

Sometimes, yeah. Not making love.

Yeah, there's a difference between sex and making love.

– Group interview, females, aged 15–18 years

Young people named and identified 'casual' or 'sex only' encounters, consistently using a whole range of terms, such as: hook-up, fling, fuck-buddy, friends with benefits, and seeing someone.

Seeing someone, I think, is different from "a relationship". It's less formal, or more casual, or something.

Nothing firm is like cemented yet, whereas you say "relationship" that's sort of like more serious.

Yeah: "you're not really my boyfriend, you're just someone I'm seeing" [group laughs].

– Group interview, females, aged 18–20 years

However, many of the young people participating were involved in what they termed 'committed' and 'longer-term' relationships. The average length of their current or most recent relationship was 16 to 18 months, and several of the 18-year-old women were in a relationship of just over two years duration, meaning that they were with a person whom they had started seeing at 15 or 16 years of age. Likewise, many of the young men in the research were in what they termed 'serious' relationships. Far from the popularised media and popular culture picture of youth sexuality as rampant, uncontrollable and ultimately sexually driven, many young people took their love/sex relationship very seriously.

Unlike research in the US, which frequently refers to young people's dating relationships, 'dating' as a word held little meaning for Victorian urban and rural youth. To them, it sounded American or outdated. When referring to their committed relationships, that is, relationships that, while often sexual, were defined as love- and friendship-based, young people used words like: going-out, being exclusive, boyfriend, girlfriend and couples. Young people were also able to reflect on the seriousness of youth relationships, that while they might look back and think, 'it wasn't *that* serious a relationship', at the time it can feel very important. A consistent perception

was that adults did not understand or appreciate the seriousness of love/sex relationships to youth.

They're not going to take you seriously, like if you feel like you've got a broken heart, and like you tell your parents and they're like, "get over it", you know what I mean.

Yeah.

"It wasn't that serious".

Whereas to you it is, at the time at least.

*Do you think that happens a lot: that older people don't take young people's relationships seriously?*

Yep, definitely.

– Group interview, females, aged 18–20 years

Importantly, this perception that their relationships are not taken seriously by adults such as parents, means that young people are often unlikely to go to their parents for support, advice or information. Young people participating in this research consistently said that they were more likely to confide in peers or an older sibling to seek advice or information about sex and relationships.

Maybe, like, older brothers and sisters, since you're in your own house a lot more often with them. You're with them for, whereas you may be with your friends for the day but during the night and with the weekend you're usually with your family so they usually tell you about their relationships or how they're doing at school and stuff like that. You can get close to them because you can at least trust them because a sense of trust.

– Group interview, males, aged 14–15 years

When you're having some trouble with your relationship, you wouldn't go to your parents, you go to your friends, your close friends.

Yeah, definitely your friends, like say you're experiencing something or they are, so you sort of take away stuff from that.

– Group interview, females, aged 18–20 years

Well friends mostly, and that's where you get advice about the relationship. Like, your parents, they may've lived in a different generation and a different sort of world, whereas your friends they're actually in this generational world so they may have . . .

Yeah, you may feel that your parents don't understand so you'd tell your friends something that you may not tell your parents.

– Group interview, males, aged 14–15 years

International research has similarly found that most young people would turn to their friends first for support if they were experiencing problems or looking for advice about their relationships.<sup>2</sup>

When talking about their ideal relationship young people described similar qualities as being important, including trust, respect, communication, honesty and humour. Some groups also mentioned the need to maintain a balance in the relationship, although some gendered differences in what that meant were apparent. In the following excerpt, young men talk about the qualities of an ideal relationship.

I guess it depends person to person too, like a strong woman and a weakling guy [group laughs] you just need to find a balance [group laughs].

Yeah, if you're a firm kind of bloke and you get a firm girl there's going to be more conflict.

Yeah, I'd definitely agree with that.

Two people need to complement each other, but they don't have to be the same to go well together.

For me, like most of the people – girls – that I have had a successful relationship with have been not very dominant. They've normally been much more passive than me, so I reckon, yeah, there's definitely got to be some sort of balance.

– Group interview, males, aged 18–22 years

While the young men here are using the language of balance, which tends to imply equality in the relationship, what they really appear to be talking about is an expectation that there is usually a dominant and a passive person in a relationship for it to work, and in their discussion here, the dominant person is the male. By contrast, when young women referred to wanting 'balance' in their relationships, they explicitly refer to the need to not have one person dominating over the other.

It has to work both ways.

Yeah, you can't have one person like dominating, there's got to be kind of a balance like, you don't want someone to be taking over your life.

– Group interview, females, aged 17–18 years

I don't want to feel like a child in the relationship, I've obviously read a Cosmo magazine, you know "which is your relationship?" you know, "father-daughter or brother-sister" type thing and ours came out kind of brother-sister because you know, we feel like we're both equal weighting like our opinions and stuff.

– Individual interview, Sally, rural, aged 20 years

Both young men and young women acknowledged that sexual pleasure was the defining feature of a purely sexual relationship. When talking about their love relationships, many young women again talked about the importance of sexual pleasure, as exemplified by these excerpts.

If you're in a good relationship, you also have a good sex life, and you know if you haven't had sex for a while or something it's kind of like, "What's going wrong with the relationship? Do we not love each other that much anymore?" I think it has to be some part of it because it's kind of in a way what distinguishes it from a friendship or, you know, just a really loving relationship that's not sexual.

– Individual interview, Charlotte, urban, aged 22 years

I think it has its place, I mean you can't really be totally satisfied with a relationship if you're not satisfied with what's happening in the bedroom.

– Individual interview, Sally, rural, aged 20 years

I think if you have a strong relationship, it's gonna be strong regardless of sex, but I think good sex can help strengthen it even more. It's sort of like showing your connection between two people, and, you know, making each other feel good is just you know, the way to show your love for somebody else and in return. I think for me that it is a key thing, and if we didn't have good sex, I think that that would detract a bit from our relationship.

– Individual interview, Jessica, urban, aged 19 years

Clearly, the importance of sexual pleasure depends on the type of relationship. Perhaps with the emerging rules of women's active sexuality, sexual pleasure is more acceptable both to expect from a relationship and to talk about. The willingness of these young women to talk about their sexual pleasure and the importance of it suggests that some gendered rules about sex may be shifting. However, as is also evident from the excerpts above, young women's sexuality may not quite represent the 'going out and getting it' that is sometimes depicted as representing today's young woman. Indeed, the pleasure these young women attribute to sex is still very much related to the meaning it holds for the relationship as a whole: sex, or specifically 'good sex', is a signifier for the emotional connection

in the relationship. Jessica speaks about sexual pleasure as though it is an added bonus, ‘strengthening’ a good relationship, but not essential to it. Similarly, both Chloe and Sun reproduce gendered understandings of female sexuality as concerned with emotional intimacy rather than bodily pleasures.

I think it is really important because if you don’t have a good sex life, if it’s god-damn awful, then it’s no good, but I think it is an emotional thing as well. I think for me in relationships I can’t separate the emotions from the sex and if I don’t like the person it’s not going to be good sex and if I do and even if they’re not as experienced as others it’s still going to be good, so I think that that’s an indicator of how your relationship is as well and how comfortable you are with the person.

– Individual interview, Chloe, urban, aged 19 years

It depends from couple to couple. For us I don’t think it’s, well it is important but it’s not essential. I think for some reason girls are more sort of emotionally related to sex and well I had an image of “guys just want sex because they want physical pleasure” but apparently those guys are not, they still want, sort of, they don’t want just sex, they want sex with a certain person because they feel comfortable and they like her.

– Individual interview, Sun, rural, aged 18 years

The views and experiences of these young women concur with much research into young women’s sexuality and the continued missing discourse of ‘desire’ or ‘erotics’.<sup>3</sup> It is interesting to consider, however, whether the extent to which these young women talk about sexual pleasure in emotional terms, primarily represents their experience, or the ‘acceptable terms’ with which women *can* speak about their sexual pleasure. In our conversations, when I asked ‘How important is sexual pleasure to your relationship?’, young women did not hesitate in their first responses that sexual pleasure is important to them. It is in the *qualifications* of this response that they explain that it is the emotional intimacy that is important and that because of this sex can be good regardless of whether it is pleasurable. Whether or not this is always how young women experience sexual pleasure, their interpretations and talk about their experience of sexual pleasure in their love relationships reproduce unwritten rules that continue to emphasise an emotional rather than physical sexuality for women. This may be partly attributable to the continued missing discourse of (bodily) desire for young women, despite contemporary representations of a highly sexual female body in popular culture.

Young people I spoke with were very much able to articulate the kinds of things they did not want in their relationships as well. While some of these things may have been drawn from their perceptions of others, they were also drawn from personal experiences. Repeatedly, both young women and young men referred to the problems caused when people become totally immersed in their relationship and lose their connection with friends.

I think sometimes losing close friends, when you're sort of starting your relationship, or when it gets serious, can be problematic. When you're used to spending a lot of time with your close friends and then you've got an extra person who you want to be with, and they're demanding of your time as well, and it gets hard to juggle all these really intimate relationships. Yeah, and you're friends will be like, "You're not spending time with us anymore".

– Group interview, females, aged 18–20 years

You need to think about what your friends feel as well because, like, you know, at one stage it's going to break down, it's not always going to work, and you'll need somebody to fall back to after that. So if you're constantly relying on this one person, once they're gone, you'll have no other friends and you'll be stranded with nowhere to go.

– Group interview, males, aged 14–15 years

Many young women identified various types of jealous or possessive behaviours that they had experienced from ex-boyfriends or that they had witnessed in their friends' boyfriends. Consistently, young women referred to these behaviours as problematic in their relationships.

When they get jealous and paranoid – they're like, "What were you doing tonight?" it's really bad.

– Group interview, females, aged 15–18 years

Controlling you, like, "You should wear all these clothes," or "You shouldn't wear a short skirt".

– Group interview, females, aged 18–22 years

One discussion group with young men also raised the potential problem of jealousy.

If you've got a girlfriend at a different school it's like you don't have to worry about, you know, like what she does and all that but if she's at school you might be more stressed out, like if you get stressed out by her talking to other guys and that sort of thing.

– Group interview, males, aged 14–15 years

Interestingly, young men did not raise any concerns about young women or girlfriends engaging in jealous or possessive behaviours. While they did note that it was ‘annoying’ when a girlfriend wanted them to spend time together rather than go out with their mates, this type of ‘controlling’ appears markedly different from the types of controlling behaviours cited above that young women reported experiencing from their partners. Much research has indeed linked men’s jealous, possessive and controlling behaviour with the perpetration of relationship violence,<sup>4</sup> and it is concerning that this was a feature of relationships experienced by many young women that I spoke with.

A small number of young people had also experienced relationships with a partner who they felt was misusing alcohol or other drugs, and suggested that they would seek to avoid those types of relationships in the future.

## GENDER AND THE RULES

Among the young people I spoke with, there was a general view that gender rules – the differing expectations upon men and women – had changed in some ways and were continuing to change. Young men commented on the old rule that men paid for dinners and movies as not really applying now that women earn the ‘same money’ in the ‘same jobs’. Note that this perception of equality may be an overestimation, given economic and labour force data that show women are still earning less than men and more often working in casual and part-time capacities. Young women spoke of shifts in the expectations upon men to always be the strong and unemotional one in relationships, though many felt that this was still expected to some degree, as the comments below indicate.

The guy’s always going to be the one, not exactly the one in charge, but sort of like, he’s the strong one in the relationship. She’s like, you know, she’s expected to be more like emotional that kind of thing, whereas he’s like, you know, all masculine and never shows emotion and not supposed to cry and all that . . .

– Individual interview, Sophie, rural, aged 18 years

They’re still expected to, like, look after us and protect us and stuff. I think mainly if I was going to date a guy I’d expect him to be able to protect me in that kind of way, like if we’re going somewhere at night or something I’d want to *feel safe* with him rather than, you know, each of us just going as friends, like if I went with two girls or something, I wouldn’t expect them to *protect* me or anything [emphasis added].

– Individual interview, Sally, rural, aged 20 years



Sally's reported feeling of safety when she is with her boyfriend as opposed to her female friends, appears to be consistent with social norms positioning women as somewhat dependent on men, and reproduces the myth that women are at greater danger from strangers rather than known men. The continued importance of the safety factor in young women's relationships with men is further supported by Jessica in the excerpt below.

I still think a lot of women out there do feel like, see a man as being like the strong sort of knight in shining armour, who will protect them and look after them. And I mean, I guess that sort of expectation is there sometimes, like I mean, I guess even to me, I like the fact that [her boyfriend] is like 6 foot tall and he's strong and everything you need . . . but you know men are becoming a lot more sort of open with their emotions, I think there's more acceptance on that side, like men are always going to be really strong but men have feelings too and you know I definitely think that there's a lot more sort of equality in that sense.

– Individual interview, Jessica, urban, aged 19 years

The persistence of other old rules about men and women in love relationships were also evident. One young woman talked about her experience of slipping into a traditional female role in her relationship:

I found myself doing his laundry and I was doing it and then I was, like, "Why am I doing this?" and then I actually got quite antsy over it, I'm like, "You should be doing your own laundry!" And he didn't think it was a big deal, 'cause a lot of the girlfriends of his mates back home [in country Victoria] do their boyfriend's laundry and other stuff you know. And part of me felt proud that I was doing it. It was kind of like; you're taking care of them and that kind of thing, and to a part of me that felt good. But to another part, I'm like: "No". So I think the expectation that it is the women's role of taking care of them all the time and doing that kind of job for them, it's still like, when you get married or if it's a serious relationship, that's what you're expected to do.

– Individual interview, Sally, rural, aged 20 years

Sally's experience is typical of much research evidence that suggests that women still perform the majority of unpaid household labour.<sup>5</sup> Yet it remains interesting to see the conflict over this work persisting in young women's experiences of committed relationships. Clearly, Sally was able to recognise the slip and to convince herself not to take on the traditional gender role. Nonetheless, this experience is revealing in terms of habitual

gender roles coming into play in everyday lived experience, which in this case actively promotes women's investment in traditional roles of femininity. The presence of an alternative unwritten rule is also apparent, however, in the way Sally talks about a part of her feeling proud, while another part of her says 'no'.

Young people talked in some detail about the expectations and unwritten rules for young women and young men in love/sex relationships. Here, young women's talk about pressures in their relationships appears to come from how they perceive and experience their role in love/sex relationships.

You're constantly pleasing the other person, or, aiming to please the other person.

Yeah, 'cause like when you're in love and everything, you're supposed to see the other person's happiness before your own, I mean, whatever it is.

– Group interview, females, aged 18–22 years

These perceptions, expressed by university young women in discussion groups, contrast with the qualities of an ideal relationship described earlier. The young women had been quite confident in describing balance and equality as features of their ideal relationship, yet these ideals appear to differ from many young women's day-to-day experiences. The women quoted above are not alone in struggling to attain their ideal relationship – defined by equality, communication, negotiation and trust – against discourses of emphasised femininity<sup>6</sup> and romantic love, which suggest that women should compromise, submit and seek to achieve their own happiness through ensuring his. Furthermore, these are not expectations or rules that young women feel boyfriends are necessarily responsible for, or even aware of.

You've got to be the "good girlfriend".

Yeah, exactly.

Maybe they don't put the pressure on you to be the good girlfriend, maybe that's just something that you do, because you think that's what you should do.

– Group interview, females, aged 18–20 years

It might not be that they're pressuring you, it might just be like you love them so much that you just want to do anything for them and make them happy.

And you feel like they won't love you if you don't do the things that they want.

Maybe they don't even consciously pick up on that, but because you're so worried about pleasing them, like, it is a form of pressure.

– Group interview, females, aged 18–22 years

Young women describe here a pressure either from within themselves or from elsewhere, which tells them what they *should* do in a relationship. Allen<sup>7</sup> describes dominant discourses as serving to 'legitimate existing power relations and structures by defining what is "normal"', and here young women's talk appears to draw on romantic love discourses: reproducing 'love' in relationships for women as acquiescence. The power of these discourses over young women is further highlighted in one young woman's comment:

Yeah, like if you don't succeed in this relationship, then it's like you're not a worthwhile person . . .

– Group interview, females, aged 18–20 years

In this way, women's power to assert their own needs and desires in relationships appears constrained by dominant discourses that position them as selfless, and situate their value as women as dependent on their ability to maintain relationships. The impact of these pressures, or unwritten rules, varies according to the type of relationship. As these young women comment in a focus group discussion:

If it's pressure just from the boyfriend, then if you don't really like love him to bits so much then you're, like, "Okay its over, why are you pressuring me".

Yeah.

– Group interview, females, aged 15–18 years

Thus it is when a relationship moves into the 'serious' category that young women appear to feel more pressured to fit into what they perceive as the expected role of the good girlfriend. As the quote above says, it may be relatively easy to resist pressures and end a relationship if you do not 'love him to bits', but when love is involved young women find this kind of assertive negotiation much more difficult. Young men, too, felt pressure to behave according to certain expectations in their relationships, and though

they spoke less explicitly than did young women, it was a pressure they similarly felt was somehow self-imposed.

There's pressure to conform to the way the other person in the relationship expects you to behave.

Yeah, I think there's also the pressure that you put on yourself, because you feel you should be behaving a certain way.

– Group interview, males, aged 18–22 years

These feelings suggest that young people are active participants in their self-regulation: they put pressure on themselves and judge themselves according to a socially defined standard of behaviour in relationships. That young men and women were able to reflect on this process of self-regulation in the context of the research interview suggests that they are capable of some degree of reflexivity. However, the context of the research interview specifically calls on participants to construct a narrative about their experiences and is thus particularly conducive to reflection; they may not exercise a similar degree of reflexivity routinely in their everyday interactions.

Younger high-school-age girls routinely spoke about the expectation, or rule, that they must always maintain themselves and their appearance. Both sexes acknowledged that it was expected that young women do this more than young men. The pressure to look good was also spoken about as a status among peers – and as much as young women place peer pressure on each other to look good, it was clear from their discussions that this was also very closely related to their ability to attract and retain a boyfriend.

You've sort of got to look good all the time . . . guys can go and actually rock up at a party – and my friends get pretty dressed up – but guys just go in jeans and T-shirt and girls spend hours and like the guys say “You look so hot” and it's like serious. If I rocked up, like went out, and I was wearing jeans and T-shirt and I felt like my friends wouldn't care, but other people would be like, “Look at that guy with the farmer chick”.

– Group discussion, females, aged 15–18 years

Indeed, their appearance seemed to reflect their boyfriend's status within the broader peer group. In this way ‘acceptable’ displays of femininity may contribute to both young women's and young men's symbolic capital, that is, their prestige within the peer group.

Same-sex attracted youth (SSAY) noted the way that ‘relationships’ are normally assumed to mean *heterosexual* relationships: that heterosexuality

was expected and normalised, while same-sex relationships were just not in the rules. According to these young people, this was particularly evident in television and film.

Like, the media and TV shows all just have straight couples.

– Group discussion, males and females, aged 18–24 years

The ways in which heterosexuality is normalised can have severe implications for same-sex attracted young people, as these SSAY from regional Victoria relate:

Yeah, I've been thumped a few times because of my sexuality, but I'm used to it, it just doesn't bother me any more. I mean, in Melbourne, they're very accepting down there about the whole gay thing – people are just going to accept you. But [home town] is a lot different . . .

– Individual interview, Lily, rural, aged 20 years

A lot of people got gay bashed when I was in high school . . .

– Group interview, males and females, aged 18–24 years

Further implications of these heteronormative rules for experiences of coercion and for sexuality education will be discussed in the following chapters.

More gender differences in the unwritten rules of love/sex relationships emerged when young people spoke specifically about sex. Far from no longer existing<sup>8</sup> the sexual double standard remains an influential feature of the meanings of young people's relationships, and this was consistently demonstrated throughout the discussion groups, as these young women comment:

It's like you're either frigid or a slut, like, you shouldn't be having sex that much, or you should only be having a bit. It's such a fine line.

Yeah, like there's standards between what is and isn't okay.

– Group interview, females, aged 18–20 years

The guys can go out with as many girls as they like and at worst, they get called a "player".

No, but like being called a player is like a good thing to them, you know.

Yeah, whereas like a girl, it's like all respect is lost for her . . . "she doesn't matter 'cause she's just a slut".

– Group interview, females, aged 17–18 years

As in many previous studies<sup>9</sup>, young women clearly described the sexual double standard, whereby women's sexual promiscuity is labelled negatively (slut), while the same behaviour by men is judged positively (player). The importance of the love relationship for defining young women's acceptable sexuality is also evident in these comments by young women.

If you have a boyfriend and you're having sex with him nobody really cares. But if you're the girl and you have sex with a guy and then maybe in two weeks have sex with a different guy everyone's like, "What a slut she is".

Yeah twice, so she might have sex twice.

Like a person could have sex 14 times and nobody would care because it's, like, her boyfriend. But if a boy did it nobody cares no matter what. It would be like, "I had five girls" and they'd all be stoked about it.

– Group interview, females, aged 15–18 years

Here, young women describe the importance of sex in the context of a love relationship as compared to casual sex. The acceptability of sex when in love is important to young women's status in the wider peer group and to their reputation. Thus, again, displaying certain acceptable femininities constitutes symbolic capital within the broader peer group. The status of sex while in love is also significant with respect to the increased pressure associated with love relationships versus casual relationships highlighted earlier. Young women feel more pressure to behave according to young men's desires and expectations when in love relationships, at the same time as love relationships remain by far the more acceptable expression of young women's own sexuality.

Young men, too, expressed awareness of the frigid/slut distinction, as shown in this young man's comment in a university discussion group; 'if a girl puts out she's a slut, and if she doesn't, she's frigid' (Mick, 18). Similarly, these high school young men comment:

The girl is a slut, the guy's a stud.

Yeah, it's good if you're a guy if you get a lot of girls.

– Group interview, males, aged 14–15 years

The sexual double standard also has clear implications for contraception, which is itself subject to a number of unwritten rules, as acknowledged in similar research conducted internationally<sup>10</sup> and with rural youth in

Australia.<sup>11</sup> Most young people participating in this study did not talk explicitly about rules for contraception, but rather simply took it for granted that, for example, condoms weren't really needed in their love – or 'serious' – relationships. Similar meanings attached to condom use have been found in research internationally.<sup>12</sup> In group interviews, these high-school-age men commented quite specifically about the meaning condoms held for them:

Sometimes the girl could be, like, scared of like what the guy would think if she had condoms.

Yeah, people would think she's a slut.

– Group interview, males and females, aged 14–15 years

*If you were having a relationship with a girl and she carried condoms on her, would you be fine with that?*

It depends . . . she might be cheating on you or something.

Yeah, it depends how far into the relationship you are.

Mind you, if I just met the girl and she was carrying condoms on her, I would think she's just playing it safe. But if I was deep into the relationship I would think condoms aren't really needed.

– Group interview, males, aged 14–15 years

Here it seems there is a very fine line between just playing it safe and being a slut. Once again these meanings depend greatly on the type or status of the relationship. If it is clear from the outset that if the encounter is a casual fling or is purely sex-based, then young people talk more confidently about insisting on safe sex.

Well we both, we both grew up in the era where safe sex is just a given, it wasn't actually something we needed to talk about, I don't think we ever did. It was just assumed that we both needed condoms and that sort of thing.

– Individual interview, Ryan, urban, aged 20 years

Okay, so he is pretty good about using protection, like we are both sensible, mature adults, so we know that having unprotected sex is not something that we want to get ourselves into and like there are lots of risks and stuff with it. So we understand that, so it is pretty much a mutual agreement, like, so we don't have to talk about it.

– Individual interview, Mei Lien, urban, aged 22 years

However when ‘love’ is concerned; things get a lot more complicated.

Generally what happens, he’s got this habit of not spilling inside so he can control it; it’s a good thing. I don’t know how come it’s like that but he’s got this habit of control. And he spills outside and so we don’t use condoms, I mean there’s no need for condoms, like, because we know each other.

– Individual interview, Amrita, urban, aged 21 years

Amrita, who grew up in metropolitan India, clearly has some misinformation about contraception. Furthermore, her comments reflect no concern about STIs, rather condoms are not needed due to the trust status of the love relationship: ‘we know each other’. Interestingly, the meanings attached to condoms, in terms of not being needed in a committed or serious relationship, are remarkably similar to those expressed by participants in the research who grew up in urban or rural Victoria.

There’s a lot of girls I know who are on the pill and they like don’t need condoms for their boyfriend. But it’s different because they’re both like usually the same age and relatively inexperienced I guess, like in the amount of sexual partners and that kind of thing.

– Group interview, females, aged 15–18 years

In this way young women in particular appear to experience pressure against condom use, not necessarily directly from young men themselves, but because of the unwritten rules about what insisting on condom use might *mean* in the context of a love relationship. Specifically, condoms appear to signify casual and untrustworthy sex, rather than just playing it safe within the context of a love or committed relationship. Yet, the ‘dynamics of sexual behaviour during adolescence show that relatively frequent partner change in a pattern of serial monogamy is the norm, and that even those relationships labelled as steady are usually temporary and short-lived’.<sup>13</sup> Furthermore, in their research Juarez and Martin<sup>14</sup> found that many adolescent couples moved from condoms to the pill as the primary form of contraception as the relationship became more serious or committed, and that this was often done without discussing STIs or getting tested. Rather, young people relied on the trust of the love relationship as the basis for decision making about contraception and sexual health.

One young woman, for whom English was her second language, also spoke about the meanings of condoms where she grew up in rural China.



Yeah, in China because it's kind of shame for boys to use condoms . . . Yeah, most of, in my point of view, most boys just want to have one night stand and haven't used a condom because of that shame. So, it's not so good.

*Do girls have much access to the pill or something?*

No, if you're a girl, if you're not married woman, if you purchase things like this it's kind of not so good. Other people know you, and they will know that. It's not good.

– Individual interview, Liann, rural, aged 22 years

Young men, too, clearly face unwritten rules with respect to the sexual double standard, yet sexuality research rarely engages young men in discussions regarding the meanings of and expectations that love/sex encounters hold for them. Many young men talked about the expectation upon them to be sexually experienced.

It's just taking the initiative, we've just got to be the one to find the spark, and they're the person that just sits back and enjoys it.

Yeah, definitely.

I mean, it's like there's an unwritten rule that the guy's meant to show her a good time, if you know what I mean.

– Group interview, males, aged 18–22 years

I think there's a lot of expectations there that men have to have been in a relationship and it's, like, if you haven't, there's something wrong with you. And it's also that if you're not sexually active or picking up all the time, well there's also something wrong with you there as well. So there's a lot of pressure there.

– Individual interview, Samuel, rural, aged 22 years

Young women, too, commented on the unfair pressure on young men with regards to sexual reputation, although they note that this expectation functions differently with women needing to play down their sexual experience, while men often feel the need to exaggerate theirs, as these young women explain.

I had one mate, a guy who was, like, in the really cool guys group, whatever, and everyone 'knew' that he'd, like, had sex from Year 9 or whatever, and he actually didn't lose his virginity until Year 12, like, and I knew that but, because he was part of the cool guys kind of thing, like, he could say whatever

to his mates, and they just wouldn't question it, like, they'd kind of assume that he was right and that's where he was on the weekend where actually, because he was part of that group he felt that he had to be like them, and I thought that was really sad from my point view that he didn't even have the guts to stand up and say like, for whatever reason, this is who I am.

– Group interview, females, aged 18–20 years

He doesn't like to think about my exes because at the start we did the whole – how many people have you slept with and how many people have you slept with and he lied and said about six when really it was three including me because he had such a long-term relationship and I had been with five including him so he's always just like, wow, four others . . .

*Why do you think he felt he had to lie and say six?*

He thought I wouldn't respect him. It's very strange because I like guys that haven't been with that many girls and I am not sure but most of my friends would prefer about two rather than a guy that's been with lots. But eventually he said, "Would you respect me if I said that I'd only slept with three people". I said, "I would respect you more!" and that's when he told me, so it took him a while to say it.

– Individual interview, Chloe, urban, aged 19 years

Indeed, some young men expressed concern about the ways in which they were judged, which are consistent with rules about men as active pursuers and as sexually driven.

There's always that automatic sexual assumption.

Yeah, but I'd say that society forces that upon us, like, it's the automatic assumption if we go to a bar and want to approach a female, even if we're just doing it out of just wanting to get to know her, there's the automatic assumption that people put on us these days that we're doing it out of sexual needs.

– Group interview, males, aged 18–22 years

Here, one young man appears to be tapping into something that other young men feel as well, that's there's a sexual assumption whereby men are viewed as the drivers and initiators of sexual activity. This sexual assumption holds considerable sway, as even where their own feelings are not consistent with these unwritten rules, young men expressed feeling constantly judged by others as 'sexual hunters'. These feelings illustrate the importance of making available acceptable alternative ways of being masculine. Rules about sex that reinforce and expect male sexuality to be uncontrollable

both deny the agency and diversity of young men's experiences, and simultaneously provide a context in which pressure and coercion can become associated with a 'normal' male sex drive.

In both group and individual interviews, young people also engaged in discussions about where they got most of their information and ideas about relationships. Both young women and young men consistently identified friends, family (particularly parents) and the media as the main information sources and influences upon their relationships, though they varied somewhat in relative importance.

TV. Friends. Older people that you look up to, like your parents.

– Group interview, females, aged 18–22 years

The influences of friends on young people's relationships were complex and varied. Young women and men consistently referred to the influence of their friends, and as friends as a source of advice, as discussed earlier. Yet friends, and the broader peer group, could also be a source of direct and indirect pressures to engage in sex and behave in particular ways in relationships.

I think it's less, with the friends situation, less people telling you that your relationship should be in a certain way, than you seeing other relationships, or hearing people talk about your friends' relationships and you think "Oh, maybe I should do that too . . ."

– Group interview, females, aged 18–22 years

I think bullying and stuff – say there was a person at school that wasn't as "cool", I can't think of another way to describe them but if the rest of the group or the cool group they maybe say, like, oh yeah you've never had sex, or you've never had a boyfriend, or you've never had blah blah blah so that person then may go out and do something stupid or do what they think is right because these stupid people that they think are cool are doing it or something like. I think that is one way peer pressure can work . . .

– Group interview, males and females, aged 18–24 years

My group of friends, they were lovely and I guess, like, I try to be a good girl, and they're like kind of like "Oh come, give some guy head" and I was like "No".

*So your friends can put pressure on you sometimes?*

Yeah. This happens all the time. There will be like this really quiet girl and she becomes friends with one of the other girls and all of a sudden she's a

massive massive skank. Out of nowhere she'll go from really innocent and clean and whatever and just because all her friends are having sex and like, it's definitely true that if everyone's talking about sex then it's a bit like, I think you need to be strong not having sex.

I don't think we should put, like, I wouldn't personally put a negative on it. Like, for different people it's just different.

Well I'm not really putting a negative on it, I'm just saying, but even if girls are in relationships then there's always that one girl who isn't then she's going to have sex so she can be like the rest of her friends. Her friends probably aren't having it anyway they just say they are. A lot of that happens.

That's so true. It's also so sad if it happens and the girl actually does go and have it and you're like oh they're so stupid they weren't actually having it they were just talking about it.

– Group interview, females, aged 15–18 years

These young women's experience affirms what sexuality research has often found among young people: that their perceptions of their peers' sexual activity are often inaccurate.<sup>15</sup> As noted earlier, however, friends and other peers also play a role in policing each other's behaviour. In the above excerpt, it is clear that young women's sexuality operates as symbolic capital, that is, it is related to their prestige or status within the peer group. Yet the fine line between being judged as frigid or a slut, makes it difficult for young women to play this status game. Furthermore, as sexuality researcher Louisa Allen<sup>16</sup> observes, young people's relationships can affirm their status amongst peer groups. In the following excerpt young women talk about the pressures from friends to remain in love relationships.

