Talking about rape on campus: A vignette approach to exploring how first-year undergraduate men students at a South African university construct and understand sexual consent

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Abstract

This study explored undergraduate university men's perceptions and interpretations of sexual consent, focusing on how these perceptions may reflect broader cultural and societal norms. Understanding these perceptions is crucial for addressing sexual violence, informing consent education and promoting safe, healthy and respectful relationships on campus. The study aimed to explore how men in the university context understand sexual consent. Data was collected using dyad interviews with participants, using vignettes to prompt discussions about consent. The data were then analyzed using Willig's approach to Foucauldian discourse analysis to identify how societal and cultural influences shape their perceptions. The analysis revealed that the participants generally recognized consent as a mutual, explicit process, ambiguity arose in situations involving intoxication. The findings reveal that societal expectations and traditional gender norms continue to influence how sexual consent is understood. Despite emerging discourses promoting mutual respect and clear communication, traditional notions of male entitlement and female passivity persist, complicating the negotiation of consent. The study suggests that while there is a shift toward more progressive understandings of consent; power dynamics, gendered ideologies, and societal norms continue to shape its interpretation. This research provides valuable insights into the ongoing need for educational interventions to address the complexities surrounding sexual consent and the influence of gendered norms, offering potential pathways for improving consent education and policies within South African university contexts.

Isishwankathelo

Olu phando luphande indlela abafundi beyunivesithi abangamadoda abayibona ngayo kwaye abayiqonda ngayo imvume yokwenza ezocantsi, lugxile ekuboniseni ezimbono zihlalisana njani nemigaqo-nkqubo yezentlalo nezezthethe namasiko eluntwini. Ulwazi ngezimbono lubalulekile ekulweni nokuhlukunyezwa ngokwesondo, ukufundisa ngemvume, kunye nokukhuthaza ubudlelwane nentlalo ekhuselekileyo, nehloniphekileyo kwiikhampasi. Oluphando lujolise ekuqondeni ngeendlela amadoda aseyunivesithi abazi ngayo ngemvume yezocantsi. Iinkcukacha ngophando ziqokelelwe ngokusebenzisa iingxoxo phakathi kwabavavanywa ngababini, kusetyenziswa imizekeliso ukufaka iingxoxo malunga nemvume. Emva koko, iinkcukacha ngophanda zahlalutywa kusetyenziswa indlela kaWillig ye-Foucauldian discourse analysis ukufumanisa iindlela izicwangciso zezentlalo namasiko ezikhokhelela kwiimbono zabo. Uhlalutyo luveze ukuba abavavanywa bazi banzi ngemvume yezocantsi kujoliswe kwiindlela ezibethelelwe yimigaqo-nkqubo yezenhlalo nezithethe namasiko ngobudlelwane phakathi kwezini kwanemfundiso ngolwazi ngezomthetho nezemfundo. Amaxesha amaninzi amadoda ayichaze imvume yezocantsi njengemvumelwano yothetho-thethwano olucacileyo, ngaxeshanye bethobela iindlela bekusenziwa ngazo kwezesini mandulo. Nangona kunjalo, abavavanywa banxibelelana neemboono ezinenkqubela phambili, begxininisa ekuhlonipheni, ukukhathalelana kunye nemvisiswano ekuxoxweni ngemvume. Iziphumo zibonisa ukuba iimbono zamadoda zibunjwe yintlanganisela yeemfundiso zezemfundo, kunye nemigaqo-nkqubo ngezesini ebethelelweyo ezingqondweni zabo. Oluphando lubonisa isidingo sokufundisa ngokucacileyo ngemvume, nezinto ezingumcelingeni njenge mpembelelo yezithethe zesini, ukuze kufumaneke iindlela zokuphuculwa kweemfundiso nemigaqo-nkqubo kwiiyunivesithi.