I know a group of girls that all have long-term boyfriends and I think they all sort of put pressure on each other to stay together, in some ways, because they're all in relationships, so they all have to stay in relationships. It's a bit sad. I know some people felt pressure from, like a group of friends, to stay because "Oh, they're the cutest couple and they've just been going out forever, we'd all be so devastated if they broke up" and stuff.

– Group interview, females, aged 18–20 years

Some young people also viewed their parents as an influence on their relationships, although this was less as a source of advice and more as a role model for their relationships.

Like, say your parents treated each other in a certain way, like it was respectful and that sort of thing, you'd think "Oh I'd like to have that for myself".

Yeah, I think parents do play a big role in things in relationships: my parents were a good model and talked about things. I think the parents talk to you a little bit about relationships and so their views sometimes become your views even if you haven't heard anything else or you don't know the way to do something. So that's the way that you know.

– Group interview, females, aged 18–22 years

Consistently, young people referred to the media as an influence on their relationships, but the media were also occasionally acknowledged as an inaccurate source of information.

I think it is more society peer pressure, like the media and TV shows . . . Like you see on *Dawson's Creek* and *Home and Away* and stuff like that, there's young people all talking about having sex. Even stuff like *Sex and the City*.

– Group interview, males and females, aged 18–24 years

The thing I found is, well, TV is one of the biggest, I might call it the biggest shit head, it completely freaks up what reality is for so many young people and so many kids do believe it is real. But it's nothing like that. And I think high school youth are greatly underestimated in their actual independence of mind. They're not all out there having sex . . .

– Individual interview, Samuel, rural, aged 22 years

## CHALLENGING THE RULES?

As is evident from these excerpts, while young people identified a variety of unwritten rules, they also questioned and challenged them to some extent. For instance, in relation to the sexual double standard, these young women do not think it is a fair rule but nonetheless it is one that they also do not see as shifting significantly.

*So these kind of expectations, do you think they're fair?*

No.

Not a chance.

No, but they really stick. Nothing's going to change.

It seems to be a fact, I don't know why.

It so shouldn't be, but it just is.

– Group interview, females, aged 15–20 years

Some young women shared their experiences or told of friends who had tried the whole 'open about your sexuality' thing, but had not necessarily

met with success. In the excerpt below, Chloe speaks of her perceptions of young women who try to assert an active female sexuality outside of love.

I call it the Samantha syndrome, you know, Samantha from *Sex in the City*. Lots of girls think “I want to be like that”, they think they want to be so free and liberal and just be able to sleep with everyone. And I don’t think that’s the case, I think girls really do want a really great guy to be their companion and their friend and someone that they love. Lots of girls I see are doing it. They are just like “Yeah we sleep with a different guy every week and we’re happy”, and they’re not really and guys see that and some guys say “That’s good” and some guys say “Oh my god!” So I think that’s a pressure; I call it the Samantha syndrome . . . its still a bit new that girls are being so liberal and talking about sex. I am all for the Samanthas that do talk about it but it can hurt if you find out that you’re being very liberal and open about your sexuality, and it turns out people are talking about you behind your back. I have seen it happen in my group.

– Individual interview, Chloe, urban, aged 19 years

The role of peers again appears relevant here, in policing the sexual double standard. Chloe’s story also speaks to the ‘false freedom’ of the new sexual rules for young women, in that in many cases they will likely still be judged negatively by their peers despite media and popular culture references to a ‘new’ female sexuality. However, it is also evident from Chloe’s comments, that she isn’t entirely convinced that women can be happy with sex outside of a love relationship. Likewise, the young women below do not necessarily see a more active sexuality as good for women.

I have absolutely no problem with sex whatsoever, if someone enjoys it why not? But I hate it when like my friends, they’ll always get really upset and completely regret it and I just hate watching it. Like people can do it how they want, and like everyone’s gone through a bit of a slut stage but like it’s watching people regret it that just sucks. Like it’s talked about, because like *Sex in the City* and that kind of thing.

– Group interview, females, aged 15–18 years

The young women’s discussion above suggests that the new rules supporting an active female sexuality may themselves contribute to existing pressures on young women in walking the fine line between frigid and slut.

Young men’s discussion groups also variously highlighted the role of peers in regulating or reinforcing unwritten rules, as in the following excerpt, in which one young man’s attempt at recognising his girlfriend’s

autonomy was reined in by others for not conforming to gendered roles of men as protectors.

If she was just dancing with a dude, like, to be honest I wouldn't give a fuck, 'cause I go out and I dance with chicks and I don't expect anything out of it . . .

But then, aren't you concerned about other people taking advantage of her?

Nah not really, 'cause, to be honest . . .

[cuts in] Like how about date rape?

Yeah, she's a lot more vulnerable.

I suppose that's never really crossed my mind until you just said it then.

See 'cause that could progress outside of your control.

Yeah, it definitely could. I guess I would leave the chick that I'm with more vulnerable to that sort of thing, like I wouldn't go jump in between her and some bloke dancing, because if I was dancing with some chick I wouldn't want her butting in and saying "This is my boyfriend".

– Group interview, males, aged 18–22 years

Here, the initial comments by one young man challenge the dominant unwritten rules of men as always sexually motivated ('I don't expect anything out of it') and as possessing women. He appears to unreservedly acknowledge that there should not be one set of rules for men in relationships and another set for women. These challenges are quickly redirected by others in the group who chastise him for not protecting his 'vulnerable' girlfriend from potential rapists, which is further endorsed by another participant ('that could progress outside of your control'). Interestingly, this suggests that messages about prevalence of acquaintance (rather than stranger) rape have reached some young men and perhaps encouraged a sense of duty to protect young women. However, the young men's comments also draw on images of romantic love and of women as helpless or vulnerable victims, and of boyfriends as knights in shining armour or heroes whose role is to rescue and protect. While this role invokes images of chivalry and 'good' values, there is a dark side to this model of male and female relationships, with some research linking such models with possessive, coercive and even violent behaviours.<sup>17</sup>

From young people's discussions it appears that they are very clear about what they want from their current and future relationships. It appears that

both young men and young women expect relationships to be a potential source of both sexual pleasure and a meaningful friendship. Yet there is also a range of social pressures evident in young people's descriptions and experiences of love/sex relationships. Based on these young people's experiences, it appears that these unwritten rules remain a strong influence in young people's relationships. These rules do not, however, go completely unchallenged, though it is interesting to note the social policing by peers of an individual's attempts to diverge within group discussions and the accounts given in individual interviews. One of the key implications of the unwritten rules discussed here is that they can leave young women feeling that they are not entitled to their own needs and feelings in relationships,<sup>18</sup> a feeling that young men are not sensitive to or even necessarily aware of. The effect of this is constant and subtle pressures on young women to conform to sexual and other expectations from boyfriends, for fear of not pleasing him and failing in the relationship, and as women. These meanings do appear to differ significantly according to the status of the relationship, that is, whether it is defined as casual and purely sexual or whether it is a serious and love-based relationship. For young women, in particular, love relationships appear to hold as much pressure, if not greater pressures, than purely sexual ones. Love relationships also remain the more acceptable context for expression of female sexuality.

The tensions between these contradictory meanings potentially open up a space for young people to challenge the accepted rules about love/sex relationships. However, this is by no means a straightforward process of progressive social change. As is evident from Chloe's talk about what she calls the 'Samantha syndrome', it is possible that alternative discourses favouring an active and assertive sexuality for women may themselves represent social and sexual pressures for young women. In playing by or attempting to challenge the rules, young women still tread the fine line between being sexually assertive versus being judged as a slut.

## CONCLUDING COMMENTS

The pressures and unwritten rules that young people identify today appear little changed from those that have long been identified in sexuality research, particularly with young women. For over 40 years – before any of the participants of this research were born – feminist researchers have decried the missing discourse of female sexual desire, the sexual double standard and other cultural rules that construct female sexuality as passive, submissive and the object of male desire. It is evident from the perceptions



of the young people quoted here, that these unwritten rules are still circulating as the predominant meanings with which many youth make sense of their love/sex relationships, and by which many are judged by their peers. This chapter has discussed the particular meanings attached to, for example, condom use in the context of love versus casual sexual encounters. It is likely that these and other unwritten rules impact on young people's experiences of negotiating consensual and safe sex. Yet the extent of that impact and the ways in which it might unfold are less clear. The following chapter considers young people's experiences of sexual violence more specifically and how we can understand and theorise the role of these and other unwritten rules in pressured and unwanted sex.

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# 4

## Power

### Framing sexual violence in young people's everyday encounters

A NUMBER OF SOCIAL AND CULTURAL unwritten rules regarding sex, love and consent influence young people's capacity to negotiate their love/sex relationships. While these rules can situate women, particularly, in positions that limit their ability to actively negotiate love/sex relationships, they do not necessarily always benefit men either, as they similarly limit men's ability to express alternative masculinities. This chapter considers how we can account for the persistence of young women's experiences of pressured and unwanted sex by examining the sociocultural understandings of gender, love, sex and consent. At issue is how we can understand both the extent to which young people's experiences across the sexual violence continuum are influenced by these broader social and cultural understandings, and the capacity for young people to re-write the rules. Drawing on the sociological theory of Pierre Bourdieu and engaging with postmodern feminist and gender theorists, in this chapter I further develop a framework for conceptualising sexual violence in light of the persistence of gender inequalities and power imbalances in the negotiation of consent while at the same time acknowledging the important ways that young people can and do exercise agency to re-negotiate ethical and consensual sex. First, however, I discuss some of the views and experiences that young people have shared with me about pressure, coercion and their sexual encounters.

#### **PRESSURE, COERCION AND FORCE**

In [Chapter 2](#) I discussed Liz Kelly's influential framework, in which she proposed that rather than discrete categories of violence and non-violence, women's experience exists along a continuum from 'choice to pressure

to coercion to force'.<sup>1</sup> In my discussions with young people, I asked firstly about the 'pressures' they experienced in their love/sex encounters, and consistently the first thing raised by young women was pressure to have sex.

Like taking the next step as in physically.

Yeah. Pressuring you to have sex.

– Group interview, females, aged 18–20 years

There can also be pressure to take the relationship to the next level, you know?

*You mean sex?*

Yeah.

Just basically the whole expectation of sex.

– Group interview, females, aged 18–20 years

When asked how young women might handle that kind of sexual pressure, they engage in a discussion that reveals some of the complexity and contradictions in the expectations upon them.

Run, turn and run.

Like it depends on the girl though because there are so many girls who succumb to the whole sexual pressure.

Yeah, it is a really really big problem for a lot of girls, awful. And like that's how the whole regret thing happens anyway.

*So what kind of situations would girls be in where you think they'd regret that afterwards?*

Drunk or with someone that they usually wouldn't.

Yeah, like a random person that you might have kissed and later they take you away. It gets like that with a lot of girls; they go away and feel so uncomfortable and they want to just turn and run. But then it's like, "Oh she led me on".

Yeah, like, what can you do?

Like if you're already basically half-naked and like you know, then you're like, "No".

Well, if he's a good guy, but what's the likelihood of someone going "Alright I'll stop"?

It's like if you're a girl you really have to get your heel and stab the guy.

I think definitely guys need that, because I just don't think that they know sometimes.

– Group interview, females, aged 15–18 years

Caught up in this conversation are a number of gendered meanings around sex, love and consent. The talk further reveals the contradictory pressures upon them, in that in the previous chapter, there was clearly a lot of social pressure for young women to be involved in love relationships more than casual sexual encounters. Yet here, when talking about an unwanted casual sexual encounter, these young women are ambivalent as to what the right response might be. They express difficulty in assertively saying 'no'. There appears to be a general acceptance that simply saying 'no' isn't necessarily the right response, whether because of the socially sanctioned perception of 'leading him on', or because it simply is not going to be very effective. These young women do not appear at all confident that their 'no' is going to be listened to and respected, suggesting that to be effective 'you really have to get your heel and stab the guy'. Here, young women reproduce the widespread expectation that women must violently resist unwanted sex for it to be seen as truly unwanted.

Importantly, the young women do not at any time during this focus group discussion refer to such a situation as involving rape, sexual assault or even 'not consent'. Rather they use the language of 'pressure', which was the word used in the discussion prompts, and 'regret'. It may be the case that the group setting of the discussion precluded the young women from naming the scenario as rape or violence. However, it is also commonly found in sexuality research that women do not apply the terms 'sexual violence' or 'sexual assault' to their experience,<sup>2</sup> thus some women's self-defined 'pressured' or 'unwanted' sex may cross over into the coercion or force end of the sexual violence continuum. In using the word 'regret', the young women may also be referring to encounters that, while consensual at the time, they later decided were probably not such a good idea. However, the young women specifically used this concept alongside sexual pressure, and associated sexual pressure with 'how the whole regret thing happens anyway'. This story problematises the way that young women experience regret: sometimes it may reflect a change of mind in hindsight; at other times it can reflect a wish of having somehow responded to a pressured situation differently, even though a young woman might not know how that response could have differed.

This role of subtle pressures is confirmed in much international research, which suggests that many adult women have had sex ‘not because they wanted to, but because [they] felt it would be inappropriate to refuse’.<sup>3</sup> Similarly, many young women that I talked to described other reasons why young women might not necessarily say ‘no’, when they don’t want to have sex.

Scared of abuse;

Scared of feeling disrespected, like you’re not able to say what your opinions are;

Yeah, scared that he won’t understand and that he won’t love you anymore;

Or scared that he’ll think of you differently.

– Group interview, females, aged 18–22 years

They don’t want to disappoint them;

Fear of losing them;

Like even though its only a really tiny thing, you’re just like, you’re worried if you do it too many times they’ll turn around and go find someone else;

It might not even be like pressure, or they’re like pressuring you, it might just be like you love them so much that you just want to do anything for them and make them happy;

And you feel that they won’t love you if you don’t do the things that they want;

’Cause you might feel like it’s not pressure at all, you might think: “This is my choice, I really love him I want to do this”.

– Group interview, females, aged 18–22 years

International research suggests that fear of a partner getting angry or ending the relationship if sex is denied is a common reason given by adolescent women for unwanted sex.<sup>4</sup> This fear is an emotional response that the young women I interviewed appeared unable to combat. Moreover, if we recall the young woman’s comment from the previous chapter – ‘if you don’t succeed in this relationship, then it’s like you’re not a worthwhile person’ – it is clear that there are many reasons why young women feel unable to say ‘no’. Interestingly, however, the young women quoted above were also able to identify these subtle pressures, which offers some hope of resistance: ‘Cause you might feel like it’s not pressure at all, you might think: “This is my choice, I really love him I want to do this”’. Nonetheless,

young women told time and time again of limitations to feeling capable of asserting their needs and desires in relationships.

I was excited that I had a boyfriend, like I hadn't experienced that before, and then I guess just because I liked being a part of the whole relationship thing, I didn't want to rock the boat too much . . .

– Individual interview, Sally, rural, aged 20 years

For both young men and young women pressure to have sex can also be closely related to the sexual double standard that young people identified in the previous chapter, and which emerges throughout international sexuality research. For young men there is a general expectation and very real pressure to be seen as sexually experienced. This pressure is exercised through the peer group and is a signifier of status within the group, as these young people explain in a discussion group in regional Victoria:

It makes it so much worse for the guy if you're coming on to him and then even here we were talking about – I can just picture him talking to his dad, and there's another stereotype, and he goes – “Oh dad I don't know, I didn't really want to do it” and the dad going “Oh don't be stupid mate, another notch on the belt”. That is what I picture and even telling your friends, you know, girls telling their friends that the guy or the girl has abused them or whatever and they'd be like, “Oh my gosh”, but guys would be like “Oh beaut mate” and I think that says something about men. It's terrible to think that they are going through the same thing as a female would be going through emotionally and then for the rest of society to be going “Oh you got it into her” or whatever.

Yeah, like, “You're meant to be happy about this”.

– Group interview, females and males, aged 18–24 years

In this discussion, young people challenge the unwritten rules of masculinity, and highlight that men too may experience unwanted sex, but whilst society might expect and allow young women to be distressed about a sexual encounter, young men are expected to be happy about the experience. These rules or social norms positioning men as sexually driven and as active/pursuant also tend to place young men in situations where they are complicit in young women's experiences of pressured and unwanted sex. Samuel (below) appears to be aware that women might have sex just to make a man happy. This he explains by way of men's 'natural' sexual drive.

Because men are wanting sex more often, I think there's pressure on women to have to do that and make sure that the man is happy in the relationship. And I think that's where the pressure comes from.

– Individual interview, Samuel, rural, aged 22 years

Some young people experience sex at the coercion and force end of the sexual violence continuum, although they themselves might not label their experiences as 'violence' or 'sexual assault'. Indeed, it is clear from young people's talk about these experiences that despite significant changes to legal definitions of rape (discussed further in [Chapter 5](#)), many of them continued to adhere to long-standing gendered norms or rape myths surrounding sexual violence. Many of the young women I spoke to shared such encounters; others shared their perceptions of friend's experiences, such as Sophie and Jessica's stories, below.

Um, like I mean, I know a situation where people have gone through and had sex and whatever and they've been completely pissed and the person still thinks it's right, but the person has to be in the right state of mind to actually be able to make the right judgments. Like I mean it's just wrong when you've got someone who's almost completely passed out and the other person thinks they're having a good time or whatever. Like I know from a friend's situation, they thought she was having a good time but she was just not into it, like saying "No" and that kind of thing.

– Individual interview, Sophie, rural, aged 18 years

We went away and two of the people who are my friends, they'd been going out, a guy and girl. And what had happened was, when we were there, oh 'cause people had been drinking a lot – I actually don't drink so, it was an awkward situation in itself – but this guy and his girlfriend, he was acting terribly, he'd had too much to drink and he was coming and hitting on me and everything in front of her. She was about two metres away and he was just sleazing onto everyone and being a complete idiot, and the thing was, it was like, any time he said to her "Let's have sex," they'd just go up to another room and have sex. So it's like, he'd just have to say one thing to her and she'd be like "Okay I'll do it". I really felt like, you know, your boyfriend is sleazing onto other women in front of you, yet you're tethering [*sic*] to his every sexual demand. Like I really felt there was such a conflict there and that to me felt, I mean that wasn't right. And I mean I know it's not my place to judge people, but just seeing that in like in one context when I went away with some people, it did make me wonder like how much stuff like that happened.

– Individual interview, Jessica, urban, aged 19 years



Young women's awareness of the experiences of friends in these excerpts illustrates the potential for 'bystander education' to respond to but also potentially to prevent sexual violence; a point which will be further taken up in [Chapters 6 and 7](#).

As in the excerpts above, alcohol featured prominently in some of the young women's talk about their experiences of coerced and/or forced sex.

It was the first time I ever had sex and the guy knew I didn't want to have sex, but I was really drunk and as I said before I was going to be a virgin until I was married and he knew that, and we were both fooling around and stuff and I had never really done anything like it before and then all of a sudden all this crazy stuff was happening and I had no idea what it was because I had never done it before but he knew. But I never reported it or anything because it was like we were doing stuff and it was okay but I think that's the way, it definitely was not consensual, like I did not want to have sex with him and he knew, but I also didn't stop because I didn't know what I was stopping or what I wasn't stopping so it was a really tricky situation. I think that things like that need to be talked about like it is okay to say no or knee him in the balls to make him stop or whatever to try and get rid of him if you think what you're doing is the wrong thing or not what you want.

– Individual interview, Georgie, rural, aged 24 years

Alcohol was not, however, always a factor in young women's experiences of sexual coercion, as Andrea relates:

It started when I was very sick, and he was pretty much the only person that was there for me, like my friends stopped. I couldn't go near my friends because it was hard enough to even get up to answer the phone, most of the time I wouldn't. So he was the only person that came every day and none of my friends did and they got sick of calling and being told that I can't come to the phone, so they pretty much, I lost most of my friends, but he was there so that was really good. He was really supportive, but yeah, so he, that kind of turned out to be . . . I got better, life changed, and like he got kind of violent and stuff so, it turned pretty bad. It was really good for a while . . . like the problem was the power struggle thing, like he was in power because I was so, I couldn't even open the door, but I think he liked that and I didn't realise it until a lot later. I think I was pretty stubborn and I didn't want to lose my virginity for a long time but, my first sexual experience wasn't consensual so you know that's not cool, and I guess that's why I didn't want to, you know what I mean, I just didn't. So I think, I

started having sex when I was 16 with that boyfriend and it wasn't a big deal, it was like you have to do it.

– Individual interview, Andrea, rural, aged 20 years

Sally's experience, which she holds herself responsible for and attributes to her 'naivety', also speaks to the influence of the unwritten rules discussed previously.

He would use my place as a place to crash. So he'd go out, get drunk, ring me up at 3am in the morning and expect to sleep in here. He'd also expect sex with me at the same time. And me being so naive you know, I didn't want to lose him, all this kind of thing so I kind of put up with it . . . He was also selfish in the bedroom as well, he just got his rocks off and that was it and then he'd just roll over and ignore me. And you know, just that kind of thing. He used to, at the start we used to like kind of playfully insult each other like because we were friends to start off in a big group and then at one point, the point where I realised I had to get rid of this guy was that he actually did it during when we were trying to be intimate and it stood out for me, and he actually looked down at me and said like something not very nice, called me stupid and I'm like, "What, you don't . . . that's just not in context". Anyway, and he, every time something went wrong, he'd always say, you know, he was drunk, he can't remember, he'd say sorry for it, whatever and that was his excuse and like he didn't really care about it so in the end I kind of got rid of him.

– Individual interview, Sally, rural, aged 20 years

The pressure to fulfil a boyfriend's expectations so as not to risk losing the relationship is a very real pressure here indeed. For Sally, ending this relationship was made easier by her move to the city for tertiary study. Her boyfriend remained in their home town, and while she initially continued to see him 'on and off' during the semester break, after a while she met someone else.

Where Sally's experience sits along the sexual violence continuum is unclear; arguably her account represents a grey area between pressure and coercion. Clearly she is recounting sex which was not wanted, but which she accepted at the time as her role in the relationship, as being the 'good' girlfriend. Sally's experience also points to the complexity and indeed contradictions in negotiating sex for young people. At the time, she 'wanted' the relationship and at other times 'wanted' sex. But she was not equipped with a sense of, or language for, negotiating the terms of that sexual encounter.

In other words, she wanted to specify when and under what conditions she was happy to engage in the sexual relationship, but was for some reason unable to. This is the dilemma that young women face when they have limited access to a discourse of active female sexuality; thus, for these young women, the choice they are presented with is simply 'yes' or 'no' to a predetermined scenario.

Grace's account, below, of her first sexual experience may appear less ambiguous from the outside, but from her perspective its meaning is similarly unclear.

I started seeing this guy and he knew I hadn't had sex before and I wanted to wait and I wanted to, you know, I wanted it to be special and everything, blah, blah, blah. And in the end he got me very, very drunk, I can hardly remember it and I didn't feel like, like it obviously was kind of partially consensual but I felt yeah, I don't know whether you'd classify it as rape or anything but I was, I can only just remember before and then remember seeing him on top of me and then after it was over, I panicked because I realised he hadn't used contraception but he should have and that I'd hadn't – the pill, I'd missed the day before – and so of course, I absolutely blindly panicked and ended up going to the doctor very early the next morning, getting the morning after pill. But it was an experience I'd never want anyone else to go through, it was very traumatic. But yeah, like it's something I think, I don't know how I would have dealt with it differently, I think I would have maybe not put so much trust in him, I thought I could trust him, but I don't think he really did deserve it at that point.

– Individual interview, Grace, urban, aged 21 years

According to Grace, her experience 'obviously was kind of partially consensual'. She may indeed be referring to the absence of a physically violent refusal on her part in her definition of partially consensual, yet the letter of the law is clear as regards incapacitation by intoxication. As a mechanism for social change, law reform alone is not necessarily effective: these young people have grown up during a time of communicative models of consent in Victorian legislation (discussed further in [Chapter 5](#)), yet clearly, they do not always replicate these models in their practice or in their interpretations of what counts as non-consensual sex.

Grace's experience also sheds further light on the connection between consensual sex and safe-sex practices. Unsurprisingly, research cited in [Chapter 2](#) found a link between young women's experiences of unwanted sex and a greater likelihood of being diagnosed with an STI or a pregnancy.

If a young woman is experiencing pressured or coerced sex, how can she possibly negotiate the terms and conditions of that sexual encounter?

## THEORISING THE RULES

As these young people's experiences suggest, there are a number of gendered social rules, discourses and institutions that can shape our thoughts, feelings and behaviours in love and sexual relationships.<sup>5</sup> For instance, the gendered rule that men are sexually motivated and pursue sex while women are more concerned with love/intimacy and passively respond to men's advances, can make it difficult for women to assertively say 'no' to unwanted sex, particularly where they are hoping to maintain a romantic or friendship-based relationship.<sup>6</sup> This active-passive divide has been identified in many studies,<sup>7</sup> including Wendy Hollway's influential study,<sup>8</sup> which labels these understandings of sexuality as the 'male sex drive' discourse and the 'have/hold' discourse. By discourse, I mean the different ways of understanding or 'knowledge' that exist in written and verbal forms, as well as in the social practices of everyday life.<sup>9</sup>

In addition to positioning men's sexuality as active and pursuant, the male sex drive discourse, as Hollway puts it,<sup>10</sup> assumes an irrepressible biological need for sex amongst men. This discourse, while prescribing a role for men, also situates women as the passive objects of men's sexuality. Men are driven to procreate, and women yield and submit.<sup>11</sup> Hollway<sup>12</sup> contrasts this to the have/hold discourse, which she likens to Christian ideals of marriage and monogamy – a woman's sexuality is positively valued in her role as wife, who submits to her husband for reproduction, and negatively valued in her role as slut, who presumably has sex to fulfill her desire. Similarly, the 'romantic' or 'perfect-love' discourses identified by much qualitative research<sup>13</sup> suggest that young women may submit to sexual pressure and coercion or even violence in relationships in the name of love, such that 'love' is interpreted as 'doing what was best for him' even if it is contrary to what the women themselves want.

Together these discourses, or understandings about sexuality, reflect a sexual double standard in which men's sexuality is positively rated for being active and pursuant, while women's sexuality is positively rated for being passive.<sup>14</sup> Such discourses can value men's sexuality according to the number of women they have intercourse with, while women's sexuality is rated in opposite terms, through their ability to say 'no' and remain 'good' girls.<sup>15</sup> In protecting this reputation, as described by young people

in Chapter 3, women tread a fine line between being judged a slut if they go too far, and frigid if they are deemed sexually cold.<sup>16</sup> Indeed, many feminist researchers continue to critique what has been referred to as a discourse of desire<sup>17</sup> or discourse of erotics<sup>18</sup> that remains missing from understandings of young women's sexuality<sup>19</sup> in particular.

While not all discourses operate with the same authority or social influence,<sup>20</sup> the discourses of sexuality outlined thus far are largely taken for granted as 'normal', 'natural' or the 'ways things are' in love/sex relationships. These particular understandings of men's and women's sexuality have also long been reflected and reinforced through law and other social institutions. For instance, understandings of men's sexuality as active and pursuant and of women's sexuality as passive and submissive continue to influence legal decisions – such that despite changes to the letter of the law, it has been accepted as normal for men to attempt to persuade women into unwanted sex, and it has been expected that women must violently resist sex if it is truly unwanted.<sup>21</sup> Neither of these understandings reflect many women's experiences, in which men's 'persuasion' is often experienced as coercive and women's refusals are often ignored. Such understandings of sexuality have been upheld for many years in laws in relation to marriage, which indemnified husbands against rape of their wives, for whom consent was always already implied.<sup>22</sup> Furthermore, much sexuality education continues to reinforce understandings of men's sexuality as active, even uncontrollable, while placing the responsibility for controlling sexuality with girls, who are directed to 'just say no'.<sup>23</sup> Thus social institutions such as the law, the family and education play a significant role in both reflecting and reinforcing particular understandings of love and sex that are circulating in broader society.

However, these discourses of sexuality do not always straightforwardly represent men's and women's sexuality within this active/passive dichotomy or in relation to romantic love. Discourses can be contradictory, and multiple meanings attached to love and sex may be at play in any one love/sex encounter. As Ariel Levy and others<sup>24</sup> have noted, in contemporary raunch culture young women are increasingly encouraged, even *expected*, to display an active, 'out there' sexuality through their behaviour and dress. Far from a simple picture of liberation, however, these researchers question whether this raunch culture represents and fulfils women's sexual desires, or simply continues to respond to the desires of men. Much qualitative research similarly suggests that the sexual double standard and discourses situating men's active sexuality against women's passivity still hold considerable sway, especially in young people's relationships.<sup>25</sup>

The immediate social environment, such as one's peer group, can play an important intermediary role in the taking-on and policing of gendered norms operating through discourse. As was evident in [Chapter 3](#), young women and men continue to struggle with the ways in which their sexuality and behaviour is differentially judged by the wider peer group in line with a double standard in sexual reputation.<sup>26</sup> The influence of social status has been long recognised in sociology, with Max Weber describing the operation of power through status groups, in which 'status situation' refers to a positive or negative 'social estimation of honor' that can be attributed to any quality or characteristic that is valued and shared by members of a community or 'status group'.<sup>27</sup>

Accordingly, particular expressions of masculinity and femininity have more or less status, that is, positive or negative estimations of honour, accorded to them within the peer group or community settings. Attributes such as toughness, aggression, independence and heterosexual conquest are often positively valued for men, while attractiveness, gentleness and maintaining relationships are often positively valued for women. Indeed, influential Australian gender theorist Raewyn Connell has referred to 'hegemonic masculinity' as the 'currently most honored way of being a man', that is, the dominant form of masculinity accepted at a given time in a given culture.<sup>28</sup> Thus while there may be alternative gender discourses in circulation, young people are most often judged from without – and indeed judge themselves – according to the culturally defined 'proper' or 'normal' ways of behaving sexually as men and women.

Young people's negotiation of love/sex encounters, and hence sexual consent, is thus heavily influenced by these contradictory gender discourses that are taken up and reinforced by social institutions such as law and education in addition to surveillance both by the broader peer group and by young women and men themselves. Negotiating consent, that is, deciding whether sex is wanted, what practices will be engaged in, communicating these desires verbally or non-verbally with a partner and ascertaining what they want as well, can be very difficult if, as a young woman, you believe that you are not supposed to have sexual desires of your own or that you are meant to put those desires aside in order to please your partner and maintain a relationship.

While these discourses situate women, particularly, in positions which can limit their ability to actively negotiate love/sex relationships,<sup>29</sup> they do not necessarily benefit men either, since they also limit men's ability to express alternative masculinities.<sup>30</sup> Thus young men are encouraged to pursue particular attributes of 'successful' masculinity 'sometimes at the

expense of gentleness, intimacy, passivity and dependence'.<sup>31</sup> What is at issue in this chapter, then, is how we can understand both the extent to which young people's experiences are shaped by these discourses and social institutions, and the process through which such shaping takes place. In other words, are young people destined to experience love/sex encounters in line with the unwritten rules of discourse, or can they experience and negotiate sexual relationships differently, and if so, how?

## **GENDER, POWER AND SEXUAL VIOLENCE**

Feminists, gender theorists and sociologists have challenged our understandings of gender and sexuality for over 40 years. In particular, contemporary third-wave or post-1980 feminisms<sup>32</sup> have been greatly influenced by the postmodern or cultural turn<sup>33</sup> with much of this theorising problematising the cultural reproduction of particular gendered roles and identities through discourse. Feminist engagements with postmodernism – as with sociological theory – have not been a process of simple adaptation, but rather of complex negotiation at the intersection of structure, agency and culture in order to understand gendered identity and gender inequality. The extent to which individuals or 'social agents' passively embody the culturally prescribed gender discourses outlined above, or actively negotiate their gendered ways of being is repeatedly at issue. This broader theoretical debate has direct implications for the current discussion, as young people's negotiation of sexual consent is heavily influenced by the structures of discourse, social norms and institutions. Yet if we are to imagine and achieve social change in these structures, a dynamic concept of individual agency is of vital importance. This discussion will now turn to these broader theoretical debates, beginning with feminist perspectives on gender, violence and male power.

I use the term 'feminisms' to acknowledge that there is not one singular feminist theory or perspective, but rather a number of different feminist theoretical positions. Liberal feminism (also referred to as the 'first-wave') was the dominant form in the 19th and early 20th centuries and represents an extension of liberal rights to women. It is associated with legal gains such as the right to vote, to education, to own property and to divorce, as well as later rights to equal pay for equal work. While many important legal gains have been made by largely liberal feminisms,<sup>34</sup> initial feminist critical engagement with the concept of gender as it relates to women's experiences of male violence is perhaps more commonly

associated with the radical feminism emerging in the second wave of the 1960s and 1970s. Radical feminisms understand women's oppression as a result of a patriarchal sex/gender system in which men and women exist in a hierarchical relationship such that 'what gets associated with men and masculinity is generally given a higher value than things associated with women and femininity'.<sup>35</sup> Radical feminisms do not assume that this hierarchical relationship is natural, but rather that it is a social construction which empowers men to dominate over women. This relation of domination extends throughout society, including sexual relationships. As Kate Millet argues in her 1970 classic, *Sexual politics*:

Coitus can scarcely be said to take place in a vacuum; although of itself it appears a biological and physical activity, it is set so deeply within the larger context of human affairs that it serves as a charged microcosm of the variety of attitudes and values to which culture subscribes.<sup>36</sup>

The discourses of sexuality discussed earlier – in which men are seen as active and pursuant while women are passive and submissive – are likewise viewed by many radical feminisms as a male-defined sexuality that benefits men by constructing sexual coercion of women as normal intercourse.<sup>37</sup> For instance, feminist legal scholar Catherine MacKinnon in 1987 argued that:

Men who are in prison for rape think it's the dumbest thing that ever happened . . . It isn't just a miscarriage of justice; they were put in jail for something very little different from what most men do most of the time and call it sex.<sup>38</sup>

MacKinnon questions the distinction between rape and consent: arguing that under current constructions of heterosexual intercourse, there is a fine line between the level of force required to define sex as rape, and the pressure that is accepted as normal in everyday sexual encounters. Thus, as many other feminists have noted, there is an eroticisation of male sexual dominance in heterosexual intercourse. Moreover, Susan Brownmiller asserts in her 1976 classic, *Against our will: Men, women and rape*, that sexual violence functions as a measure of social control: 'that *some* men rape provides a sufficient threat to keep all women in a constant state of intimidation'.<sup>39</sup> For Brownmiller, the constant threat of overt sexual violence, and women's simultaneous physical weakness comparative to men, leaves just one possibility open to women as a measure of defence:



protection through relationships with one or more male protectors.<sup>40</sup> MacKinnon has similarly highlighted reasons why women persist in participating in male-defined sexuality: 'learning by osmosis what men want in a woman and trying to give it to them, women hope that being the wanted image will alter their odds'.<sup>41</sup>

An important consequence of the radical feminist understanding that gender and sexuality are socially constructed is that these versions of sexuality must therefore be open to challenge and change.<sup>42</sup> However, while radical feminists agree that gender and sexuality are socially constructed and in need of change, they do not necessarily agree about the extent of this social construction or how to go about changing it.<sup>43</sup> In spite of this complexity, one line of radical feminist thinking dominates public perception – that it is impossible for women to consent to sex with men until they are free from all male domination. This view sometimes calls on women to reject sexual relationships with men entirely, at least temporarily, in order to secure their emancipation from male dominance and male-defined sexuality.<sup>44</sup> As a method of social change, this proposition fails to acknowledge either the ways in which women's relationships with each other can also be characterised by dominance and inequality,<sup>45</sup> or the complexity of women's relationships with men, which are often experienced as sources of comfort, pleasure and love.<sup>46</sup> Thus this particular feminist theorising cannot adequately explain some young women's experiences of actively negotiating consensual and safe sex with men.<sup>47</sup> Furthermore, while the concepts of male dominance and a male-defined sexuality help explain the persistent gendered pattern of young people's experiences of sexual pressure, they offer little in terms of addressing it.

Much contemporary radical feminism makes a clear distinction between heterosexuality as a *social institution* that reproduces the gendered power relations described above, and the actual practice of heterosex.<sup>48</sup> While clearly the two may frequently co-occur, this distinction is important because it allows this branch of radical feminism to challenge the norms, discourses and institution of heterosexuality without repudiating women's sexual relationships with men. This emerging area of feminist critical heterosexual studies, seeks to take account of the pervasiveness of patriarchal power, which is exercised through the social institution or 'arrangement' of heterosexuality.<sup>49</sup> For these feminists, the political project becomes an 'emancipatory project of social transformation'<sup>50</sup> such that gender and heterosex are 'done differently' in ways that facilitate equality between women and men. However, what these theories have yet to explain is *how* individual women might 'do heterosex differently' in the face of

pervasive patriarchal power and gender inequality. These radical feminisms lack an active concept of individual agency, and thus while they envision a 'long term' project of radical social change<sup>51</sup> they provide little by way of theorising how this change might be realised.

By the mid 1980s and early 1990s, the postmodern or 'cultural turn' within social theory resulted in a trend away from theorising structural gender inequalities in terms of male dominance, and towards theorising the construction and experience of particular gendered identities. So for instance, the work of Michel Foucault engages with the concepts of discourse, power and *subjectivity* or how we come to know and experience our 'self', and has been extremely influential in many postmodern feminist accounts of the social construction of gender and sexuality. Foucault's own 1984 analysis in *The History of Sexuality* examines the operation of power in relation to sexuality in more complex ways than through repression or restriction (for example by one gender against the other). Rather, for Foucault, power operates in more productive and enabling ways through discourse. As he explains in a 1976 interview:

If power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no; it also traverses and produces things, it induces pleasure, forms of knowledge, produces discourse.<sup>52</sup>

Thus by this analysis, power, rather than being a force that simply restricts young women from, for instance, actively refusing unwanted sex, operates by enabling or encouraging a body of knowledge about women's sexuality that says it is not womanly to behave assertively and that it is maintaining love relationships that makes women happy.

This concept of discursive power as both enabling and constraining has been favoured by many postmodern feminists over radical feminist accounts, as it allows analysis of the complex and subtle ways in which sexuality is constantly shaped. Foucault's understanding of power enables us to understand why, for instance, women might 'consent' to unwanted sex. Unlike an understanding of power as a repressive force exercised by men to dominate women,<sup>53</sup> which explains pressure or coercion as only enacted deliberately by young men upon young women, Foucault's concept of power allows an understanding of the ways in which young women may also discipline themselves into accepting as normal their participation in sexual encounters that are not wanted. This is not to say that there is not

also a very real problem of direct coercion by some young men towards some young women. Rather, that in addition there is a more subtle level of social and cultural pressure, operating through discourse, which may further explain the grey area of the sexual violence continuum discussed in Chapter 2.

While many feminisms have made positive use of Foucault's understandings of power and discourse, such engagements have also criticised his work on several counts, including his lack of a productive concept of agency.<sup>54</sup> Certainly his earlier works emphasised the disciplining of individuals through discourse as though they were 'docile bodies' upon which social and cultural knowledge were simply inscribed.<sup>55</sup> However, his later works on practices or 'technologies of the self' considered an element of agency.<sup>56</sup> Yet while much sociology uses the term 'agency' loosely to describe the capacity for individual choice or freedom from social structures,<sup>57</sup> Foucault understands agency much more specifically as exercised in the process through which the self actively engages with its production through discourse.<sup>58</sup>

As such, reflexivity, or the capacity of the self 'to turn its gaze upon itself', is not for Foucault a process that allows the subject to transcend the structures of discourse, social norms and institutions in order to make 'free' choices;<sup>59</sup> the technologies or practices of the self allow an individual to reflect upon and choose from the behaviours *prescribed by available discourses*. Foucault does not view discourses as operating in a dichotomy of a dominant or accepted discourse against marginalised discourses, but as enabling a 'field of possibilities in which several kinds of conduct, several ways of reacting and modes of behaviour are available'.<sup>60</sup> In Foucault's theories, it is through these practices of the self that we exercise agency – that we are 'free' insofar as there are alternative courses of action available.

The notion that there exists a multiplicity of discourses and thus a 'field of possibilities' for action offers a more complex and nuanced analysis of negotiations of consent within (hetero)sexual encounters than the grand narratives of male dominance offered by most radical feminisms. Thus young men and young women may often be complicit (either knowingly or unknowingly) in reproducing pressured or coercive sexual encounters in line with particular gendered discourses and social institutions. Yet, by engaging in a practice of reflexivity, they may also be capable of choosing a different mode of behaviour where alternative discourses exist. Feminist criminologist Moira Carmody has built on this concept in her analyses of sexual violence prevention, suggesting that we need to promote an alternative and positively framed discourse of sexual ethics.<sup>61</sup> This work draws

upon Foucault's notion that ethics is practised through one's reflection and regulation of one's self, that is, the practices of the self, so as to limit one's domination or power over others.<sup>62</sup> Thus, to live an ethical life is to engage in a process of reflexive questioning of the self and one's behaviours.<sup>63</sup>

Yet many feminist and gender theorists remain critical of Foucault's concept of agency as exercised through technologies of the self. On the one hand, it is argued that the concept implies that individuals or social agents can easily re-shape themselves, thus tending towards voluntarism<sup>64</sup> and ignoring the persistence of particular discourses and social structures. On the other hand, it is maintained that his concept of agency is not sufficient to imagine social change, as the emphasis remains on the way discourses shape individuals, and does not allow for an understanding of how individuals may influence discourse and thus bring about social change.<sup>65</sup> Indeed, while Foucault asserts that 'where there is power there is resistance',<sup>66</sup> it does not follow that 'resistance is necessarily equal or successful or indeed that it is fundamentally subversive'.<sup>67</sup> While both of these critiques may represent an incomplete account of Foucault's work, nonetheless, they expose a problem that he has not dealt with in detail – namely *how* substantive social change in gender discourses might occur.

To some extent, this problem of uncertainty between a gendered subjectivity that is culturally determined and one that can be readily re-shaped with significant influence on the broader social order<sup>68</sup> has been inherited by postmodern feminist and gender theorists drawing on Foucault's framework, and so the tension between determinism and voluntarism often remains. For instance, philosopher Judith Butler argues that the self, although culturally constructed, has a capacity for agency. She explains this capacity through the concept of gender 'performativity' – that we are always, in a sense, performing our gendered roles and attributes. Thus while gender appears to have a stable identity, one whose qualities are natural and fixed, Butler argues that, since gender performances require repetition, they are in fact inherently unstable and often contradictory. Some theorists have critiqued this notion of performativity as implying that one can easily change one's gender – like putting on a new set of clothes. However, while Butler acknowledges the very real effects of constructions of gender, her analysis stops short of detailing how one might repeat gender norms in a way that is truly subversive in the face of such persistent, albeit changeable constructions.<sup>69</sup>

Much contemporary sociology also explores precisely this point of juncture, developing frameworks with which to simultaneously understand the social constructions of institutions and structures and thus both their malleability and their persistence in taking particular forms.<sup>70</sup> One

sociologist who has also sought to apply such a framework to the specific issue of gender and male dominance is Pierre Bourdieu. Indeed, Bourdieu's theories have recently come to the attention of feminist and gender theorists who have adapted his key concepts of habitus, field and symbolic violence to the problem of gender inequality in contemporary late-capitalist societies. More particularly, to explain why women's experiences of inequality across many domains of public and private life remain, at the same time as feminisms have continued to advocate for social change.

### **SYMBOLIC VIOLENCE AND THE RULES**

French sociologist Pierre Bourdieu's writing over the last 20 years has viewed the theoretical dichotomies between structure/agency and objectivism/subjectivism as overstated and not very useful in understanding either the persistence of gender inequality or the capacity for social change. Central to Bourdieu's theoretical work is an attempt to bridge the structure/agency and objectivist/subjectivist dichotomy in contemporary social theory.<sup>71</sup> Bourdieu operationalised this interplay through his concepts of cultural fields and habitus. These concepts have sparked the interest of some feminist sociologists<sup>72</sup> as a potential corrective both to the cultural determinism of Foucault (as in his concept of docile bodies) and to more recent claims of liberal freedom for self-fashioning and reflexivity in late-capitalist societies.<sup>73</sup>

By cultural fields Bourdieu means the obligatory conventions, values, discourse or rules of the game that are the contexts for social interactions,<sup>74</sup> such as the field of sexual encounters. Habitus, on the other hand, refers to the individual's 'feel for the game', or the set of bodily dispositions and mental structures through which we interpret and respond to the social world, based on our past experiences.<sup>75</sup> For Bourdieu, the habitus is mostly an unconscious internalisation of the rules and structures of the social world, and his work has often been criticised on this basis for over-emphasising social structure.<sup>76</sup> Hence his notion of the 'sexually characterised' or gendered habitus<sup>77</sup> refers to the taking on of gendered norms in bodily practice, that is, the very ways we think, feel and respond to others.

However, in his various works Bourdieu suggests that individuals are social agents who do indeed possess a 'margin of freedom', particularly where there is a lack of fit between structures (fields) and one's habitus. This is because the habitus is only ever realised through practice, such that when it encounters new social interactions or crises for which it has little or

no past experience there is potential for new, creative, practical dispositions to emerge.<sup>78</sup> It is precisely this generative capacity of the habitus that has engaged the interest of feminist sociologists.

Lois McNay, for example, is particularly sceptical of what she describes as Foucault's 'unresolved vacillation between determinism, on the one hand, and voluntarism on the other',<sup>79</sup> or in other words between 'docile bodies' and 'reflexive' selves. McNay argues that by contrast, Bourdieu's concept of habitus as lived bodily practice opens up theoretical space for elucidating the variability and creativity evident in reproductions of gendered identity.<sup>80</sup> Following Bourdieu, she argues that while we may be predisposed to behave in particular gendered ways, the possibility for alternative action is never fully closed. For instance, the increasing movement of women into social fields of work and public life that were previously confined to men may encourage dispositions and practices in their habitus that do not conform to traditional norms of femininity. These dispositions and bodily practices may then be carried over into other fields of interaction, including the negotiation of (hetero)sexual encounters.<sup>81</sup> However, McNay and others are also quick to point out that the transformation of gender relations is uneven, and that recent celebrations of the de-traditionalisation and re-negotiation of gender may fail to acknowledge the ways that so-called new gendered norms, such as young women's apparent sexual freedom and choice, may represent old norms in disguise, a view to which I'll return shortly.<sup>82</sup>

Bourdieu did indeed argue that there are limits to social agents' capacity to actively reflect on and transform their sexually characterised habitus,<sup>83</sup> and thus gendered ways of being. He used the term 'symbolic violence' to describe the 'violence which is exercised upon a social agent with his or her complicity'.<sup>84</sup> Masculine domination, Bourdieu argues, typifies symbolic violence in that it is not only physical violence but the ways in which certain gendered norms, values and dominant discourses come to be accepted as natural, normal or the way things are. Accordingly, as feminist philosopher Clare Chambers has suggested:

... gender inequality is symbolic violence because women (and men) comply willingly with no need for intentional or forcible coercion.<sup>85</sup>

In relation to pressured rather than coerced sex then, symbolic violence may be exemplified by young women who do not refuse unwanted sex because they feel that it would be inappropriate or they believe that they are responsible for men's sexuality which, once aroused, cannot be stopped. For Bourdieu, symbolic violence occurs at the pre-conscious level; thus while

an individual may say ‘I consented’, the gendered rules of the game (the structure of the field of heterosexual encounters), may actually preclude assertive sexual refusal in many instances. Hence, Bourdieu refers to ‘*amor fati*’ or ‘love of one’s fate’, whereby social agents make a virtue out of necessity: refusing something that is already denied to them, or ‘choosing’ the inevitable.<sup>86</sup> In the field of sexual encounters, this may be seen in young women ‘consenting’ to unwanted sex, or in choosing to define a relationship in terms of love in order to justify engaging in sex without violating established social norms.

To return to the young women’s discussion earlier in this chapter, in response to experiencing pressure to have sex one woman’s question – ‘What can you do?’ – is rhetorical. She asks because in her mind, there is no alternative course of action. This question tragically captures Bourdieu’s concept of symbolic violence: this young woman believes, feels and experiences herself to be less capable of acting differently than perhaps she is. In this way, the young women’s discussion reflects what Bourdieu might identify as ‘complicity in their domination’. He says ‘the dominated, often unwittingly, sometimes unwillingly, contribute to their own domination by tacitly accepting the limits imposed, often take [*sic*] the form of bodily emotions – shame, humiliation, timidity, anxiety, guilt . . .’<sup>87</sup>

Bourdieu’s concepts of symbolic violence and habitus are useful for understanding sexual consent as influenced not just by discourse, but also by our lived gendered practice, largely occurring at the bodily level in the very ways we feel and respond in the moment. This implies that – especially in situations where pressure to have sex is subtle – practices that are conducive to unwanted sex may not be immediately amenable to reflexive, conscious self-fashioning by the individual. Thus, it may be difficult to recognise the pressure and assertively say ‘no’. Yet feminist adaptations of Bourdieu’s concepts of habitus and field allow for the emergence of new practices by social agents, particularly where there is a lack of fit between one’s gendered habitus and the field under negotiation. An additional strength of Bourdieu’s sociology, as compared with third-wave theorists such as Foucault and Butler, is that while his work acknowledges that social agents and social structures are culturally constituted, it takes seriously the problem of persistent institutions and social structures.<sup>88</sup> Bourdieu’s sociology views discourse as *one* of the social and cultural processes that contributes to the reproduction of inequalities, and suggests that while discourse remains a legitimate focus of sociology this should not be at the loss of understanding the outcome of that discourse in a material and social structural sense.<sup>89</sup>

## POST-FEMINISM AND THE NEW 'POLITICS OF CHOICE'

A framework based on Bourdieu is in my view very useful both for explaining the persistence of gender inequality, including sexual violence, and for theorising potential for social change, albeit difficult, slow and with mixed results. Such a framework draws together much feminist theorising, in combination with sociological concerns about structure and agency, and can be applied to gender inequality and violence, encompassing a diversity of women's and men's experiences at any age. In other words, on its own, this framework does not appear to explain one significant social change that Gen-Y women and men are experiencing in their everyday negotiations of sexual consent. That change is the morphing of gender norms and discourse such that some inequalities are being re-cast as 'liberating' under the culture of raunch and the new 'politics of choice'.

Feminisms have certainly continued to identify and critique persistent gender inequalities, but it is a chant that Gen-Y women (and men) have infamously responded to with ambivalence and, in many cases, repudiation. The catch-cry of the post-1990s young woman – 'I'm not a feminist, but . . .' – reflects this tension within our supposed post-feminist era. Post-feminism refers to our living in a time in which feminism has outlived its purpose: that it has already been successful in ending gender inequality. Not only are such claims of gender equality overly optimistic (as already discussed, gendered structures of habitus and field have proven remarkably resistant to change) but also I would argue that Gen-Y women have been doubly constrained by the new politics of choice in a way that second-generation feminists were not.

As noted by many theorists, contemporary feminism has been appropriated by the politics of neo-liberalism and a renewed emphasis on individual freedoms, particularly sexual freedom: what I am calling the new politics of choice. The politics of choice have also been taken up in much contemporary sociology. This is reflected, for example, in the work of Anthony Giddens, who has variously claimed that with the decline of traditional social structures modern sexuality represents a more 'plastic sexuality' or malleable sexual self free both from the needs of reproduction and from the overriding 'importance of male sexual experience'<sup>90</sup> that has characterised sexuality throughout much of the previous two centuries. Contemporary society, he says, is marked by increased 'reflexivity':<sup>91</sup> a greater freedom and capacity for individual choice and self-fashioning outside of traditional gender norms and discourse. However, drawing on Bourdieu, feminist



theorists have cautioned against such an interpretation of contemporary reflexive self-fashioning. For example, Lisa Adkins writes:

... reflexivity should not be confused with (or understood to concern) a liberal freedom to question and critically deconstruct the rules and norms which previously governed gender.<sup>92</sup>

There can be little doubt that feminism in Western capitalist countries has made available many more choices for today's young women than those experienced by previous generations. Young women are variously positioned as the beneficiaries or the embodiment of progressive social change in contemporary Western societies.<sup>93</sup> However, along with these new choices has come increased pressure to choose in very particular, narrow ways. The narrowness of this choice is nowhere more evident than in the field of (hetero)sexual encounters and its representation in raunch culture.

As mentioned briefly in [Chapter 2](#), young women are represented in the advertising media and throughout popular culture in increasingly sexualised ways, at least in part as a result of highly sexualised advanced consumer capitalism. In a world with apparently endless choice, young women and girls are simultaneously under increasing pressure not only to conform to these particular versions of female sexuality, but also to embrace them as being empowered. As Ariel Levy posits in her book, *Female chauvinist pigs: Women and the rise of raunch culture*, it is as if feminism gave women the freedom to choose to *be* sexual but not *what kind* of sexual.

Indeed in the 'post-feminist media culture',<sup>94</sup> in which Gen-Y have grown and developed, young women must choose from a very narrow and unfulfilling field of choices regarding their sexual identities and experiences of sexual pleasure. According to feminist scholars and writers such as Rosalind Gill and Ariel Levy,<sup>95</sup> this sexuality speaks to a hetero-normative male fantasy in which women's sexual pleasure is derived from the role of sexual object associated with the sex and pornography industries. The mainstream stylising of young women's sexuality in this way is touted as an indication that young women are sexually liberated; that they are free to engage in sexual pleasure outside of the gendered norms which would previously have precluded or at least negatively judged such expressions of female sexuality. The critical questions, however, remain: *whose sexual pleasure* and *on whose terms*? Women within the sex and pornography industries are paid to fake sexual arousal and interest: 'How is imitating a

stripper or a porn star – a woman whose *job* it is to imitate arousal in the first place – going to render us sexually liberated?’<sup>96</sup>

With the disavowal of feminism and in the absence of alternative models for an active, desiring female sexuality, porno-chic has been re-cast as *the* liberated and empowered sexuality for young women. The promises of feminism – opening up of gender roles and valuing of female sexuality and sexual pleasure – have yet to be realised. Instead, in the current raunch culture, young women are encouraged, even expected, to display an active and ‘out there’ sexuality through their behaviour and dress, yet continue to tread an impossibly fine line between being judged a slut if they go too far or frigid if they do not embrace their ‘new-found sexual freedom’ enough.

In the meantime, young women are still left to negotiate sexual encounters based on a model in which the central aim is still first and foremost to satisfy *male* sexual desires. The new politics of choice have thus had the cumulative effect of making young women’s continued experiences of sexual pressure, coercion and violence increasingly difficult both to name at an individual level and to subject to concerted political action at a societal level. In this post-feminist context it has become difficult to be openly critical of sexual mores (even those regarding consent and sexual violence) without being labelled anti-choice, anti-sex and seen as rejecting the very sexual freedoms that feminism fought to achieve. This in turn demonstrates how fields of interaction can indeed be re-moulded (as feminist adaptations of Bourdieu have suggested). However, in this particular case it is a re-packaging of old gender norms within a rhetoric of choice that both resists any substantive challenge to the underlying gender structure and obscures the persistent operation of male power and dominance within sexual encounters that continues to exist.

## CONCLUDING COMMENTS

Together, the theoretical perspectives discussed in this chapter give us a framework for understanding the complex influences on young people’s negotiation of sex. Radical feminisms have questioned the distinction between rape and consent, arguing that there is a single dominant discourse – under current constructions of heterosexual intercourse – in which pressure upon women to engage in sex is accepted as normal in everyday sexual encounters. By contrast, Foucault’s analysis of sexuality as structured by multiple and competing discourses highlights the way that some discourses come to be accepted as normal or natural ways of being

sexual as men and as women. By understanding the impact of gendered discourses, such as the positioning of men's sexuality as active and women's as passive, and the sexual double standard, we can begin to account for the persistence with which young men and women appear to negotiate sexual encounters within this dominant discourse. However, Foucault's analysis also leaves open the possibility of social change; individuals may become self-aware or reflexive as to these influences and choose a different way of being sexual, from alternative discourses.

Yet such analyses raise several issues. They make deliberate, lasting social change in gendered norms or discourse look easy, whilst failing to account for the persistence of particular discourses and practices over others. Yet at the same time they make social change appear almost accidental – unlikely to represent a significant challenge to the existing sexual social structure. To return to the question posed at the start of this chapter; how can we account for the persistence of young women's experiences of pressured and unwanted sex? Many Foucauldian-inspired accounts of gender and sexuality fall short of adequately accounting for the complex interactions between gendered discourse and reflexivity at the level of everyday practice. Furthermore they do not sufficiently account for the uneven playing field in which individuals negotiate sex.

There are then at least three key implications of a theoretical framework drawing on feminist adaptations of Bourdieu for conceptualising sexual violence, and indeed its prevention. First, that the pervasiveness of the gender discourses that form the rules of the game in sexual encounters is such that they persist at every level of society and social institutions. In other words, gender discourse operates and is reinforced across multiple fields of social interaction and institutions, including law, education, work and the family. Second, that raising awareness of sexual violence alone will do little to challenge these discourses. This is precisely because, for the most part, they operate below the level of conscious reflection, being embodied in habitus. Thus embodied gendered norms are rarely subject to reflexive examination and enormously resistant to change. Nonetheless, by repeated exposure to fields of social interaction that challenge these gendered norms and value different ways of interacting, changes within gendered habitus become possible. Third is that challenges to gendered discourses need to be made consistently across multiple sites of intervention to achieve significant social change. Accordingly, as Chambers suggests: 'Institutions must also change in order to break the cycle of development of the gendered habitus'.<sup>97</sup> To effect social change in the gendered discourse, norms and habitus underlying sexual violence, a combination of structural

changes across multiple institutions and fields of interaction as well as active promotion of a new set of norms for negotiating sexual encounters is required.

A feminist adaptation of the sociology of Bourdieu can contribute to a more nuanced understanding of everyday negotiations of sexual consent, while taking into account the structured nature of the field, the gendered rules of the game and the conditions through which a different or more reflexive habitual practice might arise. At the same time, this theoretical framework provides enough scope to remain critical of the supposed new choices available for young women's sexuality and to articulate the context in which 'new' gender norms can sometimes represent old norms in disguise. In the following chapter, I explore this framework further through young people's experiences of negotiating sexual consent, and through examining the role of the law as one key social institution or 'field' in reproducing social norms about sex, power and consent.

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# 5

## Consent

### Negotiating consensual sex

NEGOTIATIONS OF SEXUAL CONSENT, while popularly placed in the realm of the personal and most intimate of human experience, can instead be understood to take place within a specific social and cultural context, effectively governed by gendered discourses about sex, love and consent and as such subject to various unwritten rules. These rules are not simply imposed by society onto individuals; they are taken up by individuals and embedded in their perceptions, feelings and practices, operating largely below the level of conscious reflection. It is clear from the young people's experiences discussed in preceding chapters that these discourses underlie not only experiences of forced sex, but also experiences across the continuum of sexual violence. I argued in [Chapter 4](#) that in order to significantly disrupt the social reproduction of these discourses, it is vital both to actively promote a new set of norms for negotiating sexual encounters at the level of individual practice, and to consistently challenge their reproduction across multiple fields of interaction, including social institutions. Indeed the law – as a key social institution – has been the subject of much feminist lobbying and law reform over the last 40 years. Yet, while laws defining the meaning of consent have changed in very important ways, the translation of these changes into improved justice for victims/survivors of sexual violence, or into young people's understanding of consent, has not been a straightforward process.

This chapter further explores the impact of gendered discourses about sex, love and consent in the two contexts of the legal meaning of consent and young people's own negotiations of consensual sex. The discussion explores how young people negotiate consensual sexual encounters and why they might use these ways. Here I argue that the negotiation of sexual consent is much more complex than young women 'just saying no'; it

involves a complex interplay of individual agency and *embodied gendered practices*. In using this term, I draw on Bourdieu's concept of habitus to refer to the ways in which gendered norms and discourse are enacted through the body in everyday practice – in thoughts, feelings, desires and responses – in ways that are not always subject to individual recognition and change. In this chapter, the ways in which young people negotiate sexual encounters both verbally and through bodily practices are explored. The implications of these processes for sexual violence prevention will be considered in Chapters 7 and 8, alongside young people's own views of sexuality education and violence prevention. First, however, a brief discussion of conceptual and legal models of consent provides a context for what young people have to say about their experiences.

### COMMUNICATIVE MODELS OF CONSENT

In her enormously influential 1989 paper 'Date rape: A feminist analysis' (republished many times), feminist legal philosopher Lois Pineau argued that the current gendered model of sexual desire and its assumptions regarding consent are fundamentally problematic, such that 'what is really sexual assault is often *mistaken* for seduction.'<sup>1</sup> Indeed, in legal as well as much popular debate, many instances of pressured or unwanted sex are taken to be explainable by differences between men and women: women are expected to be sexually passive/accommodating; men to be sexually assertive/pursuant<sup>2</sup> – this is said to result in sexual 'miscommunication'.<sup>3</sup> In other words, it is considered normal, even expected, that a woman would not be forthright in expressing sexual desire (so as not to appear unfeminine) and thus it is considered normal, even likely, that a man might misinterpret a woman's sexual signals. The implication of this theoretical understanding is that it is women who are responsible for communicating their refusals clearly. Yet as the previous chapters show, there are numerous gendered discourses that constrain women's active negotiation of sexual encounters. Nonetheless, the expectation that the onus for negotiation lies with women is further reflected in many rape prevention initiatives, in which young women are encouraged to say 'no' clearly or are taught assertiveness skills to unambiguously communicate their intentions to a potential sexual aggressor.<sup>4</sup>

Conversely, what Lois Pineau suggests is that the negotiation, and therefore legal concept, of consent should be based on a concept of mutual sexual pleasure: that consensual sex is about mutual enjoyment, and that the only way someone can know for sure that what they're doing is

enjoyable for the other person is to communicate with them. What she suggests is that:

assuming that each person enters the encounter in order to seek sexual satisfaction, each person engaging in the encounter has an obligation to help the other seek his or her ends . . . But the obligation to promote the sexual ends of one's partner implies that obligation to know how those ends are attained.<sup>5</sup>

Historically, however, this has not been how the law has understood consent. Traditionally, rape was defined as unlawful sexual intercourse with a woman *against her will* (current definitions more commonly specify any penetration of bodily orifices against a person's will). The requirements of the crime were sexual penetration, force, and lack of consent. Although not specified in the law, in practice victims of rape were – and often still are – expected to have physically resisted to the extreme if the accused were to be convicted of rape. In addition to past definitions relying on women's physical resistance to indicate lack of consent, a defense to the crime of rape has existed in the form of the accused's honest, though unreasonable or mistaken, belief in consent.

In the now infamous 1976 English case of *Director of Public Prosecutions (DPP) v. Morgan*,<sup>6</sup> the accused, Morgan, had persuaded three other men that his wife would like to have sex with them. He explained that she would pretend to resist but that it was all part of the 'rough play' that she desired. Having arrived at Morgan's home, the four men dragged the woman from a room where she was sleeping and took turns having intercourse with her while restraining her. They all admitted that she protested and resisted as best she could, but the three strangers claimed that they honestly believed that she was consenting. The three men were charged with rape; Morgan himself was charged with the lesser charge of aiding and abetting a rape, as at the time marital consent was assumed in law. In court, the defense argued that the three men lacked the required mental element of the crime of rape. In other words, they did not intend to have sex without that person's consent. The jury initially convicted them, after being directed by the judge that any belief in consent would have to be a reasonable one. On appeal, the defence argued that the jury was misdirected in law because even an unreasonable and false belief in consent, if honestly held, is inconsistent with the intent to have sex without a person's consent. The House of Lords (the highest court of criminal appeal in England) agreed with the defense on the point of law. The legal legacy of the

decision in *DPP v. Morgan* was that an honest belief in consent, however unreasonable, could serve as a valid defence for rape. In other words if the accused honestly believed that the victim consented to sex, regardless of how misinformed or unreasonable that belief may be, then he lacked the intent necessary to satisfy the legal requirements of the crime of rape.

Lois Pineau argues for a more *communicative* legal model of sexual consent, and this concept has made a significant contribution to how feminists – and more recently the law – have engaged with the issue. What she ultimately suggests is that if the point of sex is mutual sexual enjoyment, then both partners have an obligation to find out how to make sex enjoyable for their partner – and that this requires active communication. Pineau argues that it is not reasonable for women to consent to something that they have little chance of enjoying – hence it is not reasonable for individual men (or, therefore, the law) to expect that women consent to aggressive, non-communicative sex. Rather, in a sexual assault case, if a person (usually male) is claiming that they believed a partner (usually female) to be consenting, instead of asking if the victim used physical force to resist, we should be asking what measures were taken to find out if the sexual behaviour was enjoyable to both parties. In other words: How did the alleged offender know there was consent? What active measures did they take to ascertain consent?

From 1992, this model of communicative consent was introduced into student policy at a number of colleges in the United States (though not into law), resulting in much controversy and public debate.<sup>7</sup> Similar models have more recently been reflected in many legal definitions of consent in Australia and in a minority of jurisdictions internationally, most notably New Zealand, Canada and the United Kingdom. Indeed, as a result of at least 30 years concerted effort on the part of feminists and legal reformers the State of Victoria (Australia) now has a law that reflects a more communicative model of sexual consent. This legislation has been widely acknowledged as representing best practice in legal models of consent and as such it is worth discussing in more detail.

According to the Victorian *Crimes Act 1958* ‘consent’ to a sexual act means ‘free agreement’, and there are a number of conditions under which a person does not freely agree, including where there is force, fear of force or while the person is asleep or unconscious (see [Box 5.1](#)).<sup>8</sup> Also especially relevant to our discussion is section 37 of the Act, which outlines judicial directions for the jury when considering the issue of consent (see [Box 5.2](#)). The section was amended in 1997 to reflect a more communicative model of consent, which meant that consent was not to be assumed by the absence

### Box 5.1 Meaning of consent<sup>9</sup>

For the purposes of subdivisions (8A) to (8D) consent means free agreement. Circumstances in which a person does not freely agree to an act include the following –

- (a) the person submits because of force or the fear of force to that person or someone else;
- (b) the person submits because of the fear of harm of any type to that person or someone else;
- (c) the person submits because she or he is unlawfully detained;
- (d) the person is asleep, unconscious, or so affected by alcohol or another drug as to be incapable of freely agreeing;
- (e) the person is incapable of understanding the sexual nature of the act;
- (f) the person is mistaken about the sexual nature of the act or the identity of the person;
- (g) the person mistakenly believes that the act is for medical or hygienic purposes.

of refusal or struggle, but rather through the presence of an active verbal or physical indication.

Reviews of sexual offences legislation conducted by the Victorian Law Reform Commission in the 1990s and again from 2001 to 2004<sup>10</sup> have resulted in further amendments strengthening this section of the Crimes Act, including various elements regarding the meaning of consent and the accused's awareness of consent. For example, the revised jury directions on the meaning of consent require the judge to state that:

... the fact that a person did not say or do anything to indicate free agreement to the particular sexual act at the time that the act occurred is evidence that the act took place without that person's free agreement.<sup>11</sup>

Furthermore, that:

... the jury is not to regard a person as having freely agreed to a sexual act just because – she or he did not protest or physically resist; or she or he did not sustain physical injury; or on that or an earlier occasion, she or he freely agreed to engage in another sexual act (whether or not of the same type) with that person, or a sexual act with another person.<sup>12</sup>

## Box 5.2 Jury directions on the accused's awareness of consent<sup>13</sup>

For the purposes of section 37, if evidence is led or an assertion is made that the accused believed that the complainant was consenting to the sexual act, the judge must direct the jury that in considering whether the prosecution has proved beyond reasonable doubt that the accused was aware that the complainant was not consenting or might not have been consenting, the jury must consider –

- (a) any evidence of that belief; and
- (b) whether that belief was reasonable in all the relevant circumstances having regard to –
  - (i) in the case of a proceeding in which the jury finds that a circumstance specified in section 36 exists in relation to the complainant, whether the accused was aware that that circumstance existed in relation to the complainant; and
  - (ii) whether the accused took any steps to ascertain whether the complainant was consenting or might not be consenting, and if so, the nature of those steps; and
  - (iii) any other relevant matters.

This communicative or ‘active’ model of consent clearly differs quite significantly from a model that assumes that it is normal or reasonable for one (usually male) partner to act knowingly upon another (usually female) partner. The revised definition does not accept that it is reasonable for one partner to assume that there is consent because of another’s apparent compliance or non-resistance; it makes it clear that there is a responsibility for all partners in a sexual encounter to take steps to ascertain that consent is freely given. This emphasis on active and communicative consent is further reflected in amendments regarding the mental element of the offence,<sup>14</sup> that is, the accused’s awareness of whether or not there was consent and therefore their intention to commit the crime of rape or indecent assault (see Box 5.2). To secure a conviction, the prosecution must prove, beyond reasonable doubt, that the accused committed both the criminal, or guilty, act (*actus reus*, or the objective element of the crime) and had formed the intention to commit the act, the guilty mind (*mens rea*, or the mental element of the crime).

In fact, the law in Victoria now includes in the gender-neutral crimes of rape and indecent assault that the accused either: was aware that the person was not consenting or might not be consenting; or *did not give any thought* as to whether the person is not consenting or might not be consenting. This definition, together with the jury directions on the accused's awareness of consent, further strengthens the communicative model adopted: consent cannot be assumed in ambiguous situations, but rather a person must take steps to actively ascertain consent.<sup>15</sup> In other words, a defence of honest, though unreasonable, belief in consent can no longer be upheld if the accused did not take active steps to ascertain or clarify consent. The Victorian legislation may not go so far as Lois Pineau infamously suggests (that there should be constant verbal communication to facilitate mutually pleasurable sex), but there can be no mistaking that the onus is no longer solely on the woman to just say 'no'.

Changing the law is certainly crucial to providing an avenue for justice for those who have been sexually assaulted. However, the conceptual framework outlined in [Chapter 4](#) suggests that changing the law is not, in and of itself, enough to influence the deeply held unwritten rules and gendered discourses constructing sexual consent and sexual relationships. This is further reflected in the persistent difficulties for the law to bring perpetrators of sexual violence to justice. For example, we know from national surveys of crime victimisation that very few victims of sexual violence (less than 20 per cent) ever report their experience to police.<sup>16</sup> And when cases *are* reported, there remains an appalling rate of attrition as these cases move through the criminal justice system – that is, there are low charge and prosecution rates – and even when charges are laid and the case goes to trial there are low conviction rates.<sup>17</sup>

There are, of course, many complex reasons contributing to the case attrition of sexual assault through the criminal justice process, and these are discussed at length elsewhere.<sup>18</sup> However, this persistent limitation of the law suggests very clearly that law reform alone is not enough to shift the competing discourses at play in our negotiation of a sexual encounter. This is because the law is just one institution, or 'field' in Bourdieu's terms, of social and cultural reproduction. In other words, the law is just one source of social control – and changing the law around consent to make it more communicative has not been enough to change the more subtle gender norms and discourses at play at the level of individual practice or habitus in the everyday negotiation of consent. As discussed in [Chapter 1](#), this is one of the key reasons why policy, programs and strategies directed at *preventing* sexual violence are so important.



## FROM LAW TO EVERYDAY PRACTICE

Communicative models of consent have made their way into law in various degrees in different jurisdictions, and perhaps unsurprisingly, their influence on young people's everyday practice is similarly variable. However, while young people have often been found to be poor negotiators of sex, and young women, particularly, experience difficulty communicating their own sexual needs or desires,<sup>19</sup> several young women – and young men – in my research interviews also spoke of instances in which they had actively negotiated their sexual encounters and intimate relationships.

Young women in the excerpts below talk about the ways in which they might say 'no' to sex.

It's more wanting the other person to understand their reasons sort of, you can't really just say 'no', because that's sort of when people start getting pushy, like, if you don't have a reason. I sort of think, I mean, just saying no, for no real reason to say no. I talk about it a lot more, say why I don't want to do it.

– Individual interview, Erica, rural, aged 18 years

Um, I just sort of, I don't know, like if you're sort of getting hot and heavy I'd just sort of tone it down a little bit, slower kissing, not as much touching, slowly sort of move away – make an excuse like I've got to use the bathroom, like when I go back I just sort of distance myself from them.

– Individual interview, Sophie, rural, aged 18 years

These experiences reflect similar findings by sexuality researchers internationally.<sup>20</sup> That is, it is more common in all contexts, not just the negotiation of sex, to provide explanations – or excuses – rather than just say 'no'. By contrast, some young women *did* feel that being more direct in their sexual refusals was important, as in Andrea's excerpt below:

*What would you do to let that person know that sex wasn't going to happen?*

Yeah I'd just be completely direct and handle that, I don't want to go further.

I've done that a few times and yeah they're not happy with it, but I'm not going to do something I'm not comfortable with . . .

– Individual interview, Andrea, rural, aged 20 years

Young men, meanwhile, did not talk about ways in which they might indicate that they did not want sex, which may reflect reproductions of hegemonic masculinity that position men as always sexually driven or

desiring. Indeed, when asked about sexual decision making in his relationship, Joshua related his perceptions, which speak to the complexity of gendered norms in negotiating consent in a love relationship.

Well we both lost our virginity to each other and that was definitely conscious. We were about . . . I don't think sex sort of became unconscious, instinctive drive, it was more when we needed each other that we actually went about having sex . . . We talk about it because I think I was the sexual pressure in the relationship. Like after the first couple of months I think [girlfriend] stopped wanting it, so I could feel a need for it and drive for it. I'd talk about it and I would romance her. I used to be able to put on dinners and everything for her and she went to [home town] and she'd come back to a really nice thing. It was a good set-up we had. But the decisions were just very difficult and even when we did make a decision [to have sex] at that last minute she'd turn back, which I do sometimes when we go for a walk or something, but she did it with sex. And one of my complaints is that she just says she's got her period. It's like, wow, that's three consecutive weeks. My God!

– Individual interview, Joshua, rural, aged 20 years

Joshua's account of sexual decision making in his relationship appears to reproduce consent as something that, once given, cannot be taken away. As with the young women's responses above, he mentions the use of excuses as code for saying 'no' to sex, although he experiences this as a frustration in the relationship. Interestingly, when speaking about his own experiences of how he might let someone know he did not want sex, Joshua appears to agree that coming up with a lie is an acceptable, albeit not perfect, response.

I'd probably come up with a lie, yeah. I've done that before actually. I feel, when that happens, I do feel guilty after I leave because I feel like I've let them down or something. And I just don't like hurting people's pride in any way. But then again it's best not to let other people's pride get in the way of my own feeling safe and comfortable.

– Individual interview, Joshua, rural, aged 20 years

Despite reflection upon his own reasoning for giving excuses rather than being honest about not wanting sex, he seems very unsympathetic, even unaware, that his girlfriend might have similar concerns about 'other people's pride'.

In addition, young people spoke about how they negotiated sex both for the first time with a new partner, and in an established relationship.

It's sort of like – it's not often just like mutual – it just doesn't happen out of nowhere. It comes like one or the other will approach the other like you know, "How are you feeling?", "Do you feel like it or do you not?". And then it's kind of like the communication from there but, that's very unromantic [laughs], but yeah.

– Individual interview, Charlotte, urban, aged 22 years

We had an actual discussion, because he was really persistent and it was quite cute. We were in the car and we've always said "We don't want booty calls" and I know we're boyfriend and girlfriend but we always say "This isn't a booty call". Yeah he's always saying "I don't want you to think that I am using you for sex" and I'm just like "I know that you're not". It's not an issue in our relationship at the moment and I said: "Listen if we feel like it we should – and if we don't we don't and that's how it should go, it should be very natural". So at the very start the first time we did it there was a bit of a discussion, but then after that it was just natural.

– Individual interview, Chloe, urban, aged 19 years

I guess more often than not, it'll be sort of like, you will actually verbally, someone will verbally say like you know, oh, I don't know how exactly . . . the words (laughs) . . . but you know they'll say like, "Do you wanna have sex?" or "Do you feel like having sex right now?" and so, either it'll be . . . Although, I guess a lot of times he'll say that to me, but most of the time you know I'm like yeah okay cool (laughs). But sometimes because, if, if I'm tired or something, I really don't feel like it, I'll be just like "No. I'm too tired I don't feel like it right now," and he gets over it pretty fast, which is good. He doesn't, you know, hold it against me or anything and he doesn't care, and of course, I guess most times if I'm like, "Let's have sex," I'm pretty sure he'd be "yeah", he'll be like "yeah", I don't think there's ever really a time where he sort of says no. Yeah, no I don't think . . . yeah I'm pretty sure . . . I think I'd say overall he proposes more often than me, but I do accept most of the time, and if I don't he's fine with that. And it's just, yeah, and it's just, it is just definitely like if we do have it has to be both people really wanting to do it. Like if one of us – if I don't feel like doing it or something – I'm not just gonna do it to please him, and I know he wouldn't want me to do it just to please him. You know it has to be something where both people consciously want to.

– Individual interview, Jessica, urban, aged 19 years

*How do the two of you decide whether you're going to have sex?*

Sometimes, well it depends. He will say, like, "I really want to," like today, and it is kind of up to me I guess. He is very much respectful of my view, so if I don't feel like it, he will say that is okay.

– Individual interview, Mei Lien, urban, aged 22 years

Many of the young women here describe responding to men's advances or that sex progresses 'naturally'. This suggests that norms surrounding men's sexual initiative are still at play in most encounters amongst these young people. Similarly, Sophie's experience, recounted below, appears to have been driven more by her boyfriend than by herself.

Um, it was more something that like . . . we talked about stuff, we talked about fingers, I'd pretty much, well because I was a very shy person I wasn't outgoing, I didn't go to parties when everyone was younger. He was my first kiss actually and from there it sort of progressed after that and like we did discuss all, we did discuss it, but it was more about we just came to the decision like when we're ready we're ready and um like . . . I think it was, we'd been going out for a month and had got to a part where he was really partial [to it] when it got to oral, and I was uncomfortable with that, and we still talked about it and we just decided in the end look I wasn't ready for it so we just progressed on later until one day he just goes "Do you want me to lick you out" and yep, it was just more about the time when we were comfortable around each other.

– Individual interview, Sophie, rural, aged 18 years

By contrast, in the excerpt below, this young man provides an example of reflexive and ethical sexual practice by checking, asking and actively ensuring that sexual practices with his partner are entirely consensual.

I pretty much said that I wanted to have sex and that that'd be good and you know, that was, yeah I just expressed my wish to have it and it was accepted by him without any, like he knew, I've said to him like if he doesn't, he doesn't wanna have it he's gotta say, but he says no, no. Just sometimes I do have to check, actually I do have to check often if he's not just agreeing with me, whether he actually wants things. Sometimes you have to be a detective to find out what he really wants.

– Individual interview, Ryan, urban, aged 20 years

Ryan, in identifying as same sex attracted, is taking up a position that is already outside of hegemonic masculinity discourses. This distance places Ryan in a situation where he is perhaps more able to challenge the rules, to reflect upon his own sexual practices and to actively negotiate and ensure consensual practice with a sexual partner.

While some sexuality researchers have understood 'negotiating' sex as 'the act of talking about having sex with a partner or using non-verbal communication to signal the intention to have sex,'<sup>21</sup> I would suggest

that true negotiation includes not only whether or not to have sex, but also what sexual practices will be engaged in and under what conditions or circumstances. By this understanding of what it means to negotiate sex, it is clear that what we are talking about is a *process* rather than a yes/no decision. As such, sexual consent is something that needs to be re-negotiated in each new sexual encounter (even with the same partner) as it cannot be assumed that the same sexual practices or circumstances still apply. Indeed, since consent can be given and taken away, in understanding the negotiation of sex as a process it is important to emphasise that this ought to occur throughout the *same* sexual encounter, since the terms of sexual engagement can and do sometimes change.

### **NOT TALKING ABOUT SEX: CONSENT AS AN EMBODIED PRACTICE**

As is evident from the previous excerpts, young women and young men variously spoke about how they negotiated or 'worked out' sex in their encounters and relationships. While this sometimes involved an explicit verbal discussion, more often than not young people spoke about the ways they 'just knew' that sex was, or was not, wanted.

Well I guess if, I think if you're in a situation that you're close to somebody, you can read their body language so that's never been a really big issue for me. I know for a fact that a lot of guys read the body language too but they are not thinking with their head, well not that head! [laughs] I don't know, I guess, I mean, I don't sleep with just anyone, so if I'm going to be with someone it's because we're close enough, so you've got to read the signs. I don't think that's an issue, half the time.

– Individual interview, Andrea, rural, aged 20 years

As Andrea suggests, consent is not usually something that is explicitly verbally articulated. Rather, consent is a process; it is a bodily communication, and it does rely to a large extent on responding appropriately to a partner's bodily signals, which is something that may depend on the intimacy of an established relationship. Below, Sophie refers to her own experience with her boyfriend to describe how people might show that they're consenting to sex.

It's more generally just like a touch here and there or a kiss or something. He'd come and kiss me on the neck or something and then sort of progress

from there, it was just sort of, you know it was just a feeling, it's just . . . And if one of us wasn't in the mood it didn't happen, it was just – yeah, like if yeah – if I actually give him a kiss on the cheek or something . . . or like he might have just involved . . . like started like hugging and all that kind of thing and it just progressed, yeah . . . I reckon just by the way a person escalates a mood, like I mean pretty much from just progressing from the hugging and like you know and obviously if you start taking a guy's shirt off then you know, just by, just by general displays in behaviour, um, um. It really, it sort of depends on the woman as well, like some people aren't so um, outgoing and that kind of thing but behaviour is something else, like the guy might have to initiate it and that kind of thing for it to escalate. I think, I think it's pretty much um, just like little things I suppose, it's just . . . I sort of find. No actually I think it's generally it's mostly in the eyes: if you look at somebody you can sort of tell what sort of mood they're in . . . if he wasn't interested I could tell like by the way he acted, just little things here and there and yeah.

– Individual interview, Sophie, rural, aged 18 years

Here again, the emphasis is on bodily communication in relation to sexual consent, in this case, how Sophie and her partner know and express that sex is wanted. Sally shares a similar experience:

A lot of time like we knew, like when it came, because I was staying at his parent's house, like they'd go to bed early, when we'd go to bed basically that would happen first, then we'd go to sleep, so we kind of knew what was going to kind of happen. But generally just, you know, how he looks at me kind of thing and yeah if we're like sitting down or something, you know he'll . . . he gives me massages and all that kind of thing and just touch and stuff, so it's more kind of like not, it's not verbal, it's all body language which I think would be the norm with most people . . . Yeah, I'd just say body language mostly or we used to, the shower would be something for us so he'd be like, "Oh, do you need a shower?" you know that kind of thing, I'd be like "yes" so that would . . . yeah, or flirtatious beforehand. Yeah, it would be the subtle signals or sometimes you know, if we're alone, I'd just, we'd just, I don't know, we'd start off, I suppose canoodling kind of, and then start out, and then progress from there. Yeah, it would be the same on both ways I think.

– Individual interview, Sally, rural, aged 20 years

Similarly, in the excerpt below, Lachlan relies on reading the cues from his partner as to when she wants to have sex.

Not like a formal, like we don't talk about it, usually . . . we're pretty much together almost every night at this point, so you know she'll make it obvious to me if she wants to do something and I guess I'll do the same with her . . . I would definitely say she is more sexually expressive than I am, if that's the way to say it, but she will initiate it more.

– Individual interview, Lachlan, urban, aged 24 years

In Mia's experience, below, she suggests that while it is easier to discuss sex once a relationship is established, it might be more necessary earlier on when you do not know each other 'that well'.

I don't know. In the early days you're sort of more likely to just, I don't know, I guess you're more into it and you're more likely to sort of be more, I don't know. In the early days, yeah, you're more likely to want to do it more often and like everywhere. Do you know what I mean? And I guess there wasn't too much discussion about it at the time. I guess I'm pretty young as well so it's not easy. A bit stupid – not stupid but you know what I mean – like we just, we weren't really, we generally just did whatever we felt like. I guess especially at the start of the relationship you're not someone that's sort of too concerned about waiting for a long time before you know. You don't even really know the person that well at the start which is I guess sort of bad and, I don't know, I guess it's just not really talked about . . .

– Individual interview, Mia, rural, aged 22 years

What these young people's experiences suggest is that, while legal models of communicative consent require active negotiation, this is not how sex is currently negotiated in their everyday practice. Nonetheless, the current legal model of consent requires an individual (young people included) to be able to identify when the subtle and often non-verbal cues regarding consent might be ambiguous, and then to be confident in taking steps to actively ascertain consent. Once again, however, it may still often be subtle cues that are relied upon and that these can still be easily misread as consent. While many young people arguably are able to read these signs, it is clear that when combined with gendered norms and discourse regarding expectations of men's sexuality as active/pursuant and women's as passive/submissive, much of this interpretation remains unarticulated and not readily open to conscious reflection. There remains a need to work with young people to bring a more communicative negotiation of consent into their everyday practice – to embed those practical dispositions in their habitus.

It appears that there are cultural rules for the subtle, often bodily communication of consent embedded in the field of sexual encounters that are not verbally articulated, and can be variably understood as well as easily misunderstood by both young men and young women. Thus, the negotiation of sexual consent involves a complex interplay of individual choices on the one hand, and embodied gendered practices on the other, whereby the taking on of gendered norms and gendered roles is played out at the level of practice and not necessarily immediately amenable to self-reflection and change. Arguably, what we need to encourage is the kind of reflective practice that Ryan spoke of earlier, where he was perceptive of his partner's responses and read between the lines – identifying ambiguity – then took steps to determine whether his partner may have been feeling pressured to consent to unwanted sex.

There is also an inherent contradiction and challenge in the ways that young men are positioned within current discourses and social norms, such that they are expected to act on their sexual desires, to act with agency; young women are positioned differently. As discussed [Chapter 4](#), even within raunch culture – in which young women are expected to act in sexual ways and to present themselves as sexually available – young women are not necessarily acting with the same agency as young men. While the negotiation of consent within a communicative model applies to young women and young men equally, they rarely begin from the same social and cultural positioning. Despite the post-feminist rhetoric, there remains a need to empower young women to reflect upon and identify *their own desires* as a basis for their choices and actions, to counteract the social and cultural context in which they are encouraged to put others' desires ahead of their own. However, in encouraging young women to identify their desires as the basis for their choices and practices, it is possible to inadvertently reinforce the notion that responsibility for consensual practice lies entirely with young women. Thus focusing on empowering young women may unintentionally reproduce dominant understandings of female sexuality as gate-keepers of an 'uncontrollable' male sexuality (as discussed in [Chapters 3 and 4](#)).

At the same time then, there is a need to encourage and facilitate young men's reflection on their own and others' desires – their ability to identify ambiguity and to take steps to actively determine whether a partner is consenting. This is what communicative models of consent in law have tried to achieve. By removing the underlying discourse of *expected* miscommunication because 'men cannot read the signs', communicative consent has effectively removed the legal excuse for engaging in unethical sexual



practice. In doing so, the law recognises that most men *are able* and *often do* engage ethically in the negotiation of consent. By acknowledging this, we simultaneously provide an alternative framework for men ‘doing sex’, and remove the licence for young men to pressure and coerce their sexual partners. We effectively share the responsibility between young women and young men to be reflective, to consider if a partner’s responses indicate consent and, if they are ambiguous, to check, to actually find out.

## **BOURDIEU AND THE LIMITS OF LAW REFORM**

As has been consistently argued and demonstrated, changing the law – while crucial to providing an avenue for justice – is not enough to influence a community’s deeply held and competing values, attitudes and beliefs towards sexual consent and sexual relationships. Law reform, in and of itself, is not sufficient to shift the competing discourses at play in our negotiation of a sexual encounter. This is because the law is just one institution: one field of social and cultural reproduction. As long as other fields continue to reproduce values and norms positioning men’s active sexuality against women’s passive acceptance of it, the law, no matter how it is written, will remain susceptible to being interpreted according to these values.

Despite Bourdieu’s own pessimism about feminism generally, and the extent of social change the movement has achieved,<sup>22</sup> he viewed education and the family as powerful social institutions not only in terms of reproducing the norms of the dominant social order in habitus, but also as potential vehicles for change.<sup>23</sup> Indeed, this view has a long tradition within sociological thought.<sup>24</sup> While Bourdieu’s work in this area has focused on the cultural reproduction of class inequalities in social institutions, we may also consider the relevance of his sociology to the reproduction of gender norms and discourse. As Bourdieu explains:

through the experience of a ‘sexually’ ordered social order and the explicit reminders addressed to them by their parents, teachers and peers . . . girls internalize, in the form of schemes of perception and appreciation not readily accessible to consciousness, the principles of the dominant vision which lead them to find the social order, such as it is, normal or even natural.<sup>25</sup>

A further implication then of consent as an embodied gendered practice, enacted through one’s gendered habitus, is that to instil significant social

change we must target not only the individual's practice but also the social institutions that simultaneously reproduce that practice. Thus, following Foucault, promotion of a legitimate alternative discourse of sexual ethics<sup>26</sup> to those pitting an active-pursuer male against a passive-receptive female, holds great potential for preventing sexual violence. Yet the persistence of entrenched social rules in the field of sexual encounters, which are reproduced across other social institutions and fields (such as education, the family and peer groups), means that this alternative discourse alone may not represent a significant challenge to social norms.

Education and the family are the two central social institutions through which children and young people receive their earliest and arguably most effective socialisation into the dominant social order. If, as Bourdieu asserts, the gendered habitus is most strongly influenced by early experiences then these two social institutions hold both the most influence and promise for significant social change. While the law is an important institution for reform as a reflection and enforcement of social values, education, family and peers immerse children and young people in gendered values and practical dispositions for everyday practice in a way that the law alone cannot.

## CONCLUDING COMMENTS

In considering young people's talk about their love/sex relationships, several issues are raised that affect approaches to prevention of sexual violence. First, many young men are quite capable of reflecting on the body language of their partners. The young men participating in this study could tell when things weren't quite right, so experiences of unwanted sex may not be a matter of miscommunication or of young men misinterpreting the signs as often as is currently assumed. Gendered norms and values around sexual consent do not encourage this kind of reflective behaviour in young men; they tend to encourage young men to be unthinking, actively pursuant of their own desires and in need of clear boundaries. Unsurprisingly, many young men come to adopt these dispositions in their habitus. Second, young women experience a lot of unarticulated pressures to engage in sex whether they want to or not; some young women feel that sex is expected, for a variety of reasons, including that they should put their boyfriends' desires before their own. When brought together in a sexual encounter, these different gendered dispositions in habitus can create the conditions for pressured and unwanted sex to occur, whether or not it is actually intended.

Third, a theoretical understanding of the negotiation of sexual encounters and consent as an embodied gendered practice lived in the moment rather than explicitly verbally negotiated, significantly contributes to existing miscommunication analyses of the grey area of sexual violence. It exposes the gendered symbolic violence potentially at play in experiences of pressured or unwanted sex, which situate both young women and young men in positions where they may feel pressured to have sex, whether or not coercion was intended. Together this makes it clear that teaching young women to ‘just say no’ is unlikely to be enough to overcome these subtle and entrenched influences.

Arguably, therefore, our prevention efforts should be directed towards encouraging young women and young men not only to pay attention to their partners’ body language, and to the subtle ways in which people may communicate their consent or non-consent to sex, but also to take active steps to ascertain consent should there be any ambiguity. This approach has two advantages: it reflects the way that many women and men tend to negotiate sex in their everyday practice; and it places the responsibility for ensuring consensual sexual practice equally on both men and women.

If consent is indeed an embodied gendered practice, then prevention of non-consensual sex will involve more than just ‘awareness raising’ as to the legal meaning of the communicative model of consent. Rather, prevention will need to target the deep gendered cultural norms that influence sexual negotiations. Further implications of this analysis for sexual violence prevention will be discussed in [Chapters 7](#) and [8](#). First, however, [Chapter 6](#) examines the law and consent specifically in relation to the emerging issue of information and communication technologies and sexual violence.

## SUGGESTED READING

- J Gold & S Villari (eds), *Just sex: Students rewrite the rules on sex, violence, activism and equality* (Lanham: Rowman & Littlefield, 2000).
- L Pineau, ‘Date rape: A feminist analysis’. In L Francis (ed.), *Date rape: Feminism, philosophy and the law* (Pennsylvania: Pennsylvania State University Press, 1996).
- Victorian Law Reform Commission, *Sexual offences: Law and procedure*, Final report (Melbourne: State of Victoria, 2004).

## NOTES

- 1 L Pineau ‘Date rape: A feminist analysis’, *Law and Philosophy*, vol. 8, no. 2 (1989) pp. 217–43, emphasis added.

- 2 L Allen, *Sexual subjects: Young people, sexuality and education* (New York: Palgrave Macmillan, 2005); W Hollway, 'Gender difference and the production of subjectivity'. In J Henriques et al. (eds) *Changing the subject: Psychology, social regulation and subjectivity* (London: Sage, 1984).
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- 4 H Frith & C Kitzynger, 'Talk about sexual miscommunication', *Women's Studies International Forum*, vol. 20, no. 4 (1997) pp. 517–28; C Kitzynger & H Frith, 'Just say no? The use of conversation analysis in developing a feminist perspective on sexual refusal', *Discourse & Society*, vol. 10, no. 3 (1999) pp. 293–316; O'Byrne, Raply & Hansen, "'You couldn't say 'no', could you?": Young men's understandings of sexual refusal', *Feminism & Psychology*, vol. 16, no. 2 (2006) p. 133.
- 5 L Pineau 'Date rape'.
- 6 See DC Hubin & K Haely, 'Rape and the reasonable man', *Law and Philosophy*, vol. 18, no. 2 (1999) pp. 113–39; Victorian Law Reform Commission, *Sexual offences: Law and procedure*, Final report (Melbourne: Victorian Law Reform Commission, 2004).
- 7 See K Herman 'Demands from the women of Antioch'. In J Gold & S Villari (eds) *Just sex: Students rewrite the rules on sex, violence, activism and equality* (Oxford: Rowman & Littlefield, 2000) pp. 126–34; L Francis, *Date rape: Feminism, philosophy and the law* (Pennsylvania: Pennsylvania State University Press, 1996).
- 8 *Crimes Act 1958* (Vic.) s.36
- 9 *Crimes Act 1958* (Vic.) s.37.
- 10 Victorian Law Reform Commission, *Sexual offences*.
- 11 *Crimes Act 1958* (Vic.) s.37AAA(d).
- 12 *Crimes Act 1958* (Vic.) s.37AAA(e).
- 13 *Crimes Act 1958* (Vic.) s.37.
- 14 See Victorian Law Reform Commission, *Sexual offences*.
- 15 Victorian Law Reform Commission, *Sexual offences*, p. 412.
- 16 Australian Bureau of Statistics, *Women's safety Australia, Catalogue No. 3201.0* (Canberra: Australian Bureau of Statistics, 1996); Australian Bureau of Statistics, *Personal safety survey, Catalogue No. 4906.0* (Canberra: Australian Bureau of Statistics, 2006).
- 17 D Leivore, *Prosecutorial decisions in adult sexual assault cases: An Australian study* (Canberra: Office of the Status of Women, 2004); D Leivore, *Non-reporting and hidden recording of sexual assault* (Canberra: Australian Institute of Criminology for the Commonwealth Office of the Status of Women, 2003).
- 18 See, for example, Leivore, *Prosecutorial decisions*.
- 19 A Evans, 'Power and negotiation: Young women's choices about sex and contraception', *Journal of Population Research*, vol. 17, no. 2 (2000) pp. 143–62.
- 20 Kitzynger & Frith, 'Just say no?'; O'Byrne, Raply & Hansen, "'You couldn't say 'no', could you?" p. 133.
- 21 Evans, 'Power and negotiation', p. 153.
- 22 P Bourdieu, *Masculine domination* (Stanford: Stanford University Press, 2001).
- 23 P Bourdieu, *In other words: Essays towards a reflexive sociology* (Stanford: Stanford University Press, 1990); Bourdieu, *Masculine domination*.

- 24 See, for instance, E Durkheim, 'Education et sociologie'. In A Giddens (ed.) *Emile Durkheim: Selected writings* (Cambridge: Cambridge University Press, 1922/1972) pp. 203–05.
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# 6

## Technology

### Unauthorised sexual images and sexual violence

WHILE THE ISSUES of sexual violence and the meaning of consent are widely discussed in the context of direct physical encounters, emerging technologies are changing the face of social and sexual interaction, particularly for young people. Use of information and communication technologies (ICTs) is a ubiquitous feature of contemporary life for Gen-Y, and indeed in Western societies more broadly. In particular, technologies such as mobile phones, social networking websites, personal blogs and video-posting websites are ever-expanding, with young people aged 14 to 34 representing the greatest proportion of this consumer market.<sup>1</sup> While these new technologies may offer spaces for young people to communicate and interact outside the traditional gender norms and discourse ordinarily at play in their sexual encounters, I suggest that, in fact, they also create new opportunities for facilitating sexual violence. As such, despite their potential as fields of social interaction free of gender norms and discourse, ICTs should also be understood as offering new forums for pressure where the unwritten rules at play in many young people's face-to-face sexual encounters continue to hold sway.

This chapter considers some of the issues raised by the use of ICTs in sexual violence, including sexting and the distribution of unauthorised sexual images. Throughout, I use the terms 'visual image' and 'unauthorised sexual image' to refer to both still and moving images taken by any number of devices, including mobile phone cameras, digital video cameras, web cameras and surveillance devices. 'Distribution' broadly refers to the image being sent on, whether by mobile phone, email, peer-to-peer file transfer, posted on user-generated content websites or otherwise made available for others to view. Informed by the conceptual framework outlined in [Chapter 4](#), I discuss legal and preventative approaches to defining and

responding to harms of a sexual nature that are facilitated by ICTs. First, however, I provide some context by discussing the role of emerging technologies both in youth culture and as a forum for sexual content more generally.

## ICTS, GENDER AND SEXUAL VIOLENCE

Young people aged 14–24 and adults aged 25–34 represent the largest proportion of end-users in the ICT market, with 79 per cent of 14–17 year-olds, and 90 per cent of 18–34 year-olds, owning or using a mobile phone.<sup>2</sup> Overall, 64 per cent of Australian households now have internet access at home and this proportion increases to 80 per cent for those households with young people aged 14–17.<sup>3</sup> Meanwhile, patterns of mobile phone and internet usage in the Australian community, suggest that ‘socialising’ and ‘entertainment’ are the most common uses, particularly for the 14–17 and 18–24 age groups.<sup>4</sup> These activities include text and picture messaging, instant chat messaging, online gaming, social networking websites (such as Facebook and MySpace) and other user-generated content sites (such as YouTube, Flickr and GoogleVideo). These emergent user-generated content and social networking websites are collectively referred to as the interactive web or Web 2.0. The rapidly increasing engagement with user-generated content, particularly among teens and young adults, is also expressive of Gen-Y as the pioneers of new forms of social interaction and new media cultures.<sup>5</sup>

ICTs have transformed the ways in which many young people establish and maintain their social networks and relationships, as well as the ways young people present themselves and their identities, including their sexual identities.<sup>6</sup> As Oksman and Turtiainen suggest, ICTs constitute what sociologist Irving Goffman terms a ‘social stage’.<sup>7</sup> Here young people engage in presentations of self, outside the boundaries of traditional institutions of social control (such as the family, education and work). Some researchers have gone so far as to suggest that ICTs allow young men and women greater freedom to engage in relationships and explore their sexuality outside the prescriptive gendered rules and discourse that are ‘automatically at work’ in face-to-face sexual encounters.<sup>8</sup> Technology, it seems, offers new forums for sexual relating and experimenting at a relative distance from traditional social structures and institutions or, to use Bourdieu’s language (see Chapter 4), in a new social field of interaction where the rules are still being established and appear to be constantly recreated or rewritten. This view appears to fit within the Bourdieusian conceptual framework

(see Chapter 4): arguably, ICTs represent a field for sexual relating that takes place at a distance from the embodied everyday practices of the habitus. Thus it could be suggested that online spaces, in particular, create scope for greater reflexivity and therefore greater possibilities for new sexual and gender norms to emerge.

In practice, however, ICTs present inherent contradictions for young women, and indeed women generally, as end users. Feminist media and cultural scholars have argued that the internet offers great potential for a 'cyberfeminism', as women are increasingly able to network, communicate and mobilise on both local and global scales.<sup>9</sup> Examples of this type of feminist activism include Cybergrrl.com and Webgrrls.com, which emerged as women-only networking and community web spaces; their founder Aliza Sherman used 'grrl' to represent a stronger, more empowered version of the word 'girl'.<sup>10</sup>

However, as feminist media scholar Liesbet van Zoonen notes, it is not only empowerment that led to the naming of webgrrls.com:

It is telling that an important women's movement on the net, that of the webgrrls, had to name itself "grrls", instead of "girls" because searching for "girls" mainly produces sex sites and very little relevant material for women.<sup>11</sup>

There is already a well-documented association between the expansion of internet and mobile technologies and both access to, and expansion of, pornographic and amateur sexual imagery.<sup>12</sup> At the same time, women are also frequently the targets of sexual harassment in cyberspace.<sup>13</sup> Psychologist Azy Barak describes a variety of harrasing acts ranging from active to passive. Active harassment includes overt sexual harrasment, such as making sexual remarks and intentionally emailing or posting erotic or pornographic images and video, as well as non-sexual behaviours such as making humiliating comments in chat rooms and forums, and targeted flaming. 'Flaming' refers to aggressive online behaviour, usually with the intention of forcing the recipient to depart from the particular environment; it is often used to harass and exclude women in cyberspace. Passive forms of harassment include the use of sexual nicknames, and sexual or pornographic images as 'avatars' – an individual's representation of their self in a digital environment. Whether a three-dimensional model, used in virtual worlds (e.g. *Second Life*), or a two-dimensional still or animated image (more common in instant messaging, internet forums and other online communities), overtly sexual avatars can send a powerful message about



the online space. Another common form of sexual harassment online is the practice of 'page-jacking', in which an internet user thinks they are visiting a particular website or following an official link only to be re-directed (hijacked) to a pornography site or other potentially offensive material. For example, in the course of my research I have been page-jacked when clicking on a link from an official local council website to what was meant to be a support service for victims of sexual assault – only to be re-directed to a website displaying violent pornography.

Locating and consuming sexually explicit video and still images takes up a significant proportion of users' engagement with the internet, according to international research.<sup>14</sup> Internet pornography represents a burgeoning billion-dollar industry with content ranging from pornographic picture and video libraries (commercial and free-access), to interactive live strip shows and live sex shows.<sup>15</sup> A recent and popular addition to the diversity of internet pornography is the emergence of amateur (or 'do-it-yourself') sex videos, which are often filmed, edited, and uploaded by the producer/star/distributor all in one.<sup>16</sup> For example, amateur sex video sites such as YouPorn.com and RedTube.com feature among the top 50 global websites in terms of their traffic ranking.<sup>17</sup>

Upskirting and downblousing videos and still images are also popular amateur contributions to the internet. This became the focus of Australian media and public attention after a number of voyeurs were apprehended at the 2007 Australian Open in Melbourne (Victoria) and it was found that the law at the time was not adequate to respond to these emerging uses of technologies.<sup>18</sup> These practices have now been subject to extensive legislative definition and reform, in a number of Australian jurisdictions and internationally, resulting in new criminal offences with clear penalties, for example the *Summary Offences Amendment (Upskirting) Act 2007* (Vic.). There is also an online market for more explicit sexual images that are covertly obtained or unauthorised. Perhaps popularised by the widespread distribution of sexual video images of a number of celebrity women (e.g. Pamela Anderson and Paris Hilton), the covert recording and posting of a video image of what was otherwise a consensual sexual encounter is popular among everyday contributors to user-generated content sites. Beyond the traditional voyeur, who might surreptitiously spy on, photograph or video an unknown woman or acquaintance undressing or engaging in a sexual encounter in her own home, there is now also apparently an online market for covertly obtained sexual images of girlfriends and wives. There is also an online market for the recent practice of 'happy slapping': a term initially used to describe young people filming pranks or minor assaults,

that has come to encompass the filming and distribution of images of violent assaults, including rape and sexual assault. Video images are often subsequently widely distributed through social networking media such as YouTube and Facebook.

So one of the challenges facing Gen-Y, as compared to any previous generation, is the high level of exposure to a plethora of sexual content, facilitated by advancements in ICTs, some of which is not ethical or even legal. There is an established debate within Australia about the potentially damaging effects of young people's regular exposure to such sexually explicit content.<sup>19</sup> For instance, recent research suggests that young people frequently come into contact with sexual content online, both inadvertently (males 84 per cent, females 60 per cent) and by having deliberately sought it out (males 38 per cent, females 2 per cent).<sup>20</sup> While there is enormous controversy over the extent to which pornography generally might be associated with sexual violence, there are concerns that frequent exposure from a young age may affect young people's sexual development, causing them to take on norms and gender discourses that construct male and female sexuality in narrow and often violent ways, and distorting young people's understanding of consent.<sup>21</sup> There is some evidence to support this view, based on young people's own contributions to sexual content online and through mobile technologies.

Perhaps the most widely known Australian example of young people's contributions of sexual content online is the case in Melbourne (Victoria) known as the 'Werribee DVD'. In October 2006, the media were filled with reports of a sexual assault three months earlier of a 17-year-old girl by 12 young men, who had recorded and since continued to distribute images of the assault. The Werribee DVD was initially sold in suburban Melbourne schools for \$5 and later emerged for sale on internet sites for up to \$60, with excerpts also made freely available on YouTube.<sup>22</sup> Six months later, Sydney (New South Wales) newspapers reported a sexual assault of a 17-year-old woman involving five male teenagers who filmed the assault on their mobile phones and distributed the image amongst fellow school students.<sup>23</sup> In May 2007, the news was again filled with reports of a recording of a sexual assault: this time five men attacking two 15-year-old girls in Geelong (Victoria) and recording the assault on their mobile phone.<sup>24</sup>

Following these and similar events, media and public debates have claimed that ICTs are driving increases in violent offences committed by youth, including sexual assault, as teens and young adults attempt to emulate what they encounter on the internet and compete with each other's

postings to ‘gain status’.<sup>25</sup> Despite these claims, anecdotal evidence suggests that many of those responding to and preventing sexual assault are sceptical that it is the technology that is ultimately driving these offences. Instead, technology merely offers ‘new ways for committing traditional crime’<sup>26</sup> and, in the case of sexual violence, creates a new medium for continuing the harm by further humiliating and harassing the victim. Rather than being attributable to the technologies themselves, the underlying causes of sexual violence continue to be intertwined with gendered norms and discourses about sex, gender and violence. This is borne out by the fact that, like patterns of sexual assault generally (see [Chapter 2](#)), it is women and children who are typically the subjects of unauthorised sexual images.<sup>27</sup>

In addition to the harm of the original sexual assault, the recording and distribution of unauthorised sexual images is damaging in and of itself. At the recent trial and sentencing of the young men responsible for the Werribee DVD the 17-year-old female victim said she was terrified that she would be recognised in public after the distribution of the DVD and that her life has ‘been changed forever’.<sup>28</sup> Karen Willis, sexual assault counsellor/advocate and manager of the New South Wales Rape Crisis Centre, explains:

One of the impacts of sexual assault is a feeling that everybody knows. If it’s filmed, it adds to that because it’s not only the person who did it, but who knows who they’ve shown that to? If the film is posted on the internet, the humiliation is multiplied. Every person who looks at them and smiles or nods, [the victim is thinking] “Has that person been watching what happened to me?”<sup>29</sup>

In an entirely different case in the United States, a woman whose private sexual encounters had been recorded said she felt as though her ‘skin had been ripped off’ and that the behaviour should have been treated like ‘rape’.<sup>30</sup> It might also be argued that the unauthorised taking and distribution of images of an otherwise consensual sexual encounter is part of the continuum of sexual violence (discussed in [Chapter 2](#)) and harassment; yet rarely does public or media debate engage with the issue in this way.

Recent public debate about young people sexting provides a further example. While there is as yet little Australian research into the exact nature and prevalence of sexting, some surveys have found that as many as 33 per cent of respondents have been asked to send a nude picture of

themselves, and 51 per cent of teenage girls have said they sent the sex message due to pressure from a boy.<sup>31</sup> Interviews with girls in the United Kingdom indicate that these pressures are more likely to occur in the context of a ‘love’ relationship. For example:

He had just threatened to dump me and said if I took them we could get back together. I made him promise he’d keep them to himself. It took him about two weeks to convince me – he was constantly pounding “please, please” – he said he needed them for us to be together. . . . and at the time I decided it would be an okay thing to do . . . I thought if I did it for him, everything would be happy and we’d be a happy couple . . . When you are young and have your first boyfriend, all you want is for the relationship to work. You’ll do anything to make that happen.

– Helen, aged 14 years<sup>32</sup>

I was going out with somebody and he pressed me for a long time to send pictures to him. I wasn’t going to do it . . . He went on at me for a long time to do it and I had always said no. But then I thought, you know, we’d fought and fought about it, and I just thought right, I’ll give in and I’ll do it . . . I wouldn’t do it, if I hadn’t been in a relationship, I wouldn’t have done it for anybody else.

– Tracey, age not revealed<sup>33</sup>

These experiences are similar to those reported by young women in [Chapters 3 and 4](#), when discussing the pressures within their relationships. The unwritten rules positioning young women as the maintainers of relationships clearly requires that they place their boyfriends needs or demands ahead of their own desires, even if it means doing something that they are uncomfortable with.

Reports from schools and parents suggest that sexting is an important emerging issue in the Australian context, with two issues of particular concern. First is that teenage girls and young women are experiencing pressure to send sexuality explicit images in the first instance. Second is that even where the initial image has been sent with consent (as is frequently the case), the image appears too often to then be widely circulated, first by the intended recipient (usually a boyfriend or potential boyfriend), and then by peers and the broader community. In the case of sexting, the further distribution of the original image is itself a direct violation of an individual’s sexual autonomy, with the effect of humiliating, intimidating or otherwise harassing the victim, as Helen describes:

I was absolutely mortified, horrified. Everyone had seen them, not only all the people in my class but even at other schools in the area. The pictures were up in the bathrooms, in the corridors. People would stop me in the street and recognise me. They called me a porn star. I couldn't go to pubs, it was embarrassing for my friends as much as me. I was going to leave school at one point but I was too mortified to explain why to my parents.

– Helen, aged 14 years<sup>34</sup>

The recording and distribution of unauthorised sexual images of women and girls (including the widespread distribution of sext-messages) can be understood as yet another feature of a society, which, despite years of significant reforms to sexual consent legislation and documented shifts in community attitudes towards rape, continues to fail to take women's sexual autonomy seriously. In addition, the persistence of the sexual double-standard means that it is mostly images of young women that are being distributed, and it is they who are being labelled and judged by their peers for this behaviour – rather than those (both male and female) who send on the original messages. Arguably, Australian legislation needs to set a standard for the protection of those portrayed in the images from the harm that their distribution creates. Furthermore, this protection needs to apply whether images are of a sexual assault or an otherwise consensual sexual encounter, and to take into consideration the additional harm beyond the original assault or image and beyond merely a concern with privacy violation.<sup>35</sup>

## **UNAUTHORISED SEXUAL IMAGES, CONSENT AND THE LAW**

In the Australian context, responses to unauthorised sexual images and/or images of sexual assault potentially function across a number of bodies of law, including privacy infringement, voyeurism and other 'summary' or minor offences, and the more serious offences of child pornography and stalking. Yet each of these bodies of legislation varies in its capacity to adequately deal with this emerging issue.

Unlike some jurisdictions internationally, there is no common law right to privacy in Australian law, so individuals are unlikely to be successful in pursuing recompense through civil action in response to any perceived infringement of privacy by another individual citizen acting in their private capacity.<sup>36</sup> The Australian Commonwealth *Privacy Act 1988* regulates the collection, holding, security, use and disclosure of personal information,

including a pictorial representation of a person (section 6), by many private sector organisations,<sup>37</sup> however, these regulations do not apply where a person takes an image while acting in their private capacity.<sup>38</sup>

Nonetheless, in Australia distribution of unauthorised visual images has largely been framed as an issue of privacy infringement; a number of minor ('summary' or 'misdemeanour') offences have been legislated, employing the concept of a violation of privacy. For example, the New South Wales *Crimes Act 1900* (Division 15) makes it a summary level offence to observe and/or film a 'person who is engaged in a private act' without the consent of the person, including the filming of a persons 'private parts' in 'circumstances in which a reasonable person would reasonably expect the person's private parts could not be filmed' (section 91L), with a maximum penalty of two years' imprisonment. Tasmania's *Police Offences Act 1935*, section 13A makes it an offence to visually record another person in a private place, or engaging in a private act, or where the recording is made for the purpose of recording the person's genital or anal region, in circumstances where a reasonable person would expect to be afforded privacy, with a maximum penalty of 12 months' imprisonment. The Victorian *Summary Offences Act 1966* (section 41) and Queensland *Criminal Code 1899* (section 227A) contain very similar offences with a maximum penalty of two years' imprisonment. The very specific reference in some of these offences to recording a person's 'genital or anal region' was introduced in response to public concern over upskirting.

There is a potential advantage to this model of legislation: unlike sexual offences legislation, much of the legislation addressing voyeurism and/or upskirting does not require evidence of non-consent as an element of the offence. Furthermore, the sexual image itself acts as evidence, the key element of the offence being that the image was taken in a situation where 'a reasonable person would expect to be afforded privacy', which can be decided by the court without the need to call upon the person photographed to give evidence or even necessarily to identify them. Given the established literature regarding the reluctance of many victims of sexual violence to give evidence in court<sup>39</sup> and the difficulty of identifying specific people in some voyeur images, this may represent a more useful approach to the specific issues of voyeurism and upskirting than a sexual offences legislative model.

However, these offences are also limited in three main ways. First, in the case of some sexual assaults that have taken place in public space (as was the case in each of the high-profile incidents previously mentioned) the requirement of 'where a reasonable person would expect to be afforded

privacy' may not apply. Second, such legislation, which was designed to address specific acts of voyeurism and/or upskirting, does not make a distinction between consent to the recording of an original image and consent to its distribution. The importance of this distinction becomes clear when considering sexting.<sup>40</sup> While the original sexual image may have been sent voluntarily, often in the context of an existing or potential sexual relationship, the unauthorised distribution of the image by recipients (and in turn by peers) is not adequately responded to by current legislation.

A third limitation of voyeur and upskirt legislation is that the framing of a minor privacy infringement offence does not reflect the level of harm caused by the widespread distribution of the sexual image. This applies particularly in the case of the recording and distribution of an image, either of a sexual assault or of a consensual sexual image or encounter where there was an expectation of privacy. These are more than issues of privacy infringement: 'When technology allows images obtained by voyeurism to be posted instantly on the internet, it raises concerns about the considerable potential harm generated by the distribution of these images'.<sup>41</sup> Indeed, the internet provides a highly accessible forum for the mass distribution of unauthorised sexual images, through dedicated voyeur websites (such as voyeurweb.com) and user-generated pornography websites (such as YouPorn.com and RedTube.com), as already discussed, as well as through email forwarding and other file sharing mechanisms. Finally, the gendered nature of these offences, for they largely target women and girls, is more analogous to sexual exploitation than mere privacy infringement; whether it be defining a secondary offence of sexual exploitation in addition to a primary offence of sexual assault, or an offence of sexual exploitation in the form of voyeuristically recording a consensual sexual encounter, or widely distributing a sexual image that had been intended as a private image only.

In addition to privacy and summary offences, all Australian States and Territories have enacted legislation criminalising the production, distribution and/or possession of child pornography, 'child exploitation material' or 'child abuse' material.<sup>42</sup> For example, the New South Wales *Crimes Act 1900* (section 91h) makes it an offence to produce, disseminate or possess child pornography, with a maximum penalty of 10 years' imprisonment (for the production and/or dissemination) and 5 years (for possession). Similar criminal offences exist in other jurisdictions across Australia.<sup>43</sup> In addition, the Commonwealth *Criminal Code Act 1995* under 'Subdivision C—Offences related to use of telecommunications' criminalises 'using a carrier service for child pornography, possessing, controlling, producing,

supplying or obtaining child pornography for use through a carriage service' (section 474.19), with a maximum penalty of 10 years imprisonment.

These offences are, however, subject to a number of limitations. First, as they apply only to minors (under the age of 18 years) they offer no recourse to adult victims. Second, in the case of sexting, there are legitimate questions being raised internationally about whether child pornography legislation really is the most appropriate way to frame to this issue. Sometimes the image has been sent between sexual partners who may be minors for the purposes of child pornography legislation but who are within the age of consent under sexual offences legislation. Such questions have been raised by a number of cases in the United States, where both young men and young women have been charged with child pornography-related offences for creating a sexual image of themselves, possessing the image, and sending it on to a partner. In some jurisdictions, this has meant that young people have been placed on the sexual offenders' registry for engaging in consensual sexual behaviour.

Other jurisdictions have legalised sexting so as not to inadvertently over-penalise young people for an extremely common and often voluntary practice. This approach may appear naive, placing an expectation on young people to engage responsibly with these technologies. Certainly there is a fine line to tread between recognising and allowing young people's sexual autonomy while protecting them from sexual exploitation. This is an issue that needs to be taken seriously and finding the right balance is difficult.

There can be little doubt that sexting represents one of the major challenges facing legal scholars and governments internationally at the moment. Clearly, where the receiver of an image is an adult and the image is of a minor, existing child pornography legislation is relevant. Where the sext message is sent between minors who are of the legal age of consent, or between legal adults, however, there is a need both to ensure that people's sexual autonomy is protected, and to ensure that they (usually young women) are not left open to harm caused by unauthorised distribution of sexual images. In striking this balance, there is also a need to acknowledge young people's sexual agency – and that the consensual taking and viewing of a sexual image between intimate partners who are of the legal age of sexual consent – is not necessarily a matter for the law. There is therefore a need to consider the complexity of the issue of sexting, and to recognise that in some cases it may be only *distribution* of a sexual image beyond the intended recipient that is the cause of harm.

Last, there is an additional body of legislation that has the potential to address the issue of unauthorised distribution of an image (whether



through email, text messaging or uploading to the internet) where the offender intends to cause harm or fear in their victim. Stalking legislation has been amended in Australian jurisdictions in recent years to include 'cyber' versions of stalking behaviours. For example, the Victorian *Crimes Act* was amended in 2003 to include cyberstalking in the repertoire of criminal behaviours of the traditional stalker (see [Box 6.1](#)).

### **Box 6.1 Definition of cyberstalking<sup>44</sup>**

- (b) contacting the victim or any other person by post, telephone, fax, text message, e-mail or other electronic communication or by any other means whatsoever;
- (ba) publishing on the Internet or by an e-mail or other electronic communication to any person a statement or other material –
  - (i) relating to the victim or any other person; or
  - (ii) purporting to relate to, or to originate from, the victim or any other person;
- (bb) causing an unauthorised computer function (within the meaning of Subdivision (6) of Division 3) in a computer owned or used by the victim or any other person;
- (bc) tracing the victim's or any other person's use of the Internet or of e-mail or other electronic communications;

The Victorian provisions can clearly be seen to include the distribution of an image of a person, sexual or otherwise. However, the key limitation of stalking legislation is that it requires that the particular behaviour feature as part of a 'course of conduct', in other words a set of repeated or persistent behaviours.<sup>45</sup> In some jurisdictions, the behaviour needs to occur twice to be considered stalking. Nonetheless, while stalking legislation provides an avenue for victims of *repeated* harassment, whether in person or through ICTs, the victim of a one-off distribution of a sexual image could not easily claim that the harmful behaviour was part of a persistent course of conduct. Despite this feature, when compared with the other bodies of legislation discussed, stalking provisions that include elements of cyberstalking are a promising model for acknowledging so-called virtual forms of sexual harassment and their relation to violence.

Currently, however, there is no Australian legislation that adequately acknowledges the significant harm caused by the recording and widespread distribution of a sexual image without the consent of the person recorded, nor the connection between these behaviours and gendered sexual violence

more generally. Minor privacy and other summary offences legislation reflect the pre-technology ‘peeping Tom’ scenario, and are arguably no longer sufficient to deal with these behaviours.<sup>46</sup> Unlike in the past, when the harm of someone voyeuristically observing these behaviours was usually relatively short-lived, the harm today is both larger and ongoing because the images can now be widely distributed through ICTs and continue to be sent on by numerous people who receive the image or visit a particular website.<sup>47</sup>

Nowadays with the internet, it goes around so quickly, it’s better to stay away from it than risk getting hurt. I don’t think anyone who does it is ‘a kind of person like that’ but people make small decisions in a small amount of time. The repercussions are big.

– Helen, aged 14 years<sup>48</sup>

In addition, while the Australian Communications and Media Authority (ACMA) administers a ‘take-down notice’ scheme for prohibited content on websites,<sup>49</sup> the scheme has no authority over website content that is hosted in another jurisdiction (i.e. internationally), nor can it effectively monitor images sent via person-to-person distribution (such as mobile phone and email messaging). Once an image is out there it is very difficult to stop its continued viewing and distribution. Moreover, it takes only one act of initially distributing or publishing an image for it to continue to be published and distributed by others, but the initial act, because singular, fails to satisfy the legal requirements of stalking.

As an alternative, researchers, lawyers and policy makers responding to this issue internationally have proposed new offences both to address the gap in existing legislation and to reflect the significantly increased harm caused by the widespread distribution of unauthorised visual images.<sup>50</sup> For example, in a consultation paper on the issue the Department of Justice Canada suggested a ‘dual procedure’ or ‘hybrid’ offence whereby prosecutors could proceed with a minor (summary or misdemeanour) offence where the criminal behaviour was one of a breach of privacy alone, or with a major (indictable) offence where the privacy offence was also a violation of a person’s sexual integrity. It was proposed that these offences be accompanied by a related offence of distribution. The consultation paper suggests that the ‘advantage of a hybrid offence is that it provides flexibility for an adequate and appropriate response to the gravity of the offence and the culpability of the offender’.<sup>51</sup> In the case of sexting, someone could conceivably be charged for the distribution offence only (rather than

the taking or receiving of the original sexual image). An alternative model might be to create sexual offences, as has been done with child pornography, that are framed in terms of sexual exploitation and/or sexual abuse material, and that criminalises the production, distribution and possession of these images.

Indeed, a similar model has been applied in the United Kingdom to recognise the additional harm that recording and distributing images of a criminal assault causes to victims. Such has been the case with ‘happy slapping’, where the issue is such a significant problem that judges’ guidelines have been introduced prescribing a more severe criminal penalty where crimes have been recorded and more severe again where the image has then been distributed.<sup>52</sup> These guidelines establish a formal acknowledgement of the additional harm caused to victims where the original assault is recorded and the image distributed. The implications of these models and other potential options should be considered as part of a formal review of Australian legislative responses to this issue.

## **UNAUTHORISED IMAGES AND SEXUAL VIOLENCE PREVENTION**

While new offences and a rethink of appropriate penalties are required to better reflect the harm to victims and the seriousness of these behaviours, the limitations of law reform have already been outlined in previous chapters. Clearly, there are also important implications for preventing this form of sexual violence, particularly through bystander intervention education. In short, these images would not be distributed if, first, those responsible did not consider that the images would enhance their social standing and that there was a willing and ready audience for them, and second, if that initial audience did not consider it okay to send the image on to others. We can educate young people to be more critical consumers of images: to think about the images they encounter and whether it is appropriate and ethical to send them on to their peers; and additionally to consider whether it might be appropriate and ethical to report the image to an authority. For instance, some of the additional harm of the Werribee DVD might have been prevented if young people had been engaged as proactive and ethical bystanders rather than as passive and even participatory bystanders to the distribution of the sexual assault image.

Likewise, the harm in the case of sexting is not necessarily the taking of the original image (though it may be if the person portrayed is not fully consenting); the harm is in the widespread distribution of that image from

the original recipient on to peers (and entire communities, even globally). Thus the role of prevention in this issue is crucial. In a youth culture where exposure to sexual content, sending on received images through mobile phones and email, and posting others' images on social networking sites are thoroughly normalised, we need to engage young people in discussions about setting appropriate boundaries on the images that they take and that they choose to send on.

Indeed Gen-Y is accustomed to being surrounded by sexual images, particularly of women, and there are enormous pressures on both young women and men to reproduce these images in their own lives: to contribute to and participate in raunch culture. For young women this may mean pressure to present themselves and their sexuality in the new 'empowered' model of female sexuality (see [Chapter 4](#)); for young men it can mean pressure to be avid consumers of these images. For example, when I spoke about this issue at a public forum, one mother told me that her son had been bullied at school for *not* having sexual images of girlfriends to share on his mobile phone. He was taunted as being gay if he didn't engage in sexting and share these images with male peers. This anecdote, while making no claims to represent a majority experience, does reflect the pressures young men may experience to conform to hegemonic models of masculinity (also discussed in [Chapter 4](#)). It also demonstrates the normalisation of the distribution of unauthorised sexual images of women and girls in that dominant discourse. Such pressures can make it hard for young men to 'do masculinity differently'<sup>53</sup> and take an alternative stand on such issues. What we see here is that, far from being distanced from traditional gender norms or discourses, such norms and unwritten rules are well and truly 'at play' in online and mobile fields of social interaction.

It is essential then, that sexual violence prevention programs engage both young women and young men in discussions about what it might mean to be an ethical user and consumer of technologies, and an ethical bystander. For example, Australian Criminologist Moira Carmody, in collaboration with the NSW Rape Crisis Service, has developed a sexual violence prevention program that focuses on supporting young people to ethically negotiate sexual encounters, and engages young people in discussions about 'being an ethical friend and citizen'.<sup>54</sup> Another sexual violence prevention program has been developed and evaluated by CASA House with an additional component currently under development, 'Respect my space', to tackle issues of technology and sexual violence.<sup>55</sup> These, along with other possibilities for prevention, are discussed further in [Chapter 8](#). In addition, sexual assault services are increasingly offering

information and support through internet forums and online community websites, particularly targeting young people as the majority users of ICTs. For example, Victoria's South East Centre Against Sexual Assault (SECASA) has a profile on the popular social networking site MySpace;<sup>56</sup> other agencies are exploring similar possibilities.

## CONCLUDING COMMENTS

This chapter has critiqued the potential of current Australian legislative responses to properly respond to some of the complex issues raised by ICTs and to reflect the additional harm caused to survivors of sexual assault when a visual image of an assault is recorded and distributed. In my view there is currently a false distinction operating in law, policy and public debates that views unauthorised sexual imagery as distinct from the issue of sexual violence. The first is seen as merely a distasteful violation of privacy and the second as a criminal violation of bodily integrity.<sup>57</sup> I argue that this distinction is particularly false (and inherently problematic) when the unauthorised sexual imagery in question is of a sexual assault. I also question its validity where a covert recording is made of an otherwise consensual sexual encounter or when a personal sexual image is distributed without consent. Further, I assert that there are direct links between taking and distributing unauthorised sexual images and sexual violence. Naturally, this is not to undermine the importance of securing justice and support for survivors of physical sexual assault, but rather to emphasise that there is a continued assault on the victim where an image of that assault is recorded and distributed. The false distinction between unauthorised sexual imagery and sexual violence fails to recognise the full impact of creation and distribution of sexual imagery on those pictured. I argue that law reform is needed in Australia, and – drawing on international legal reforms – suggest that we create new criminal offences to address this gap in the existing legislation and to reflect the significantly increased harm caused by the widespread distribution of unauthorised visual images of a sexual nature.

While this chapter has focused on the harmful use of ICTs in distributing unauthorised sexual images, it is also important to acknowledge that ICTs are here to stay as a feature of late-modern societies and as a forum for the presentation of sexual selves and identities. This feature does not represent danger by definition. Sexting, for example, can be viewed as merely a new form of sexual encounter – involving the use of new technologies to facilitate communication and social interaction – and when it's consensual, nothing to be alarmed about. It is important when debating these issues

not to tarnish all youth sexual interactions through ICTs as inherently risky. Additionally, ICTs can also be harnessed as a forum for providing information and support to people who have experienced sexual assault and/or been the victim of distribution of unauthorised visual images, as well as offering an alternative to much of the misinformation that exists on the internet.

It is critical that a mix of prevention and support work, alongside reform of legislative responses, continues to be supported and expanded to enable sexual assault services and the law to respond effectively to these emerging issues. The contribution of education and primary prevention work are further discussed in the following chapters.

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All links correct on 3 March 2010.

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# 7

## Education

### Sex, power and consent in schools

PREVIOUS CHAPTERS HAVE identified a number of social norms, discourses, or unwritten rules surrounding young people's sexuality that contribute to the persistence of Gen-Y women's experiences of pressured and unwanted sex. It is apparent that this implicit set of rules and the associated meanings attached to love and sex have specific implications for how young people feel able to negotiate consent and safe-sex practices. This remains the case even in online spaces where it has been suggested that gender norms may have less sway. The role of the love relationship for young women, in particular, as the acceptable context for expression of their sexuality, can be associated with pressure to engage in unwanted sex or in sex under unwanted circumstances (such as without the continued use of condoms, when a partner is drunk or drug-affected, or sending a sext message that may then be widely distributed by the receiver). Yet these social norms and gendered discourses are not straightforwardly reproduced or necessarily reflected upon by young people; rather, young people's negotiations of sexual consent reflect an *embodied gendered practice*: they engage with the field of sexual encounters according to the social rules adopted in their gendered habitus. While, according to Bourdieu, this process of social reproduction is not easily amenable to self-reflection and change, it is nonetheless subject to disruption, which might allow a more reflexive practice. Feminists engaging with Bourdieu's sociology have theorised how women's engagement across different social fields, such as education or the workplace, can result in the taking on of social norms in their gendered habitus which do not fit with the rules in the field of sexual encounters. This lack of fit creates a space for a more reflexive practice and the emergence of different gendered norms and rules, which may in turn result in women exercising greater agency and more active choices in their

negotiation of sexual encounters. Building on the theoretical frameworks discussed in [Chapter 4](#), and drawing on young people's experiences and views of sexuality education, this chapter considers the potential broad role of school-based education in the prevention of sexual violence. Young people's own suggestions for advancing school-based sexuality education and sexual violence prevention to make it more relevant to them are also presented and reflected upon. In addition, I discuss some of the varied ways in which education might serve as a field for disruption of those gender norms and discourses that are implicated in sexual violence.

## **SOCIAL REPRODUCTION OF GENDER IN EDUCATION**

Schools represent a major site where children and young people build their gendered identities and a sense of being in the world. This process extends far beyond the formal curriculum and into everyday practices and interactions with other students as well as teaching staff. Much sociological research has highlighted the varied ways in which gendered norms and identities are reproduced within educational institutions.<sup>1</sup> For instance, Mary Kehily has identified the reproduction of sexuality discourses as occurring across three domains within schools: sexuality education; formal policy and other curriculum; and the informal cultures of teachers and students.<sup>2</sup>

Many international studies have analysed sexuality education in particular, identifying a number of specific discourses that are reinforced directly or indirectly. For example, Holland and colleagues suggest that while 'safety may appear to be the point of sex education . . . learning about sex can also mean learning one's position in the power relations of heterosexuality in ways that do not promote consistent safer practices.'<sup>3</sup> Moreover, sexuality education frequently focuses on sex as a source of problems and disease for young people, referring primarily to sexual health and biological reproductive information.<sup>4</sup>

Biological models in sexuality education tend to reproduce those discourses reviewed in [Chapters 3](#) and [4](#), which construct a male active and uncontrollable sexuality against a female passive and receptive sexuality. This oppositional construction of male/female sexuality is further evident in content focusing on young men's emerging sexual desire through discussion of erections, ejaculation and wet dreams, as compared with menstruation as the feature point of young women's sexuality.<sup>5</sup> Furthermore, many researchers have identified ways in which discussions of menstruation in

sexuality education conceptualise it as troublesome and dangerous: a reproductive capacity that must be carefully managed. Thus the 'sexual feelings and desires, which are mentioned briefly in reference to boys, are absent from the information about girls'.<sup>6</sup> Similarly, as Erin Connell notes in her study of young women's experience of Canadian sexuality education, 'the "effects of saying yes" are all negative – the emphasis is on less, stress and risk, while pleasure, fun and satisfying curiosity are absent from the discussion'.<sup>7</sup> This 'missing discourse of desire'<sup>8</sup> has specific implications for the young women's ability to negotiate sexual consent. As Gordon and Ellingson argue: 'Unless one can articulate the sexual desires that they consent to act upon, they will not be able to articulate non-consent to unwanted sexual behaviours'.<sup>9</sup> Furthermore, sexuality education that reproduces a discourse of youth sex as essentially risky is unlikely to engage and inform young people who clearly do not experience their sexual lives in such narrow terms.

The focus on the reproductive functions of penetrative sex within much sexuality education also reflects a strongly heterosexist bias.<sup>10</sup> This bias tends to both marginalise same-sex-attracted-youth, and inadvertently reinforce already homophobic cultures within educational institutions. In addition, the narrow focus on penetrative sex leaves young people in the dark about protecting their sexual health across a wider spectrum of practices and reinforces the already common view amongst youth that heterosexual penetrative intercourse is the only practice that counts as sex.

While there has been much international research critiquing the framing and content of sexuality education, there is little comparable research in the Australian context. The few studies that have been done indicate that many of the critiques made of sexuality education internationally apply to Australian policy and curriculum practice as well. For example, Harrison and Hillier<sup>11</sup> and others<sup>12</sup> have noted that sexuality education is inconsistently delivered, with teachers rarely specifically resourced or trained to deliver it. In my own research discussions, young people's accounts of the information they had received during secondary school sexuality education was similarly inconsistent. However, the centrality of condoms and, by implication, penetrative sex, was clearly evident from young people's first responses to questions about what information they received in sexuality education, as the following excerpts illustrate.

We had nothing other than sex-ed; Yeah, this is how it works; This is how to put a condom on a zucchini [group laughs].

– Group interview, females, aged 18–22 years

*Do you get taught about contraception?*

Well last year we got to put a condom on a banana.

– Group interview, females, aged 14–15 years

Putting condoms on bananas; yeah; [laughs]; Bananas, carrots, cucumbers; Oh no, we had a proper plastic penis; Oh really!; Wow!; [group laughs].

– Group interview, females, aged 18–22 years

While messages regarding safe sex and condom use are clearly important, it is hardly surprising that sexuality research often finds young people defining sex narrowly, in terms of penetrative vaginal intercourse. After all, these excerpts suggest that vaginal intercourse is the central topic of sexuality education. While not all young people experienced the opportunity to practise using condoms on bananas, the centrality of condoms – and by implication, penetrative sex – is further illustrated in the young women's discussion below.

We played this dirty game where like three people got to wear a glove in the classroom and I was one of them. Just like a normal glove and then we had to go round and you had to shake hands with people and the handshake was like, if you had a glove on well you couldn't catch the disease, but everyone else did.

– Group interview, females, aged 15–18 years

Other local studies report remarkably analogous findings. For example, in their review of Victorian sex education policy, Farrelly and colleagues<sup>13</sup> identify the ways in which State-wide curriculum has, since 1989, drawn on biological determinist models of sexuality that focus primarily on penetrative sex and the risks associated with young people and sex. This study further concluded that issues of pleasure and desire continue to be largely absent from the Victorian sex education curriculum. These findings support earlier research by Harrison and Hillier,<sup>14</sup> which likewise identified the *Curriculum and standards framework: Health and physical education* as tending to address only the dangers of sex, being largely concerned with teenage pregnancy and STIs.

Sophie had a similar recollection about sexuality education at her private all-girls school:

They had like the whole, you know, the condom over the banana and all that kind of stuff and making fun out of it and I suppose one thing I remember, I don't know if it was because it was a Catholic school, but one of the sorts

of things they talked – we had sex education, it was in Year 9 – they sort of talked about all the different contraceptives, but then they made us all spit in a cup and say would you drink this now? . . . it was like saying it was sex, you know, with all different people and then they, they sort of emphasised more of the fact that having a circle of love with one sexual partner is a lot more safer and beneficial for yourselves, and that way you don't have to worry about all this crap.

– Individual interview, Sophie, rural, aged 18 years

As Sophie's comments indicate, constructions of sex as risky are often articulated through a preference for sex in romantic love. As such, they push a moral agenda that supports particular gendered discourses about love and sex, in which young women are encouraged to place their trust in love. In light of the fact that young women often feel pressured to have sex in love-based relationships, the idea that somehow a love relationship is safer may be problematic. Furthermore, as young people's discussion in [Chapter 3](#) showed, there are also meanings already attached to condom use as 'not really needed' in a trusted love relationship. The sexuality education Sophie received appears to further support these misleading messages, rather than empowering young women as active sexual agents who feel desire and are entitled to direct how, when and with whom that desire will be expressed.

Emma's comment below again reflects sexuality education being directed towards sex as penetrative sex. At her public school in a country township in southern Victoria, 'They just told us, "Oh, you're going to have sex soon, just use condoms", and that was it'. Emma was able to offer an interesting comparison with her experiences of sexuality education after moving to a private school in a larger township.

My private one was really conservative . . . They just didn't bring up anything to do with sex or anything like that or relationships really because it just wasn't, you know, it wasn't done. And in some ways that was a bit naive of the school because then there's all these kids going out into the world and then going, "Oh okay, what's going on?"

– Individual interview, Emma, rural, aged 19 years

For Emma, neither of these experiences of sexuality education was satisfactory. She described them as two 'extremes'; one offered nothing and the other, she felt, assumed that all young people were engaging in penetrative sex. Emma's own experience of a three-year committed relationship in

which she and her boyfriend ‘fooled around’ but did not ‘have sex’, represents a gap that was not covered in the sexuality education she received.

Jessica, who attended a private school in metropolitan Melbourne, had a similar critique of the sexuality education she received, in that it did not cover much of the ‘middle ground’ of sexual encounters.

I would say that there should be more, like really there wasn't that much. I mean like there was a big thing about condoms and how to use condoms and that sort of thing, but for me something that I think really needs to be emphasised is about sexually transmitted diseases and infections and that sort of thing, because I think, you know they say like condoms protect you against STDs, but they don't talk as much about STDs, like how can you contract them and like, you know. A lot of people think, “Oh you have to have actual sex to get an STD,” but the thing is I only found out after school you can get it just through oral sex with somebody, and I think there's such a lack of education in types of STDs out there and that sort of thing.

– Individual interview, Jessica, urban, aged 19 years

Jessica's disappointment in the education she received is clear. She was surprised and concerned to learn after she left school that some STIs could be transmitted through oral sex. The restricted content of this sexuality education is indeed concerning when we consider that Australian research shows young people are tending to engage in oral sex approximately a year prior to penetrative sex.<sup>15</sup> Absence of discussion about the diversity of young people's sexual practices also clearly has implications for the negotiation of consent. If oral sex is barely considered at all, for instance, this further encourages young people's common view that such practices do not count as sex, and therefore the negotiation about whether and when oral sex occurs may be taken less seriously.

Following on from the comment of other classmates about STIs and the ‘bad stuff’ that could happen in a sexual encounter, some young men shared their perception that sexuality education at their school was about ‘detering you from having sex’.

Sex ed is more about like STDs and stuff, not so much about relationships, but more about what bad stuff could happen.

Yeah, in schools they're more deterring you from having sex rather than telling you “If you're going to do it, do it safely”. It's still kind of, ‘Don't do it’.

– Group interview, males, aged 14–15 years

This reflects the findings of much Australian and international research: that education focusing on disease and risk can lose the interest of young people, as it is often interpreted as pushing a ‘don’t do it’ agenda, and fails to engage them in discussions of sex as potentially pleasurable and safe. Indeed, the research cited in [Chapter 2](#) suggests that one of the success factors of more open approaches to sexuality education, particularly in Denmark, is acknowledging young people’s sexual feelings.<sup>16</sup>

Acknowledging the diversity of young people’s sexuality is also lacking in most school-based sexuality education. Harrison,<sup>17</sup> commenting on HIV/AIDS education in schools, highlights the ways in which Australian school cultures remain heterosexist and homophobic. The inadequacy of sexuality education from the perspective of same-sex-attracted-youth was particularly clear in both my group discussions and individual interviews with young people, as these young people, who identify as same-sex attracted, relate:

They didn’t have anything when it came to same-sex-attractive stuff; Yeah, we did do sex ed but it was just the male–female version.

Yeah, it was pretty much the basics.

– Group interview, females and males, aged 18–22 years

Yeah I guess like from my perspective I thought it was pretty heterosexual, obviously. I never really ever heard about same-sex relationships, especially like safe same-sex relationships as well. At Uni we have a lot of sessions you know about AIDS and safe sex for men and even in our department we’ve had more focus on men than women as well. I know it’s not a huge issue for lesbians or whatever but I feel like it’s certainly missing anyway. I mean I know people don’t always feel comfortable bringing it up at school and stuff but I still think it’s important. There are gay people out there and they need protection from STDs as well so I think that was definitely missing. And it was like hugely focused on condoms, which is fair enough, but I think we did miss like a comprehensive overview of other forms of contraception as well.

– Individual interview, Charlotte, urban, aged 22 years

Yeah it was really, like, good if you were heterosexual but I just had like no information about AIDS and how that sort of stuff occurs. Obviously I know to use a condom but it was very sexually oriented towards heterosexual relationships and I was aware of that at the time. Yep, very dissatisfied. I still don’t know everything that I feel like I should.

– Individual interview, Ryan, urban, aged 20 years



Yeah, there was really no sort of same-sex education, it sort of left me in the dark with a lot of things. Yeah, never really understood where I was.

– Individual interview, Erica, rural, aged 18 years

Inadequacies in the information made available to same-sex-attracted-youth leaves these young people particularly uncertain about their sexual health. The extent of this is further illustrated by recent research suggesting that rates of STIs were up to five times higher for SSAY of both sexes than for heterosexual young people of secondary school age.<sup>18</sup> Same-sex-attracted young people also suggested that including more content of relevance to diverse sexualities may assist in promoting acceptance, or at least reducing discrimination, in the school community, as the comments below suggest:

Honestly at high school, and I was at school about three years ago, there was only one health class and that was health and general wellbeing. But it never discussed the whole sex thing: sex in relationships, or different sexualities, stuff like that. It was never fully explained. I went through high school and got bouts of shit thrown at me because of how I was, and they never really addressed anything like that either.

– Individual interview, Lily, rural, aged 20 years

I think sexuality now is not as taboo as it was before and I think they should really start bringing more into the schools and you can get more support from the community.

– Group interview, females and male, aged 18–22 years

Sexuality education is a compulsory area of study within the Victorian school curriculum under ‘Health and Physical Education’ in the Victorian Essential Learning Standards (VELS) introduced in 2004.<sup>19</sup> In the first two years of secondary education (Years 7 and 8), the focus of these curriculum standards remains on physical activity and general health, though it includes some mention of sexuality:

Students describe the health interests and needs of young people as a group, including those related to sexual health (for example, safe sex, contraception, abstinence and prevention and cure of sexually transmitted infections) and drug issues (for example, tobacco, alcohol, cannabis use).<sup>20</sup>

The reference to sexuality alongside drug use arguably places this topic firmly in the area of a problem to be managed. Interestingly, while drug

education in schools receives specific federal government funding, as well as targeted support from the Victorian Department of Education to implement and monitor drug education programs,<sup>21</sup> no comparative funding or support is offered for sexuality education or sexual violence prevention initiatives. This is despite the establishment of the Student Critical Incident Advisory Unit in 2004, and a more recent policy, 'Responding to Allegations of Student Sexual Assault',<sup>22</sup> in response to a growing number of reported sexual assault incidents in Victorian schools. By Years 9 and 10, when students are usually 15 and 16 years of age, 'safe-sex practices' and 'sexual negotiation' appear in the curriculum, though this is still framed within a health focus on 'challenge, risk and safety'.<sup>23</sup> Much research continues to criticise sexuality education in schools as offering 'too little too late',<sup>24</sup> and while the curriculum standards make reference to content that 'explore[s] assumptions, community attitudes and stereotypes about young people and sexuality',<sup>25</sup> there is no explicit mention of gender, sexual consent or how teachers are to cover these topics in any depth alongside the competing topics in the overall health curriculum.

Indeed, very few of the young people I spoke to could recall discussing sexual assault or consent as part of their sexuality education in school, as these discussion groups illustrate:

I didn't actually do, like, something about what constitutes sexual assault, really what you can do about it, like what you can do to prevent this attention, like looking out for friends, that kind of thing. I think it's really important.

– Group interview, females, aged 15–18 years

I don't think it ever was with me;

I'm actually pretty sure it never was with me;

I honestly don't think there was anything about consent, which, I mean, that's crap because there should be. I guess that would also help with what we were talking about with peer pressure and stuff before, because what if a guy is giving a message to a girl or a guy, "Come on, we're 14. You've got to do this"?

– Group interview, females and males, aged 18–22 years

No, but I think like it's important for the school to say something about it especially when you're really young and at such an impressionable age that you think, like a lot of girls want to, like, lose their virginity. They like want to get rid of it. It's not like a burden or like a big deal.

– Group interview, females, aged 15–18 years

The relative absence of the exploration of consent as a concept further emerged in individual interviews.

We did talk about sort of like stranger rape and that sort of stuff but nothing about like, make sure sex with your boyfriend is consensual or whatever because I think that was an issue too, obviously, because there are a lot of girls going around and you know, “I haven’t lost my virginity yet,” and you know all of that stuff.

– Individual interview, Charlotte, urban, aged 22 years

In Charlotte’s sexuality education the reference to ‘stranger rape’, but not to the negotiation of sex with a partner, is particularly limiting. Sexual violence statistics have long indicated that young women are most at risk of experiencing sexual violence from a known man, most likely a boyfriend or acquaintance.

## **WHAT DO YOUNG PEOPLE WANT FROM SCHOOL SEXUALITY EDUCATION?**

The young people interviewed had a number of suggestions about what they felt had been missing from sexuality education and ways of preventing experiences of pressured and unwanted sex. Number one on their agenda was more ‘real life’ discussions about the kinds of sexual situations they were likely to encounter and strategies for dealing with them. Overwhelmingly, they thought that talking to other young people their own age and who have experienced these situations would be most interesting and useful to them.

Yeah, I think interacting more with students and upward. I think somewhere, it’s not happening with parents and I believe it is the parents’ responsibility but I believe . . . there’s got to be some way of getting a structure and building it. And just one on one I think would be, just one on one, not with a teacher but something like, another young person, so that they feel safe and confidential and they can actually talk through what their own pressures are in their own area.

– Individual interview, Joshua, rural, aged 20 years

I think sex should be approached in a very straightforward way. I don’t think it should be approached as taboo because then it becomes more interesting to young people. I know I always felt that way, like why can’t this be talked about? What’s so interesting about it and as you get older, you realise it’s kind of just a part of life . . .

– Individual interview, Lachlan, urban, aged 24 years

If you could have it in a small group setting so that, you could sort of talk about the feelings that go into a relationship . . . it just helps hearing from someone at that age you would deem with respect. You don't want to hear it from your parents or a teacher; you want to hear it from a mentor or something. That would help, I think.

– Individual interview, Mei Lien, urban, aged 22 years

The views of these young people support Australian and international research findings that peer education models are a useful way of engaging young people in sexuality education and sexual violence prevention.

A lot of young people felt that the overwhelming focus of sexuality education was on the prevention of teenage pregnancy.

We have a lot of stuff on not getting pregnant, and I know that physically I'm most likely not going to get AIDS but it still scares the shit out of me. Like it really freaks me out and like we just didn't have enough focus on that at all.

– Group interview, females, aged 15–18

A huge part of our sexual education was the do's and don'ts of contraception, or you know that sort of stuff . . .

– Individual interview, Mia, rural, aged 22 years

Their perceptions reflect at least a partial truth: society is indeed concerned, even 'panicky', about teenage pregnancy. It is little wonder, then, that young people often report being more concerned and knowledgeable about pregnancy than about STIs;<sup>26</sup> this has been the focus of what they are taught. Yet young people want more than this technical information:

I also think the general information and knowing that you don't have to do it if you don't want to and the complete risks about it and everything. I think if kids know enough about it then they can make up their own mind but with information, with the knowledge, so they're not just doing it because it's cool.

– Group interview, females and males, aged 18–24

Interestingly, young women also suggest that programs to build self-confidence for young women might be a useful approach.

Its more of a confidence-building thing, I mean like being able to say no you have to have the confidence in yourself to keep saying no, not to eventually give in.

Building self-confidence in every aspect of your life, you know what you want to achieve and you know what you want, and you're not going to let people stop you from doing that.

Yeah, so that you feel confident in all areas of your life.

– Group interview, females, aged 18–22 years

I guess just building up that sort of confidence and empowering especially, I can only speak from a female's perspective but just sort of teaching . . . like just having information about relationships so that, teaching young people that, you know, you don't need . . . like in a relationship, you shouldn't need the person. Like you should – I still think that's one of the most important things . . . As much as I love him and want to be with him forever, I don't need him, like I realise if something happened tomorrow if we just couldn't be together anymore, like I know I'd be okay. But I think just that giving that sort of knowledge to like young people as well, I think that's really important.

– Individual interview, Mia, rural, aged 22 years

In fact, young women's low self-confidence or self-esteem is a common explanation for their experiences of not negotiating sex assertively, both in the everyday knowledge of women themselves, and reflected in much sexuality research focused on young women's sexual decision making.<sup>27</sup> This may be best understood, not as a problem affecting *individual* young women, but as a systemic issue that is better understood in a wider social context, using models such as Bourdieu's concept of symbolic violence (see [Chapter 4](#)). It's not just that young women are lacking in self-confidence as individuals, though this may also be true: it is that social and cultural discourses consistently position them in roles that deny their sexual desire and devalue what they want in a relationship compared to the wants of a male partner. In this context, young women need access to an alternative discourse that consistently positions them as experiencing sexual desires and being entitled to decide on what terms those desires might be acted upon, more than they need to be taught assertiveness in negotiating sex. But this is more than can be done in a short-term education program; it requires a cultural change in other fields as well.

Some young people suggested that more attempts to engage parents would be helpful.

I think that schools should have a session that the parents can go to, so that . . . because if you're getting taught something and you go home and talk to your parents about it and they're like, "Oh no, you came from a cabbage patch," or whatever. . . . I believe that the story has to be structured

the whole way across and if parents don't know how to talk about it or how to approach it I think that's the best – that if the school can help or a community group can help with the parents.

– Group interview, females and male, aged 18–24

This comment suggests that while young people may be more likely to go to friends first for advice on their relationships, they do want to be able to talk to a parent about some things. This further supports the importance of whole-of-community approaches to sexual violence prevention. Engaging parents is an important component, especially when we consider that young people also reported (see [Chapter 3](#)) looking to their parents as examples for their relationships.

In line with the 'too little, too late' critique, these young men also suggested that sexuality education took place after many young people were already becoming sexually active.

I think it's becoming more relevant, like it's becoming, a lot more people now are doing it at a younger age yeah and I just think that it's increased . . . around 12 to 15, more sexual activities . . . doing more sexual activities around that age instead of later in life.

– Group interview, males, aged 14–15 years

Like much of the international literature, this suggests that we need to focus on how to engage youth usefully in sexuality education at a younger age, rather than only at 15 or 16 years, such as in the current Victorian Year 9 and 10 curriculum guidelines.

## **BEYOND SEXUALITY EDUCATION: SCHOOL POLICIES AND CULTURE**

Many studies have noted the ways in which sex education discourses situating young people's sexuality as biologically driven and 'uncontrollable' sit in contradiction with school discourses which view students as 'ideally non-sexual'.<sup>28</sup> Such discourses adopt a view of young people as childlike and 'not adults' (as discussed in [Chapter 2](#)). In many cases this is reflected in formal school policies, which tend to respond to student sexuality as a 'problem to be managed', according to Kehily's research.<sup>29</sup>

In recent years the wave of 'no contact' policies implemented in some US and Australian secondary schools demonstrates both this 'problem' view of student sexuality as uncontrollable and the ideal that students should

not be sexual at all. The policies ban students from all forms of contact on school grounds – including hugging, holding hands and kissing.<sup>30</sup> While the policies have sometimes been implemented in response to complaints from students about unwanted contact, a total ban on contact positions students as unable to control their sexual behaviour and denies their identity as sexual agents, both of which are incongruous with supporting young people's capacity to safely and ethically negotiate sexual contact. Moreover implementing a contact ban is a lost opportunity to engage students in a discussion about sexual harassment and an appropriate school policy.

The reproduction of gendered norms and identities is also played out and reinforced through informal school cultures. As discussed in [Chapter 3](#), particular expressions of masculinity and femininity are accorded more or less status in peer groupings such that, for instance, features of hegemonic masculinity including aggression, toughness and heterosexual conquest are positively valued for young men.<sup>31</sup> Young people's sexual practices and displays of gender are subject to surveillance and policing amongst peers, and many researchers note the structuring role that sexual reputation can have in the reproduction of young women's gendered sexual identities, in particular.<sup>32</sup> Moreover, many studies have observed the ways in which young men assert hegemonic masculinity in the classroom in responding to curriculum content and, in particular, in sexuality education classes.<sup>33</sup> Epstein and Johnson,<sup>34</sup> and others, suggest that young men often use sexuality education classes as an opportunity to publicly display dominant heterosexuality: bragging about their sexual performances, making inappropriate sexual jokes and teasing other students in order to reassert their own privileged status within peer groupings.<sup>35</sup> In this way, alternative masculinities become targets for aggressive and homophobic taunts.

Similarly for young women, identifying with alternative femininities is policed by peers (through bullying and teasing) and impacts on an individual's status within the peer group hierarchy. However, as Renold notes, 'square' girls (defined as those who are both academically high achievers and well behaved), by 'differentiating themselves from dominant feminine performances',<sup>36</sup> place themselves outside of dominant heterosexual narratives, meaning that they are less pressured into – and indeed show little interest in – pursuing relationships with young men. Thus, informal peer cultures can operate in not only to reproduce dominant gendered norms but also to form alternative informal cultures in some peer groupings, which simultaneously attract censure from other young people but allow more distance from dominant gendered practices.

Teachers' informal cultures are also implicated in reproducing dominant gendered norms and practices within the field of education. For instance, Paechter and others discuss the ways that teachers' differential treatment of boys and girls reproduces gendered expectations that normalise boys' disruptive behaviours in the classroom and ignore the subtle ways in which girls are targets of teasing and harassment.<sup>37</sup> Skelton has similarly examined the reproduction of gendered and heterosexist norms in the classroom and suggested that some male teachers marginalise girls within coeducational classrooms through their identification with dominant masculinity and attempts to connect with boys by identifying as 'one of the lads'.<sup>38</sup>

### **EDUCATING TO PREVENT SEXUAL PRESSURE AND COERCION**

It seems clear that there is a promising opportunity to expose students to alternative gender discourses through the field of education, broadly conceived. Thus, to build on Bourdieu's sociology, schools may be engaged as sites that tend to reproduce gender norms, opening up a reflexive space for new strategies and dispositions in young people's negotiations of the field of sexual encounters through habitus. Providing a field that engages discourses other than the traditional active/passive divide between men's and women's sexuality gives young people the possibility to vary rather than reproduce these norms,<sup>39</sup> and in doing so, provides them with greater agency in their sexual encounters.

Such engagement, however, does not mean simply to teach such norms in a sexuality education curriculum, although this may remain a key forum for relaying specific sexual health information. Instead, such an approach would entail examination of the ways in which gendered norms are reproduced in formal and informal school policy, curriculum and cultures: a whole-of-school approach to the prevention of sexual pressure and coercion amongst youth by targeting the gendered rules that underlie it.

Despite growing research evidence that supporting young people's capacity to make safe and ethical sexual choices is an effective approach to reducing the risks associated with youth sex, acknowledging and supporting young people's identities as sexual agents remains controversial. Australian feminist criminologist Moira Carmody, for instance, suggests that the aim of sexual violence preventions should be to 'promote the negotiation of consensual, reciprocal and mutually pleasurable sex',<sup>40</sup> an aim that is likewise expressed and supported by a number of researchers both within Australia and internationally.<sup>41</sup> Importantly for Carmody, this aim involves engaging young people in critical reflection of what it means to



have consensual, reciprocal and mutually pleasurable sex, and providing the practical skills needed to negotiate this sex in their everyday practice. Yet education policy and curriculum documents cannot easily make explicit reference to 'sexual pleasure' or 'supporting students to make active sexual choices' without attracting community and media criticism.

Taboos regarding young people and sex are reflected both in the persistent technical or health facts approaches to sexuality education and in the low priority in policy that youth sexuality and sexual violence prevention receive compared to drug education, for instance. This remains true despite a national framework for sexual violence prevention<sup>42</sup> and a Victorian policy to prevent violence against women.<sup>43</sup> The difficulty of introducing such a new approach lies in more than the taboos of the dominant discourses; there are often strongly held values differences across community groups about the appropriateness of discussing sexual topics at all.<sup>44</sup>

Pleasure is simply not acknowledged in most countries and, consequently, does not feature in SRE [sexuality and relationships education] programmes . . . furthermore, within religious and cultural contexts where sex has limited and specifically defined functions, then a discourse of sheer enjoyment is unlikely to feature prominently.<sup>45</sup>

A number of sexuality researchers have, however, suggested various ways to challenge dominant gender norms and support young people's capacity to make more active sexual choices, while remaining astute to taboos regarding young people and sex. Deconstruction of dominant gender norms and support of a reflective practice can be included as learning objectives in curriculum domains other than sex education.<sup>46</sup> Echoing previous research, Rogow and Haberland argue that 'information about gender is not enough' and that 'both girls and boys need to develop critical thinking skills that enable them to reflect meaningfully on the ways that gender directly and indirectly shapes their sexual lives and relationships, and to begin to transcend these deeply entrenched roles'.<sup>47</sup> They suggest incorporating a social studies curriculum component on gender that encourages students to reflect on gendered social norms and stereotypes and their various impacts in everyday life. Similarly, Baber and Murray suggest classroom activities that involve young people in discussions that identify and challenge sexual scripts for women and men, and reconstruct them to more accurately reflect their experiences and a concern for the experiences of others.<sup>48</sup> Such activities could also encourage acknowledgement of the diversity of sexuality, and counter hostility towards same-sex-attracted-youth (see [Table 7.1](#) below). Other participatory learning activities proposed by researchers

include team project-based work, such as developing student magazine content tackling sexual health and respectful relationships for distribution amongst youth in the school and local community.<sup>50</sup> Importantly, a social studies approach such as this could also be implemented at primary school to challenge gendered norms earlier in young people's development.

Table 7.1 *Example student projects in curriculum areas other than sexuality education*<sup>49</sup>

Curriculum area	Specific projects
Social studies	<ul style="list-style-type: none"> <li>• Magazine project</li> <li>• Awareness-raising campaign project</li> </ul>
Legal studies	<ul style="list-style-type: none"> <li>• Meaning of consent</li> </ul>
Media studies	<ul style="list-style-type: none"> <li>• Media/popular culture representations of sex, love &amp; gender roles</li> </ul>
English/literature	<ul style="list-style-type: none"> <li>• Representations of sex, love &amp; gender roles in popular fiction</li> </ul>
Drama	<ul style="list-style-type: none"> <li>• Rewriting the script of a television soap opera</li> <li>• Developing an educative play based on the negotiation of consensual and safe sex</li> </ul>

Correspondingly, Ashcraft suggests encouraging students to deconstruct representations of sex and sexuality in popular culture as a useful way of engaging them in discussions that challenge dominant gender norms and love/sex discourses.<sup>51</sup> Such discussions, which are well suited to media studies or English curriculum content, could also involve students re-writing the script of a television drama or movie to include scenarios that are relevant to their experiences, and strategies for responding to them.

In addition to these whole-of-curriculum approaches, there is growing evidence regarding effective sexuality education that challenges dominant gender norms and supports the prevention of pressured and unwanted sex. A consistent message arising from the international literature is that *how* education is delivered is as important as *what* is being delivered.<sup>52</sup> In particular, there is support for participatory learning and peer education models, rather than traditional didactic teaching methods.<sup>53</sup> It appears that sexuality education must be grounded in consultation and engagement with youth themselves as to their self-identified information needs. It is particularly important to integrate real-life stories and scenarios that young people can actually relate to – that are relevant to their everyday

lived experience.<sup>54</sup> Yet young people are rarely consulted about policy and curricula that impact upon them, or invited to participate in directing the content and format of educational resources.<sup>55</sup> Consulting with youth may have the further advantage of offering opportunities to be inclusive of a greater diversity of youth experiences, including young people who are same-sex-attracted, from rural and regional areas, culturally and linguistically diverse communities, and Indigenous youth.<sup>56</sup>

Indeed, a growing number of sexuality researchers note that the content and effectiveness of sexuality education has largely been defined by adults, and has focused almost solely on reducing STIs and teenage pregnancies.<sup>57</sup> Increasingly, researchers are suggesting that young people should be taken more seriously as sources of knowledge on issues affecting them. This would mean including young people's own assessments of what sexuality education should entail.<sup>58</sup> For example, New Zealand sexuality researcher Louisa Allen points out:

supporting young people to take the lead in designing sexuality programmes and assessing their value, rather than simply telling them what effective programmes mean and include . . . would offer young people the kind of control over programme design and delivery that participants in this research indicate seeking. The need for such agency is apparent in their calls for content that addresses the issues they name, and classroom activities that enable their active participation and direction. In this way, adult others would be conceding young people "real" agency to positively determine their sexual well-being instead of only offering them messages about how they should be sexually empowered (to say "no", to use a condom, etc.). Programme practice may then be more congruous with the messages it communicates, a strategy that is essential for the attainment of any educational goal.<sup>59</sup>

Likewise, peer education programs are being increasingly employed to engage young people in discussions around the sensitive issues of love and sexual relationships, perhaps in part due to the powerful influence of peer norms and the consistent finding that young people are more likely to turn to their peers first for help and advice on relationships.<sup>60</sup>

Much research also suggests that there are particular features of educators that are more likely to be effective in engaging youth, including teachers who are able to 'minimize disruption and eliminate hurtful humour while maintaining a light-hearted and approachable manner'.<sup>61</sup>

Managing the gender dynamics of class settings is crucial to effective sexuality education and sexual violence prevention (see [Table 7.2](#)), as these dynamics can have important implications for young people's learning.

Table 7.2 *Features of effective school-based sexual violence preventions*<sup>62</sup>

Content design	<ul style="list-style-type: none"> <li>• Acknowledge young people as sexual beings</li> <li>• Avoid making generalisations about young people</li> <li>• Ensure curricula are inclusive of diverse student population (including gender, sexuality, cultural and ethnic diversity)</li> </ul>
Course design	<ul style="list-style-type: none"> <li>• Introduce (age/developmentally appropriate) sexuality education early</li> <li>• Adopt a multi-dimensional approach to sexuality and sexuality education (across information, attitudes and skills/behaviours)</li> </ul>
Resourcing	<ul style="list-style-type: none"> <li>• Incorporate peer education/peer support strategies</li> <li>• Ensure comprehensive program delivery (rather than one-off or short-term programs)</li> <li>• Provide sexuality educators with adequate training and support</li> </ul>
Partnerships	<ul style="list-style-type: none"> <li>• Adopt a whole-school approach and develop partnerships (working at a system level as well as the individual level)</li> <li>• Involve parents and the community</li> </ul>

The dynamics of interaction in mixed-sex classes was raised repeatedly by the young women I spoke to as a real cause for concern.

It was a bit easier to talk with the girls instead of boys and the girls, like, when we do group discussions [in class] us girls just don't say anything;

Because the boys are like, you know;

[loudmouths] Scream out for hours;

They might, I don't know, judge you;

Yeah: make fun of you, say something silly.

– Group interview, females, aged 14–15 years

This view is supported by my own observations while conducting the discussions – in the one coeducational group interview I held in a school, the young women did not speak out much at all. Several studies have noted the often disruptive behaviour of young men in sexuality education classes, and the hesitance of both young men and young women to speak candidly in mixed-sex groups.<sup>63</sup> However, it has also been noted that there is some value in mixed-sex discussions, as young people often have unrealistic expectations and views about the attitudes of their opposite-sex peers.<sup>64</sup>

Thus a combination of opportunities to discuss issues in single-sex and mixed-sex peer groups appears to be the most effective method of engaging young people in sexuality discussions.<sup>65</sup>

To date, sexuality education has rarely been effective in engaging young men, perhaps partly due to the emphasis on targeting young women as the bearers of the ill-effects of youth sexuality. Yet effectively engaging young men is crucial, as they are a priority target group for sexual violence prevention. Prevention of sexual pressure and coercion is not just about skilling-up young women in the assertive negotiation of sex; it is fundamentally about challenging and changing the ways that many young men negotiate sex. Internationally, where sexual violence preventions have attempted to target young men, they have not always been effective, with some reporting a backlash effect and worsening attitudes amongst male participants following the intervention.<sup>66</sup> Particular attention must be paid to effective programs and education that encourage young men to re-think gendered roles and expectations but that do not have a negative focus on men solely as potential perpetrators of sexual violence. Several studies have identified factors that are likely to be most successful in engaging young men's interest and participation in sexuality education. These include the use of male peer educators to act as mentors for young men and to model alternative masculinities to the traditional macho role.<sup>67</sup> Indeed, research has long suggested that:

young men would like the opportunity to discuss their thoughts, feelings, and questions in a nonjudgemental, confidential manner with someone close to their own age. They expressed a desire for open, honest communication about sexuality issues.<sup>68</sup>

There is also promise in approaches that engage young men as potential bystanders to sexual pressure and coercion, who can promote non-violent norms and attitudes amongst their peers by challenging rather than condoning the behaviours and attitudes of other young men.<sup>69</sup>

School-based sexuality and violence prevention educators need to be well resourced and well supported, whether they are school teachers, external community agency staff or peer mentors. In their research with Australian sexuality education teachers, Milton and others note teachers' concerns that sexuality education curricula are just a small component of their overall teaching load, and one which rarely receives sufficient time and resources.<sup>70</sup> Similar findings emerge from equivalent research in the United Kingdom, with teachers reporting that they would prefer more time and support for

the preparation of sexuality education classes or that such classes offer 'too little, for not long enough'.<sup>71</sup> Adequate resources and support for educators are also important to develop sustained programs, which we know from an emerging body of research evidence are the most effective in achieving long-term outcomes.<sup>72</sup> Evidence is also building for sexual violence prevention and sexuality education that starts in primary school<sup>73</sup> and with young people in Year 7 to reinforce violence prevention and health promotion messages *before* they are engaging in sexual encounters.

There is a small but growing number of Australian community agency programs working with schools to deliver sexual violence education prevention programs that are consistent with many of these features of effectiveness, and which have undertaken evaluations of their work. For instance: CASA house schools program;<sup>74</sup> ShineSA;<sup>75</sup> and Respect, Protect Connect.<sup>76</sup> There are some advantages to prevention programs being run in schools but delivered by external agencies. These include: their expertise in sexual violence prevention and ability to provide ongoing support in the case of disclosures; unique approaches and new faces, which are often appealing to students; and provision of educators who are not in a direct power relationship with students and to whom they may more easily relate. However, there are also limitations, in that these programs are heavily reliant on ongoing commitment from schools to make the time and space for education sessions to occur. Unfortunately, this can often result in short-term, sometimes even one-off sessions that may do little to challenge broader gendered cultures within schools and which the available research evidence suggests are unlikely to be effective over the long term. Furthermore, external agency school programs such as these often work from very limited funding bases, and so the programs are highly dependent on sustained government support and sometimes on the work of volunteer peer educators. With consistent funding and support, however, external specialist educators might be well placed not only to deliver specific content but also to work with schools to improve policies and processes in a more encompassing approach to sexual violence prevention.

## CONCLUDING COMMENTS

From the views and experiences of sexuality education expressed by the young people in my interviews, both content and quality of the sexual health information they received, including information about consent, appeared almost to be a chance draw, rather than a structured feature

of their education. We need a more inclusive and progressive sexuality education curriculum – and one that is consistent across schools, so that young people have equal access to this education no matter where they live and where they go to school. That sexual consent rarely features in young people's recollections of sexuality education is of concern when at the same time so much reform and effort has gone into making sure the law is clear in this regard.

Yet, while school-based education programs are arguably an important component of sexual violence prevention, it is important to highlight that schools are not solely responsible; nor should they be the only focus of education. Preventing sexual violence is a community-wide issue and requires community-wide response. Schools require a significant investment of resources and support, and it cannot be assumed that they can easily add prevention into an already jam-packed curriculum. Furthermore, youth at most risk of experiencing violence are those who experience multiple disadvantages and social exclusion, and thus may not be consistently engaged in the school system. Thus school-based approaches should be viewed as one component of an integrated community framework for sexual violence prevention, and indeed the young people participating in this research also had suggestions for how prevention could be undertaken outside of schools.

The way forward involves a shift in how we think about the purpose of sexuality education. Part of it is still about providing young people with the information to promote safer sex. But it is also about recognising young people as individuals with sexual feelings, who can make responsible sexual choices, including negotiating consensual sex, and about skilling-up young people to make those decisions for themselves. In the following chapter, this approach will be further taken up in consideration of strategies for the prevention of sexual violence more broadly.

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# 8

## Prevention

### Policy, programs and practical strategies

IN THE PREVIOUS CHAPTERS I have argued that we need to engage both young women and young men in challenging the social and cultural rules, norms or discourse, that continue to create a culture in which sexual violence occurs. An overarching concern of this book is ultimately with the *prevention* of sexual violence, and it is to this issue that I now turn. In the last five years there has been a significant focus within the Australian government and in policy debates on the role of prevention to reduce violence against women, including sexual violence. This focus is reflected at federal level in the work of the National Council to Reduce Violence Against Women and their Children, and at the state level in the various departmental policies guiding responses to and prevention of violence against women. Indeed, the prevention of sexual violence is firmly on the policy agenda in Australia, and the work happening here is of international significance.

In this context, there is a need for conceptual and empirical work that brings together the issues of sex, power and consent with frameworks for violence prevention. The theoretical perspectives with which we seek to understand these issues have important implications for what we do in practice. In this chapter, I reflect both on past prevention practice and on the newly emerging models of gender-based violence prevention. Thus this chapter begins with discussion of classic crime prevention frameworks and their limitations, considers emerging public health prevention frameworks, the framing of sexual violence prevention and existing, promising, practice models, and finally the important – yet largely underdeveloped – issue of evaluating sexual violence prevention.

## CLASSIC CRIME PREVENTION FRAMEWORKS AND SEXUAL VIOLENCE

Since the early 1990s many Western governments have shown increased interest in the promises and potential of crime prevention as a policy approach to crime and violence generally.<sup>1</sup> Although both mainstream criminology and government policy have neglected prevention of violence against women *specifically*, criminological frameworks for crime prevention have nonetheless influenced the development of early sexual violence prevention, and it is therefore useful to briefly consider them here.

A key framework underlying much crime prevention practice is Marcus Felson's routine activity theory. Routine activity theory (also referred to as the 'crime triangle') posits that for any crime to occur, three elements must be present: there must be a motivated offender, a potential target, and the absence of capable guardianship.<sup>2</sup> While the theory identifies all three elements as necessary for any crime to occur, Felson himself, followed by much crime prevention practice, has tended to emphasise the target and guardianship issues.<sup>3</sup> In many ways this makes sense for lower-order crimes such as theft and property offences, where the target is an object belonging to someone capable of guarding it. However, when applied to personal offences such as sexual violence, a key limitation to the framework is exposed. That is, that there are particular moral and political issues, not just practical decisions,<sup>4</sup> at stake in the case of sexual violence, where the 'target' of a crime is a person. Unlike in the case of theft, where people can secure their possessions for their own protection, it is counter-productive to suggest that women lock themselves up to avoid being raped.

Felson's crime triangle has been the subject of much criticism by feminist criminologists, who argue that it is not appropriate to suggest that women should bear the responsibility of protecting themselves from crimes such as domestic and sexual violence, and that society should focus on changing the (primarily male) motivated offender.<sup>5</sup> Indeed, criminological frameworks typically divide crime prevention into two key approaches: environmental (those focused on the target and guardianship aspects of crime) and social (those focused on the motivations of individuals to engage in criminal behaviour).<sup>6</sup> Examples of strategies for the prevention of sexual violence, as they fit within this framework, are summarised in [Table 8.1](#), below.

The content and delivery of much sexual violence prevention have been strongly criticised, particularly by feminist researchers. Indeed, sexual violence prevention is a contentious issue for feminists and victim advocates, largely due to the vast number of preventions that have focused

Table 8.1 *Examples of prevention strategies for sexual violence*

<b>Level of prevention / Preventative goal</b>	<b>Social offender / Community</b>	<b>Environmental victim</b>	<b>Guardianship</b>
<i>Primary:</i> To prevent sexual violence in the general population before it occurs	Education programs and social marketing campaigns to change values/norms that lead to or help justify sexual violence. Community and peer-group development as 'agents of change' to promote alternative values/norms.	Policies and programs promoting gender equality (e.g. in employment, education).	Better street lighting. CCTV cameras.
<i>Secondary:</i> Early interventions with sub-populations identified as particularly 'at risk' for developing future offending/behaviour or victimisation	Programs for sexually abused boys or children with problem sexualised behaviours.	Instructing young women in risk avoidance (e.g. do not hitchhike or walk alone at night) and/or rape avoidance (e.g. self-defence training).	Security guards (e.g. in licensed venues, on trains). Train staff (e.g. in licensed venues, on trains, in schools) to intervene in cases of unwanted sexual attention.
<i>Tertiary:</i> To minimise the long-term harm or prevent repeat victimisation following sexual assault	Offender treatment programs (to prevent recidivism). Individual deterrence (e.g. through legal sanctions).	Support programs and/or counselling for victims.	Workplace/School policies to respond to sexual harassment. Legislative reform to better respond to sexual assault.



on modifying women's behaviour so as not to precipitate sexual assault;<sup>8</sup> in other words, focusing solely on the target and guardianship aspects of Felson's crime triangle. For example, in their review of sexual violence prevention approaches, Australian criminologists Moira Carmody and Kerry Carrington found that many strategies focus almost exclusively on educating women to improve their knowledge of risky situations and to avoid risky behaviours.<sup>9</sup> The persistence of this type of approach is further evident in several recent international meta-analyses that continue to recommend targeting women for education around risk behaviours as a key approach to sexual violence prevention.<sup>10</sup> Similarly, referring to Australian strategies for the prevention of drug- and alcohol-facilitated sexual assault, Lawson and Olle note the common focus of drink-spiking campaigns on women's risk management, with messages such as 'watch your drinks' placing most, if not all, of the responsibility on victims to modify their behaviours. The list of risk behaviours to avoid are so encompassing that 'as one colleague ironically remarked, we could remind women that taking their vaginas out to venues with them is "risky"'.<sup>11</sup>

Feminist researchers have critiqued such risk management or rape avoidance prevention approaches on a number of grounds.<sup>12</sup> Lawson and Olle present a number of these problems.<sup>13</sup> First is that risk management represents an inaccurate preventative model for sexual violence and coercion, as even women who follow the safety rules may still become victims. Indeed, the majority of sexual assaults are not committed by strangers in public space preying on risk-taking or unprotected women, but by an acquaintance or dating partner at a residential location.<sup>14</sup> Second – a more theoretical issue with the risk management discourse – is that it conveniently makes the perpetrators of sexual violence and coercion invisible, at the same time 'denying women a right to be safe'.<sup>15</sup> Third, prevention models emphasising women's risk management tend to lend themselves to strategies that teach young women refusal skills and how to say 'no' clearly and assertively. While it may remain important to encourage and empower young women to assertively refuse unwanted sex, it is arguably counter-productive to rely on 'no' as the key or only signifier of non-consent in sexual coercion preventions. Kitzinger and Frith argue that 'it should not be necessary for a woman to say "no" in order for her to be understood as refusing sex'.<sup>16</sup> As discussed in [Chapter 5](#), research shows that at least some young men are quite able to interpret and respond to more subtle cues of sexual refusal.<sup>17</sup> Moreover, rape prevention that focuses on women's refusal skills is in direct contrast to the communicative model of consent adopted in Victorian legislation (as discussed in [Chapter 5](#)).

Sexual coercion does not, however, always occur in an identifiably risky situation with an aggressive or coercive partner – it can occur in more subtle and complex ways and in everyday sexual encounters, as has been elaborated and discussed throughout this book. Placing the sole responsibility on young women to manage their sexual safety by teaching them risk avoidance and refusal skills sends both young women and the community at large the wrong message. Rather than promoting a communicative and active model of sexual consent for both sexes, it reinforces traditional gendered norms that position men's sexuality as irrepressible and out of control while positioning women as 'gatekeepers' who are responsible for managing men's sexual behaviour. Thus there is a need to further develop the social strategies of prevention, such as those directed at potential motivated offenders, as well as strategies at the *primary* prevention level, which I discuss further below.

## **PUBLIC HEALTH PREVENTION FRAMEWORKS**

In recent years, public health frameworks, as well as crime prevention frameworks, have been adapted to prevent violence against women. Public health frameworks for violence prevention are underpinned by: an understanding of the individual, relationship, community and societal factors contributing to violence (the ecological model); and classification of prevention approaches across three categories or level of intervention – primary, secondary and tertiary. *Primary* prevention deals with population-wide factors that contribute to violence before it occurs. It can include strategies that seek to address the underlying causes of gender-based violence (such as gender inequality) as well as strategies focused on changing individual behaviour, knowledge and skills. Primary preventions can target a whole population (for example through media/social marketing campaigns) or be developed to engage particular groups that are at a higher risk of using or experiencing violence in the future.<sup>18</sup> *Secondary* prevention, also known as early intervention, targets individuals or population sub-groups who show early signs of engaging in violent behaviour or of being a victim of violence, such as children engaged in problem sexual behaviours or aggressive/controlling behaviours.<sup>19</sup> *Tertiary* prevention meanwhile, also known as intervention, focuses on intervening after violence has occurred to reduce its effects and prevent reoccurrence. This includes criminal justice and therapeutic responses.

While a public health framework provides a useful model for identifying the level and scope of prevention strategies, according to some researchers, ‘it says little about the key theoretical assumptions informing these practices’.<sup>20</sup> As such, public health frameworks may be subject to similar limitations as Felson’s crime triangle, in that they may fail to take account of the particular moral and political considerations that underscore sexual violence prevention. However, the emphasis placed on primary prevention, in particular, represents an important addition to the classic crime prevention frameworks discussed earlier. From a feminist perspective, primary prevention strategies focused on the broad underpinnings of sexual violence, such as gendered norms or discourse regarding sex and consent, represent a promising way forward for prevention practice.

Indeed, public health frameworks have increasingly been used to conceptualise primary prevention of violence against women in recent years, both in Australia and internationally. To date, one of the most comprehensive government policy plans is that adopted by the State of Victoria (Australia): the *State plan to prevent violence against women*, which is based on the *Preventing violence before it occurs* framework developed by the Victorian Health Promotion Foundation (VicHealth).<sup>21</sup> Together, these documents offer a high-level framework for the primary prevention of violence against women; identifying effective and promising strategies, priority areas, population groups and sites. As Carmody and colleagues recently suggested, one of the significant gains of this level of public health engagement in the issue of violence against women is the confidence and optimism now expressed that violence can indeed be stopped.<sup>22</sup> As the VicHealth framework suggests: ‘The prevention of violence is not an aspirational goal, rather, it is well within our reach’.<sup>23</sup>

## FRAMING SEXUAL VIOLENCE PREVENTION

Crime prevention and public health prevention frameworks can be used to describe the level and scope of possible strategies for the prevention of sexual violence (see [Table 8.1](#)). In this chapter, rather than taking a ‘grand tour’ of various types of prevention that could be directed towards sexual violence, I will focus on those strategy areas that represent distinct alternatives to the victim-focused and secondary/tertiary levels that have typified prevention work to date. This focus on social and primary prevention strategies is

characteristic of the newly emerging and highly promising field of sexual violence prevention as it is currently developing in the Australian context.

In addition, as Australian criminologist Adam Sutton and colleagues duly note: ‘good prevention requires good theory’,<sup>24</sup> and the theoretical framework developed in [Chapter 4](#) (drawing on a feminist adaptation of the sociological theory of Pierre Bourdieu) suggested three key implications for the conceptualisation of sexual violence and its prevention. First, that the pervasiveness of gender discourses in sexual encounters is such that they persist at every level of society and social institutions. In other words, gender discourse operates and is reinforced across multiple fields of social interaction and institutions, including law, education, work and the family. Second, that raising awareness of sexual violence alone, by Bourdieu’s analysis, will do little to challenge these discourses because for the most part they operate below the level of conscious reflection, being embodied in habitus (or individual practice). These embodied gendered norms are therefore enormously resistant to change. Nonetheless, by repeated exposure to fields of social interaction that challenge the gendered norms and value different ways of interacting, changes within gendered habitus become possible. A third key implication, then, is that challenges to gendered discourses *must* occur consistently across multiple sites of intervention to achieve significant social change. Thus, as Chambers says: ‘Institutions must also change in order to break the cycle of development of the gendered habitus’. Effecting social change in the gendered discourse, norms and habitus underlying sexual violence requires a combination of structural change across multiple institutions and fields of interaction, and active promotion of a new set of norms for negotiating sexual encounters between individuals.

Social and primary prevention puts this theoretical framework into practice by tackling the gendered social norms and discourses operating both in individual practice, and in communities and fields of social interaction (such as families and education). It seeks to actively promote an alternative set of norms for negotiating mutual, ethical sexual encounters (across multiple fields) *and* seeks to embed these in habitus.

In addition to a clear theoretical framing, it is crucial that sexual violence prevention be framed in relation to current best practice standards. In the Australian context, the Federal Government Office for Women has funded independent research and the development of national standards to inform implementation and development of primary prevention through education.<sup>26</sup> The six national standards (summarised in [Box 8.1](#)) act as a resource for prevention workers to ensure that their

program delivery and implementation is 'grounded in research evidence and practice wisdom'.<sup>27</sup>

### **Box 8.1 NASASV national standards for the primary prevention of sexual assault through education<sup>25</sup>**

**Using coherent conceptual approaches to program design:** programs should include an articulation of the theoretical approach underlying the program, including an understanding of the gendered nature of sexual violence and supporting promotion of positive behaviours.

**Demonstrating the use of a theory of change:** programs should articulate the behaviour change theory models influencing the program and linking the activities of program with the anticipated outcomes (with reference to attitudinal, skill and behaviour change).

**Undertaking inclusive, relevant and culturally sensitive practice:** programs need to be aware of, and seek to make programs inclusive of, diverse participating groups.

**Undertaking comprehensive program development and delivery:** programs should explain the basis for decisions regarding the duration and intensity of the program, target group and staffing, as well as the context and setting of the program delivery.

**Using effective evaluation strategies:** programs should build evaluation into the program design and articulate clear and realistic strategies to facilitate process and outcome (including long-term) evaluations, as well as how evaluation findings will be disseminated.

**Supporting thorough training and professional development of educators:** programs should build in resources and support for the skills development and training of program facilitators.

## **PROMISING PRACTICE IN SEXUAL VIOLENCE PREVENTION**

While in general the field of primary prevention of sexual violence is in its infancy in Australia,<sup>28</sup> several examples of promising practice programs engaging young people have emerged in recent years. These examples include programs in school and community settings, as well as

discrete education models, participatory action and community development models, and social marketing approaches.

## SCHOOL-BASED PRIMARY PREVENTION THROUGH EDUCATION

In Australia, as in many Western countries, schools have become a key site for educative programs to promote young people's sexual health.<sup>29</sup> As discussed in the [Chapter 7](#), sex education itself does not necessarily discuss issues of sexual consent with young people, and can inadvertently be counter-productive in terms of preventing sexual violence. Nonetheless, specific programs for the primary prevention of sexual violence through education have been implemented in school settings, some providing excellent practice models.

For example, the Sexual Assault Prevention Program for Secondary Schools (SAPPSS), initially developed by CASA House in Melbourne in 1999, involves a whole-of-school approach to preventing sexual assault and promoting respectful behaviours.<sup>30</sup> After piloting and evaluation, the program has been developed to incorporate: a curriculum comprising six sessions for Years 9 and 10 students; professional development for all school staff; train the trainer workshops with staff who have nominated to deliver program content; review of school policy and procedures to support the program; and a peer educator program for senior students who have completed the initial program curriculum. The student curriculum program discusses issues such as defining and understanding consent, identifying respectful and non-respectful behaviours and engaging students as active bystanders – including how to help a friend and access support.

Delivery of the curriculum also incorporates many elements of best practice, including: involving whole year levels (rather than selected groups); a comprehensive program across six sessions; an interactive workshop atmosphere with a mix of specially trained staff and community agency guest speakers (rather than didactic learning); separate gender groups at first, with mixed gender discussion in later sessions; mixed gender co-facilitators; and a peer leader component. However, reflecting on the success of the program as it has developed, CASA House staff suggest that having commitment from the school principal and senior staff, in addition to the whole-of-school community approach adopted, significantly adds to the student program's effectiveness. Furthermore, with staff development and support from CASA House, some schools have been able to further embed the

student program into the school curriculum, sustaining the overall program for the long term.

## COMMUNITY PRIMARY PREVENTION THROUGH EDUCATION

Young people's education does not, of course, only take place in schools and neither should sexual violence prevention. Indeed, some young people who have become marginalised from mainstream schooling may not benefit at all from sexual violence prevention programs in school settings. It is also important that young people receive multiple and consistent messages about ethical negotiation of sexual consent. Thus primary prevention of sexual violence in non-school community settings is highly important.

Perhaps one of the leading exemplars of promising Australian practice in community-based primary prevention through education is the New South Wales-based Sex & Ethics program.<sup>31</sup> Developed by Moira Carmody in partnership with the New South Wales Rape Crisis Centre, the program engages young people in building knowledge and skills about ethical decision making in their sexual encounters. Much like the CASA House student curriculum, the Sex & Ethics program incorporates elements of recognised best practice, including: a comprehensive six week program piloted and evaluated with young people aged 16 to 25; interactive workshop discussions including a focus on skill development rather than information only; and a program structure that emphasises young people's critical reflection on their sexual practices. One of the most innovative and promising aspects of the program structure is that rather than merely instructing young people on 'what not to do' or the risks of sex, the Sex & Ethics program invites young people to further develop their own capabilities to negotiate consensual, ethical, sexual encounters.

Online resources are also emerging as a key community-based method for engaging youth. As discussed in [Chapter 6](#), ICTs can be harnessed as a forum for providing information and support to those who have experienced sexual assault and/or been the victim of distribution of unauthorised visual images. It is also important to engage ICTs to offer an alternative to much of the misinformation that exists on the internet. The 'When Love Hurts' website, developed by the Victorian Domestic Violence Resource Centre provides an online information resource for young people who may be experiencing abuse in a relationship, and was a national winner of the 2001 Australian Violence Prevention Awards. In addition, Victoria's South East Centre Against Sexual Assault (SECASA) has a profile

on the popular social networking site MySpace (<http://www.myspace.com/secasa>). Other sexual assault support services are also exploring ways of offering information and support through internet forums and community websites, particularly to young people who are the majority users of ICTs.

Meanwhile, a review by VicHealth, released in 2007, identifies several additional community settings as key sites for primary prevention of violence against women. The review comments on the importance of engaging local community organisations, including sport and recreation clubs, for working with young people and promoting non-violent subcultures. For example, the Australian Football League (AFL), in collaboration with VicHealth, is implementing a Respect and Responsibility policy to prevent and respond appropriately to sexual harassment and violence in the AFL and at other levels of community football.<sup>32</sup> While an evaluation of the program has yet to be made widely available, the program represents a promising model for working with male-dominated community groups to promote respectful sexual relationships.

## YOUTH PARTICIPATORY AND ACTION RESEARCH MODELS

A small number of sexual violence prevention programs adopt what might be described as a youth participatory model or action research model. These approaches are grounded in the principle that young people themselves need to be engaged in defining the issues that affect them and in developing strategies for action. The focus of sexual violence preventions in these models is on supporting and facilitating young people in learning through action and bringing prevention messages to their broader communities and peer groups.

For example, the student counselling service at La Trobe University (Bundoora Campus, Victoria) has developed a project to prevent sexual violence by encouraging young men in particular to actively explore the negotiation of consent and to challenge gendered beliefs that condone violence against women.<sup>33</sup> The project engages student leaders to develop ways that they could act as public advocates against sexual violence. Students from the general La Trobe University community at Bundoora were also invited to participate in creative and reflective processes to consider their own attitudes and commitments, and to develop a range of health promotion resources. The resulting multimedia resources developed by and for students included: a series of posters entitled *This place nurtures*



*good relationships*, developed with residential assistants and seniors from the residential colleges; a magazine style survey and information resource developed by students from the International College who met to discuss how relationships are negotiated in English; and a short film created by students from La Trobe University Student Theatre and Film with the aim of preventing sexual violence from acquaintances.<sup>34</sup>

## SOCIAL MARKETING CAMPAIGNS

Young people are also often targeted as part of broader community education or social marketing campaigns. As with other forms of prevention, these can be underpinned by various theoretical approaches. According to a recent review commissioned by the Victorian Health Promotion Foundation, deterrence or appeals to law and order are common in many campaigns seeking to educate the community as to the unacceptability of violence against women.<sup>35</sup> However, as Donovan and Vlais note, ‘deterrence appeals are only effective if the perpetrator believes that there is a real possibility of being caught and that if caught, a real possibility of being convicted and suffering a substantial penalty’.<sup>36</sup> Rather, the main impact of deterrence education campaigns appears to be emboldening victims to report violence that occurs against them; these campaigns, then, though designed as primary prevention, appear to have most impact as tertiary prevention, providing benefits for those people already experiencing violence. A recent example of an Australian campaign adopting this law and order or deterrence approach is the former Federal Government-funded campaign, Violence Against Women – Australia Says No.<sup>37</sup> In addition, a significant limitation with this and similar campaigns is that while the message that overt physical violence is unacceptable may be clear, they fail to address more subtle and systemic forms of sexual pressure, including emotional coercion and social norms about gender and sex that underpin many experiences of sexual violence.<sup>38</sup>

Interestingly, Violence Against Women – Australia Says No, at the last minute replaced an education campaign that had been developed specifically to target young people titled No Respect, No Relationship.<sup>39</sup> Based on extensive consultation with young people and community educators, the campaign was developed to address problematic attitudes and beliefs among young people, including that ‘males tended to believe that the responsibility should be on women to refuse sex rather than on themselves to not initiate it, and they often assume consent unless the female strongly and loudly says no’ and that ‘applying pressure (as opposed to force) to

obtain consent for sex was seen as normalised behaviour for males'.<sup>40</sup> No Respect, No Relationship also included participatory research with young people in developing campaign resources, including a short film in conjunction with Triple J, that would employ peer-to-peer education to improve the relevance of campaign messages.<sup>41</sup> This campaign, originally quite distinct from appeals to deterrence and law and order, sought to promote healthy relationships and consensual sex, however, it was pulled at the last minute by Government cabinet members who were reportedly uncomfortable with targeting behaviours that were 'not real violence'.<sup>42</sup>

By contrast, internationally there are various examples of social marketing campaigns that have promoted healthy relationships rather than taking a law and order approach. For instance, My Strength Is Not for Hurting, a US community education campaign developed by the California Department of Health Services and the California Coalition Against Sexual Assault, seeks to 'raise awareness of sexual violence among youth and highlight the vital role that young men can play in fostering healthy, safe relationships'.<sup>43</sup> Campaign messages include: 'My strength is not for hurting, so when I wasn't sure how she felt, I asked'. Other examples include localised campaigns in which community agencies engage youth in the development of prevention education materials and awareness raising resources.

There is also perhaps an inherent contradiction in working with social marketing for the prevention of sexual violence. Media and popular culture (the 'field' in which social marketing takes place) offer so many narrow depictions of gender and sexuality, many of which reinforce those underpinning sexual violence, that prevention messages may be simply outweighed or overrun. There is arguably then, also a need to consider the role of advertising and media representations of sex, gender and violence in the context of a broader framework for sexual violence prevention.

## **WORKING WITH FAMILIES TO PREVENT SEXUAL VIOLENCE**

One issue that this chapter has not yet engaged with is the role of parents and families in preventing sexual violence. It is clear both from young people's discussions (see earlier chapters), and from local and international sexuality research that parents are often a respected source of information about sexual matters for young people. However, young people also identify barriers to discussing sexuality with parents, including not being taken seriously (see [Chapter 3](#)) or that parents' values and attitudes are

'outdated' or differ so much from their own. In the context of an increasingly sexualised culture, there is perhaps a greater need for parents to discuss issues relating to sex with children and young people to provide guidance through the increasingly contradictory and problematic representations of sex, gender and violence evident in media and popular culture. There is also some evidence to suggest that those young people who receive higher levels of guidance and support from parents to promote their self-esteem and confidence in relation to sex, are better able to resist sexual pressures.<sup>44</sup> While parents have been consulted with and involved in the development of some sexuality education work, there is a further need to involve and support parents and families in promoting sexual violence prevention.<sup>45</sup>

## EVALUATING SEXUAL VIOLENCE PREVENTION

If the primary prevention of sexual violence is in its infancy in Australia, the systematic evaluation of primary prevention work has barely been conceived. This is partly a function of the historically limited funding and support made available to the community sector to support evaluative work, and partly a function of the difficulties of operationalising evaluation in the context of sexual violence primary prevention. Nonetheless, as many researchers and those working in prevention have noted,<sup>46</sup> there is a clear need for evaluation of sexual violence prevention and therefore for resources for that evaluation to occur.

Across criminological and public health fields, evaluation of prevention work is largely conceptualised across two key types of evaluative research: *process* and *outcome* (or impact) evaluation. Process evaluation is concerned with monitoring and examining the strategy or program implementation. It considers what difficulties program staff may have experienced in implementing the program, and identifies other issues or factors that may have affected implementation. It is also possible that changes in program content and delivery are made during implementation in response to unforeseen issues or factors; a process evaluation helps document these changes and can also feed into continued program development. Outcome evaluation, meanwhile, considers the impact of the prevention strategy or program; essentially asking whether it achieved the outcomes intended.

Various research designs and methodologies can be used when conducting both process and outcome evaluations. For measuring outcomes, the experimental model, in which people are randomly allocated to either

receive the program ‘treatment’ or to a control group which does not, is often held up as the gold standard in research design and method.<sup>47</sup> But the experimental model presents a number of issues for programs and research targeting a social issue such as sexual violence. For example, random assignment to an intervention or a non-intervention group can be difficult to apply in particular program settings, such as schools, particularly where a whole-of-school culture change is being sought. Moreover, there are additional ethical concerns that need to be considered in the evaluation design. For example, how will the possibility of participant disclosure of experiences of sexual violence during the program or the evaluation be planned for and responded to appropriately? Random assignment may also be ethically inappropriate in sexual violence prevention, where an opportunity to prevent sexual victimisation – or in some cases repeat victimisation – is not easy to cast aside.

Quasi-experimental and non-experimental evaluation designs are often better suited to the complex nature of sexual violence prevention. Quasi-experimental methods involve comparing results from the population group who received the program and another similar group who did not, while a non-experimental method might involve a pre-test and post-test measure of the group who received the program. Often, non-experimental methods are the most practical evaluation design choice for community-based strategies and programs, which may be time and resource poor.<sup>48</sup>

Another issue to consider when designing evaluative research is whether quantitative, qualitative or a mixed-methods research design will be most appropriate. Quantitative approaches (such as the use of Likert scale surveys or checklists that numerically measure attitudinal, skills and/or behavioural change) are often employed in outcome evaluation, while qualitative approaches (such as interviewing or conducting focus groups with key stakeholders, participant observation of program delivery and/or analysis of program documentation) are commonly employed in process evaluation, where a rich description of what took place is required. However, there are advantages to incorporating a mix of quantitative and qualitative approaches, particularly in outcome evaluations, such that measures not only indicate *whether* there was a change, but also provide a descriptive account of the *nature* and *context* of that change from the perspective of both participants and program staff.

Conducting evaluation as part of prevention strategy or program development and implementation can also (sometimes inadvertently) contribute to the successful delivery of prevention work. For example, in an evaluation of the CASA House Sexual Assault Prevention program for secondary

schools, program coordinator Renee Imbesi found that conducting follow-up focus groups as part of a long-term evaluation design also provided an opportunity for program participants to repeatedly reflect upon the program content. As such, the evaluation research component also appeared to act as a 'refresher' for participants; and seemed to contribute to the long-term outcomes maintained by the program itself.<sup>49</sup>

To be most effective, evaluation design must be part of the initial design of the prevention strategy or program itself.<sup>50</sup> This includes building the costs of evaluative research into the costs of designing and implementing the strategy or program and deciding whether program developers or staff have the skills and capacity to conduct the evaluation or if it will be necessary to fund training or contract external evaluators.

An emerging evidence base also supports engaging youth as members of a participatory evaluation team to evaluate the 'programs, organizations, agencies and systems that have been designed to serve them'.<sup>51</sup> Developing youth leadership and engagement in program evaluation, then, can benefit young people, the program and, some suggest, the field of evaluation itself. In addition, involving young people in evaluative research takes seriously their views and experiences in the further development of policy and programs that affect them.

Clearly there is also a role for government and central agencies to actively promote collaboration and build local agency capacity to undertake evaluative research.<sup>52</sup> For example, in the United States the Center for Disease Control provides evaluation assistance to programs for the primary prevention of sexual violence, including helping programs to develop skills in conducting their own evaluations through training and a guide to documenting evaluation.<sup>53</sup> Practitioner networks are also crucial to building local capacity and promoting a collaborative culture of learning.<sup>54</sup> Locally, the Victorian Partners in Prevention network (administered by the Domestic Violence Resource Centre) provides opportunities – through an online resource and face-to-face meetings – for prevention workers to share program and evaluation information and resources. There is a need to further develop these and other opportunities to build evaluation research capacity in the sexual violence primary prevention sector.

## CONCLUDING COMMENTS

In summary, primary preventions that explore the meaning of sexual consent in ways that are relevant to young people's lived experiences and build skills for the ethical negotiation of sexual encounters are central to

dealing with the issues of pressured and coerced sex. Crucially, the relatively invisible, normalised sexual pressures and coercion that occur in everyday relationships<sup>55</sup> are not easily within the scope of the law, but rather must be addressed through challenging the dominant, gendered, common-sense knowledge and assumptions that underlie the negotiation of sexual encounters. It is arguably through such questioning and disruption of the dominant discourses of gender, sexuality and sexual consent across multiple fields of social interaction (education, peer groups, communities and families, in addition to the law) that we open up greater possibility for significant social change. In addition, this chapter has emphasised the need to better support evaluation of prevention work and to involve young people in the development and evaluation of prevention work. Doing so ensures that the programs and strategies developed remain relevant to the issues affecting young people and their own lived experiences.

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# 9

## Conclusion

### Re-writing the rules and preventing sexual violence

THE RULES FOR negotiating sexual relationships have changed and continue to change for Generation Y. Are they redefining these new sexual rules of engagement for themselves? What is it about these rules that is changing? What has changed already? What is still the same? A mixed tale has emerged from this research. On the one hand there have clearly been some shifts in the rules – changes in sexual mores – that make it more permissible for young women to confidently and assertively negotiate safe and consensual sex. Likewise, some young men were clearly aware of the complexity of sexual consent and the need to actively ensure that sex with a partner was indeed consensual. On the other hand, much about the sexual rules of engagement appears not to have changed. In particular, constructions of gender that position an active, desiring male sexuality against a passive, receptive female sexuality continue to create an uneven playing field for the negotiation of sexual encounters. Claims that the sexual double standard no longer exists, or that young women are liberated and empowered, fail to acknowledge the very real ways in which gender norms and discourses continue to shape young people's everyday negotiations of sex, power and consent.

In this book I began by considering the historical and popularised 'problem' of youth sexuality, in particular calling into question constructions of young people engaging in sexual practices as inherently risky. I suggested that such risk discourses may disempower rather than protect young people. Instead, I argued that there is a need to take young people's own views and experiences of issues affecting them seriously. I also called into question current definitions of sexual violence, suggesting that the importance of symbolic violence in Western culture, including Australian culture, has been underestimated, and that sexual violence is best understood along the

continuum proposed by Liz Kelly from choice to pressure to coercion to force.

It became evident from the perceptions of the 117 young people participating in the research underpinning this book that a number of highly gendered unwritten rules are still in force as the predominant meanings with which many young people make sense of their love/sex relationships, and with which they are judged by their peers and partners. Although decried by feminists for over 40 years, cultural discourses that construct female sexuality as passive/submissive against male sexuality as active/pursuant persist in structuring young people's negotiation of sexual encounters. These constructs include the missing discourse of female desire (women are seen primarily as objects of male desire) and the sexual double standard. The research shows clearly that a range of discourses about gender and sexuality continue to structure the field of sexual encounters such that young women commonly experience pressured and unwanted sex, as well as sexual coercion and violence. To better understand the ways that these rules or discourses influence young people's experiences, I further developed a feminist adaptation of the sociology of Pierre Bourdieu in an attempt to understand consent as a habitus, or embodied gendered practice, that is, a practice in which gendered norms and discourse are habitually enacted through the body in thoughts, feelings, desires and responses that are not easily subject to individual recognition and change.

Young people's negotiations of love/sex relationships still occur within the context of enormous gendered pressures: peer pressures, social pressures and relationship pressures. For some young women participating in this research these experiences are more than pressures; they are coercive and violent. While some young women expressed with clarity that they were not going to do anything they were not comfortable with, many others continue to deal with expectations of sex, especially in love relationships, and in the absence of a sense of their own needs and desires.

The gendered structures of some young women's emotions in response to pressured and unwanted sex suggests that there is an element of symbolic violence in their gendered habitus. That is, unwanted sex can occur without their explicit refusal, due to the range of emotions they experience about their role in the relationship, their position as women and their perceptions of the outcomes if they refused. Thus, relying on bodily communication as an indication of consent is a source of contradiction in young people's negotiations of sexual encounters. On the one hand, while many young people arguably are able to read these signs, it is clear that when combined with traditional norms regarding expectations of men's sexuality

as active/pursuant and women's as passive/submissive, relying on bodily communication alone is not enough. Indeed, this is how the miscommunication theory views sexual violence: when subtle cues are relied upon these are too easily 'misread' as consent. While these experiences would support the theoretical approach to consent adapted from Bourdieu, at the same time, young people displayed complexity in their capacities to reflect on gendered norms and practices. Some young people were able to acknowledge gendered norms and practices at a conscious level, and to act differently. This suggests potential for sexual violence prevention that encourages a more self-reflective ethical sexual practice amongst youth as a means of sexual violence prevention. Rather than making young women solely responsible to assertively say 'no', this approach supports mutual negotiation of sexual encounters, and development of skills for ethical sexual relating in both young women and young men.

Nonetheless, these prevention messages are competing with a whole body of gendered discourses that have been instilled from a young age, and that continue to circulate in society across various fields of interaction, including education, the law, the family and throughout popular culture. While actively encouraging a reflective and ethical sexual practice amongst young people is an important focus of sexual violence prevention, Bourdieu's sociological theory may have more to contribute to the theoretical underpinning of this approach by providing a complementary analysis upon which to base additional sexual violence prevention programs.

In particular, a way forward is needed that challenges the gendered social rules that contribute to pressured sex, while acknowledging the persistent reproduction of these rules, particularly in the field of education, and that is sensitive to taboos regarding youth sex. Deconstruction of dominant gender norms and encouragement of a reflective practice can be included in other curriculum domains, formal policies and across school culture, rather than in sex education or sexual violence prevention programs alone. Moreover, the reproduction of gender discourses condoning sexual violence must be disrupted across other fields of practice, including the law, the family and popular culture.

Bourdieu's sociology also challenges us to pay attention to the ways in which social inequalities are reinforced in social structures and institutions. Certainly, while some young women may be more empowered to negotiate sex, they still do so in a culture dominated by symbolic violence, and in which there is still a lot of pressure and violence going on. Feminist adaptations of Bourdieu have also contributed to a critical analysis of the new 'politics of choice', that caution us to be mindful of the pressures and

unwritten rules that persist in the very form in which these 'new' choices present for contemporary young women and their sexuality. They caution that something which appears to be a significant shift indicating social change, such as raunch culture and its sexualisation of young women, may in fact represent old norms in disguise.

It is time to seriously re-think our approach to reducing sexual violence. Responses to youth sexuality and prevention of pressured and unwanted sex need to be framed in ways that engage young men and women as active agents in their sexual choice-making, capable of reflection upon these choices. It is through questioning and disruption of the dominant discourses of gender, sexuality and sexual consent across multiple social fields that we open up greater possibility for significant social change. In the absence of such alternative framings, the sexual choices of Gen-Y women – and men – will remain forced 'choices'. To seriously challenge the culture of sexual violence we need to engage young women and young men in re-writing the unwritten rules regarding sex, power and consent.

## Appendix

### The Young People & Relationships project (YPRP)

THE SENSITIVITIES – and in some cases moral panic – surrounding youth sexuality, make it an issue that is highly scrutinised by parents, media and researchers. Yet it simultaneously lacks representation of young people’s own perceptions and experiences. This book has tried to right that balance by directly exploring Generation Y’s experiences of sex, power, consent and its absence. This appendix discusses the background and methods of the research about young people’s love/sex relationships upon which this book is based: the Young People & Relationships project, which I conducted in Victoria, Australia.

Influenced heavily by international research with young people, the project began by broadly seeking to include young people’s own voices and perspectives, not only on the pressures that might be experienced by young people in their love/sex relationships, but also on what meanings these relationships hold for young people in the first place. First, a series of focus group interviews were held, similar to other sexuality studies, as a naturalistic method of research that draws upon the everyday experience of talking amongst peers.<sup>1</sup> The focus groups were an important starting place for the project, which began with a broad interest in young people’s negotiation of love/sex encounters, then invited young people to contribute to the direction that the final research would take. As a method, focus groups allow participants greater power to direct the discussion towards those issues most salient to them, and also give the researcher an opportunity to directly observe the context and group processes within which the talk is produced.

Throughout the focus group interviews conducted with young people, it became apparent that pressure to have sex and the unwritten rules

of sexual encounters were of particular concern to the young women I spoke to. Many young people expressed only marginal concern with overt physical violence or force, and indeed, reported feeling quite able to end 'that kind' of relationship. It was the more subtle sexual pressures and the unwritten rules in relationships that dominated their expressed concerns. This is not to say that overt force, physical violence and sexual assault are not legitimate matters in need of research and action in our society. Rather, the young people's discussions highlighted for me, and thus for the research overall, a whole range of underlying pressures that may contribute to or even supply the conditions for violence to occur, and that may therefore be useful targets for prevention. In response to this initial phase, I narrowed the focus of the project to consider the subtle pressures and coercion to have sex in young people's everyday love/sex relationships. The richness of the qualitative data I had already gathered as part of the focus groups, and the passion with which young people spoke about these issues, indicated that focus-group and in-depth interview methods were well suited to reveal much of the context of young people's relationships. These qualitative methods are also widely acknowledged as particularly appropriate for exploratory research into topics that are under-researched and in which an understanding of the complexity of experience, rather than simplification, is desired. Focus groups and in-depth interview methods are also preferred in much feminist research as they provide researchers with the opportunity to access participants' perceptions and experiences in their own words, rather than enforcing a pre-determined structure as is typical of much survey-based research. Moreover, while there is a large body of research concerned with young people's sexual 'risk' behaviours and decision making, there were very few international studies exploring the subtleties of sexual pressure and coercion, or the negotiation of consent from young people's perspectives, and even fewer in the Australian context.

As the research project developed, its orientation became much more phenomenological – 'the point is not to test hypotheses but to develop an understanding of experience'.<sup>2</sup> Thus the methodology and analysis have sought to prioritise young people's own stories of negotiating sex/love relationships – to retain their perspectives, in their words and in their voices. In this way the project has remained informed by young people's lived experience as told by them. After all, young people's main critique of sexuality education is that it does not reflect their lives and experience. It is critical that any recommendations made, or programs informed, by

my research are inclusive of young people's real life experiences of love and sexual relationships.

The broad feminist framework within which this research is positioned holds that 'if social critique has a political purpose – and I believe it still has – it is to effect change'.<sup>3</sup> Necessarily then, the data are analysed and presented in a way that is intended to be practical and useable for inspiring social policy and educational change, yet that also displays as much as possible the original and situated voices of young people involved in the research. This research also draws on some postmodern tools and perspectives (in some places more strongly than others) in its understanding and analysis of gender and power in young people's love/sex relationships. These are not used to deny the validity of individual lived experience – though that may sometimes be presumed in the postmodernist notion that there is no truth, no reality out there to be discovered – but to allow me to acknowledge that, just as research is inevitably 'constructed' knowledge, so too young people's lived experience of relationships cannot be considered independently of their social world and the discourses available to them in experiencing and understanding that experience. Thus this analysis is one of a growing number of examples of feminist research that attempt to bridge the so-called 'gap' between postmodern theorising and more traditional sociological perspectives.<sup>4</sup>

This postmodern feminist sociology is, epistemologically speaking, quite mixed, and in some places perhaps a little at odds with itself. In particular, feminist sociology's commitment to social change to pursue women's equality implies the existence of a knowable social structure and a moral primacy to women's experiences, while postmodernism challenges the idea of a unified concept of 'women' and deconstructs claims to knowledge and truth.

Since this contradiction cannot be resolved, feminists can only be pragmatic about choosing their ethical positions and political identities, making these explicit, making themselves accountable for the knowledge they produce and interrogating their own constitution as knowing subjects.<sup>5</sup>

Subsequently, this mix of theoretical and methodological underpinnings is both deliberate and purposeful in allowing the research to acknowledge individual agency and resistance to dominant discourses of love/sex relationships while not forgetting that these performances still occur within persistent and frequently hierarchical social structures that can be changed and need to be changed.

## PURPOSE AND RESEARCH QUESTIONS

The final research project, then, explored the subtle pressures in young people's love/sex relationships and the implications of these for negotiating consent and preventing sexual coercion. There were two broad purposes to the research project as a whole. The primary aim was to inform the development of sexuality and other education to prevent sexual coercion in young people's relationships, grounded in young people's own perceptions and experiences. Second, the research aimed to contribute to broader theoretical debates on the interplay of social structures such as gender and individual agency in the negotiation of sexual encounters. This exploration has been guided by a number of specific research questions:

- To what extent does pressured and unwanted sex remain a feature of Gen-Y women's sexual encounters?
- If pressured and unwanted sex remains a feature of young women's sexual encounters, why? In a time of supposed girl power, how can we account for the persistence of pressured and unwanted sex?
- What has been done to try to prevent young women's experiences of pressured and unwanted sex?

Arising out of these questions and the early stages of the research project were a number of other important questions. In particular, given the context of popular understandings of youth sex and gendered discourses regarding sexuality, it was important to explore:

- What meanings do love/sex relationships hold for Gen-Y?
- How do Gen-Y women negotiate everyday sexual encounters, and how do they deal with pressured and unwanted sex?
- What more can the broader society be doing to help prevent pressured and unwanted sex?

## PROCEDURE AND PARTICIPANTS

In total, 117 young people participated in the study, some in focus groups, some in in-depth interviews and some in both.

The focus groups involved separate young men's and women's discussions, led by a male and a female facilitator respectively and working from a prepared list of topics, questions and prompts, including a debriefing/feedback component. Questions (see [Box A.1](#)) were phrased to encourage discussion of young people's *perceptions* of relationships rather than personal accounts, so as to avoid participant 'over-disclosure' that they might



later regret.<sup>6</sup> However, in some cases, participants did volunteer personal examples based on peers' experiences.

### **Box A.1 Focus group discussion questions**

What words first come to mind when I say we're going to be talking about 'relationships'?

Can you describe the different kinds of (romantic/sexual) relationships that young people your age might be involved in?

How would you describe an 'ideal' relationship?

What do you think makes a 'bad' relationship?

Where do you think young people your age get their knowledge and ideas about relationships and what to expect from them?

What are some of the 'unwritten rules' or the expectations on young people in relationships, do you think?

What comes to mind when you hear the words 'pressure in relationships'?

What other problems might young people face in relationships?

What kind of information about relationships did you get [back] in high school?

How useful/good was this information. Why?

What kind of information about sexual health, or safe sex, did you get? How useful was it? Was there anything you feel should have been covered but wasn't?

What about sexual consent? Was that something that was covered in sexuality education? How was that covered?

Most focus group discussions involved eight participants, aged 14–24, and all discussions were less than 60 minutes duration, as is widely recommended for groups conducted with this age group.<sup>7</sup> Consistent with university ethics requirements, informed written consent was collected from participants prior to discussions, with additional parental consent for

those under 18 years of age. All focus group participants were provided with an information kit that included referral details for local sexual assault, relationship violence and sexual health services.

Young people in first and second year university and/or TAFE courses constituted the bulk of the 18–20 year olds in the sample, after initial efforts to recruit young people through community youth agencies had proven unsuccessful. However, while limited to young people engaged in tertiary education, these early focus groups proved crucial to the continued development of this phase of the project. The insightful feedback provided by these young people in debriefing discussions at the end of the focus groups, and their ability to reflect on what they had experienced during high school, inspired additional and newly-phrased questions for use in subsequent discussions with high-school-aged youth. Specifically, the concept of unwritten rules, which was raised by young men in a university discussion session, proved a useful trigger for discussing young people's understandings of relationships.

Additional single-sex focus groups were conducted at metropolitan and regionally based youth agencies, as well as a mixed-sex discussion with a support group for same-sex-attracted young people. These discussions involved a mix of young people who were still attending high school (aged 16–18), while others involved young people who were either working or looking for work (aged 18–24). Additionally, a small number of focus groups were conducted in metropolitan schools with young people in Year 9. School participants ranged in age from 14–15 years, which was potentially more representative of young people generally than the university groups had been, as young people are required to attend secondary education until the age of 15. Discussions were conducted during class time, in health-related classes during their content on relationships and sexuality, with separate rooms arranged by the school for each of the focus groups. Again, written consent was obtained from all participants prior to the group discussions, with additional parental written consent from those under 18 years of age.

In total, 94 young people (53 females, 41 males), ranging in age from 14 to 22 years with an average age of 17 years, participated in 13 focus group discussions. Participants represent a diversity of young people from rural and urban backgrounds, working-class and middle-class families, diverse sexuality, and some for whom English was a second language. Nearly all of the young people participating were engaged in some level of education (high school or tertiary) and/or were employed at the time of the interview. While many focus group interviews took place on metropolitan university

campuses, these discussions included young people who were undertaking other training and/or were working in the city.

The in-depth interviews were a crucial additional component of this research. This is a method that ‘takes seriously the notion that people are experts on their own experience’<sup>8</sup> and that provides a unique opportunity for young people’s own voices and perspectives on love/sex relationships to be heard. The individual interviews differed from the focus groups in that, rather than focusing on perceptions, young people aged 18–24 were asked to share their experiences of negotiating their love/sex relationships, exploring themes including relationship expectations, sexual consent, power, fears, equality and sexual decision making (see [Box A.2](#) for an indicative list of questions. A total of 23 young people (aged 18–24) participated in in-depth interviews (18 females, 5 males).

As with the focus groups, participants represent a diversity of young people from rural and urban backgrounds, working-class and middle-class families, diverse sexuality, and some for whom English was a second language. Nearly all of the young people participating were engaged in some level of education (university or TAFE studies) and/or were employed at the time of the interview. Interview participants were reimbursed for their travel expenses to a maximum of \$20 and were opportunely recruited through three metropolitan university campuses, as well as one metropolitan and one regionally-based youth agency. All interviews included a set of debriefing questions, and participants were provided with an information sheet that included referral details for local sexual assault, relationship violence and sexual health services.

For analysis, focus groups and in-depth interviews were audio-recorded and transcribed verbatim, with pseudonyms assigned to participants to protect their identities. Any other identifying information was also removed. For instance, where participants referred to the names of country towns or local high schools, these were removed to further protect the identity of participants. After initial quality-checking of transcripts and manual thematic analysis, a qualitative analysis software package (NVivo 7) was employed to manage and organise the data into the emerging themes. Varying discourses evident in young people’s talk about their love/sex relationships were identified, and these were compared and contrasted against those apparent from the existing literature.

It should be noted that recruitment of young men to participate in this research was difficult. While there were near equal numbers of men and women who participated in focus groups, there are significantly more young women represented in the interview sample. This is not uncommon

## Box A.2 In-depth interview questions

Perhaps you could tell me a bit about yourself (where you grew up, went to school, your family, etc.).

Could you tell me a bit about the different relationships you've been in (starting with the first)?

Could you tell me a bit about your *current (or most recent)* love and/or sexual relationship?

What about decisions about sexual activity? How would you say most of those decisions are made in the relationship (including safe sex practices)?

Do you think you always agree about these sorts of sexual decisions? How do the two of you resolve it when you disagree?

How does each of you know when the other person wants to have sex?

If you could change anything about your current/recent relationship, what would it be?

What are your hopes for the future of the relationship?

Could you tell me a bit about your *first* sexual encounter or relationship?

How did you decide you were going to have sex? Was it something you thought about? Was it something you talked to someone about?

How would you say most of the decisions were made in that relationship? How did you resolve things when the two of you disagreed about a decision?

What about decisions about sexual activity? How would you say most of those decisions were made in the relationship? (How did you decide you were going to have sex? What about safe sex practices?)

Do you think you always agreed about those sorts of sexual decisions? How did the two of you resolve it when you disagreed?

What are some of the 'unwritten rules' or expectations on men/women in relationships?

What are some of the pressures on young people in relationships do you think?

I'd like to give you a bit of a hypothetical. If you were hooking up with someone, things were getting pretty hot, but you didn't want to actually have sex with them – what kinds of things would you do or say to let them know?

How do men/women 'show' consent, or 'signal' that they are consenting?

How can we know that a man/woman is not consenting?

What kinds of information did you get about love and sexual relationships in high school?

How useful/important was that information?

What kinds of information do you think young people should receive in high school? Or in other ways?

in sexuality research<sup>9</sup> and may be 'attributed to the fact that discussing sexuality in a research context is not appropriately masculine and therefore participation is less appealing for young men'.<sup>10</sup>

In the in-depth interview debriefing schedule, I included a question as to why participants volunteered to take part in an interview. While both young men and young women commonly reported that 'It sounded interesting', several participants reported that they thought that sexuality education was very important for young people and that they wanted to contribute to discussion of this issue. A number of women participants who disclosed having experienced a pressured sexual encounter said that they hoped that by sharing their story they would help prevent other young women from experiencing similar encounters.

In sum, as with all research, the findings of this project are located within a specific context. However, while this research project is necessarily exploratory and its contribution qualitative rather than quantitative in nature, it does provide a unique window into many young people's lives and how they experience and make sense of their everyday love/sex encounters. The context and complexity of young people's negotiation of sexual consent discussed in this book remains a significant contribution to current research, and a valuable resource for guiding future development of sexual violence prevention in Australia and internationally.

## NOTES

- 1 See H Frith, 'Focusing on sex: Using focus groups in sex research', *Sexualities*, vol. 3, no. 3 (2000) pp. 275–97.

- 2 D Tolman, *Dilemmas of desire: Teenage girls talk about sexuality* (Cambridge, MA: Harvard University Press, 2002) p. 43.
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- 5 C Ramazanoglu & J Holland, *Feminist methodology: Challenges and choices* (London: Sage, 2002) p. 102.
- 6 Frith, 'Focusing on sex', p. 284
- 7 RA Krueger & MA Casey, *Focus groups: A practical guide for applied research* (Thousand Oaks: Sage, 2000); TL Greenbaum, *Moderating focus groups: A practical guide for group facilitation* (Thousand Oaks: Sage, 2000).
- 8 Y Darlington & D Scott, *Qualitative research in practice: Stories from the field* (Crows Nest, NSW: Allen & Unwin, 2002) p. 48.
- 9 L Allen, 'Beyond the birds and the bees: Constituting a discourse of erotics in sexuality education', *Gender and Education*, vol. 16, no. 2 (2004) pp. 151–67; AA Ehrhardt, 'Gender'. In J Bancroft (ed.) *Researching sexual behavior: Methodological issues* (Bloomington: Indiana University Press, 1997) pp. 361–2.
- 10 Allen, 'Beyond the birds and the bees', p. 162.

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- ABS – see Australian Bureau of Statistics
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