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Dedication

This thesis is dedicated to my late grandmother, Nomakhaya Roblina Matshisi, whose strength continues to inspire me, and to all survivors of intimate partner violence who were silenced and lost their voices in the aftermath. May this work honour your resilience and affirm your stories.

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Plagiarism Declaration

I hereby declare that the work presented in this thesis is my own original work and that all sources of information used have been properly cited and referenced. I confirm that I have not plagiarized or copied any content from any other sources without proper acknowledgment.

Babalwa Zokoza

26 March 2025

1. Introduction

1.1. Introduction and Context to the study

Sexual violence (SV) is an issue that is present and pervasive globally (Beres, 2007; WHO, 2021). It is often linked to power dynamics, with perpetrators using manipulation, force or intimidation to override the autonomy of the victim (Darden et al., 2019; Gavey, 2005). SV is a human right violation and encompasses a range of acts. For the purpose of this study, SV refers to any sexual act performed without consent, but more specifically, rape in intimate and nonromantic and/or acquaintance relationships. SV is documented as occurring in a variety of settings, including but not limited to rape -within marriage or dating relationships; rape by strangers or acquaintances; unwanted sexual advances/sexual harassment; sexual slavery; sexual abuse of children; physically and mentally disabled people and customary forms of sexual violence (e.g. forced marriage or cohabitation and wife inheritance); sexual contact using transactions, coercion, blackmail, threats, deception and, sexual exploitation; and the rape of men and rape of men in prison (Darden et al., 2019; Farvid & Saing, 2022; Gavey, 2019; WHO, 2012).

The concept of consent is central to understanding SV and is defined as affirmative, conscious and voluntary agreement to participate in sexual activity (Beres et al., 2014; Cook & Messman-Moore, 2018). Rape is understood as a form of SV and the South African law under the Sexual Offences Act of 2007 defines it as non-consensual oral, anal or vaginal penetration of a person with a genital organ, and or vaginal penetration with any object and the penetration of a person's mouth with the genital organs of an animal (Sexual Offences Act 32 of 2007, 2020).

In simple terms, rape is defined as non-consensual sex; making consent the defining factor of SV (Beare & Boonzaier, 2020). There is however ambiguity and a lack of a clear and universal definition as authors draw from different perspectives i.e., legal and ethical; theoretical and social perspectives (Zokoza, 2022). Legal conceptualisations of sexual consent are prejudicial and often stereotype behaviours of both the accused and the complainant; shifting the onus onto the

complainant (victim) to prove the absence of consent (du Toit, 2014; Illsey, 2008; Vandervort, 2018). Theoretical scholarship on consent asserts that sexual interaction involves more than a behavioural and physiological interaction but also represents intrapsychic beliefs about sexual autonomy, agency and gendered relations (Beres, 2007; Levand, 2020; Popova, 2019).

Research that has been conducted on university campuses show an endorsement of affirmative consent; which is generally defined as enthusiastic, active and positive participation from everyone involved in a sexual interaction (Featherstone et al., 2024a). Featherstone et al. (2024) state that an absence of agreement through silence or passivity does not constitute affirmative consent. The lack of a universal definition of consent coupled with varied gendered beliefs can make sexual consent communication an intricate task (Cook & Messman-Moore, 2018a; Popova, 2019).

Gavey (2018) argues that constructions of heterosexuality that disregarded female sexual rights in historical times and placed men as initiators and women as the gatekeepers of sex seem to have, overtime, entrenched men's sexual entitlement and might be contributing to the high levels of SV that are present globally. The prevalence of SV continues to affect societies and despite ongoing research and interventions to address the issue, the problem persists, highlighting its deeply rooted nature in (Beres, 2007; Vetten, 2014).

The World Health Organization (WHO) has found that an estimated 6% of women have experienced non partner intimate SV (i.e. a male relative, friend, acquaintance or stranger) and 40-53% of women have experienced SV from their spouse or partner in their lifetime (WHO, 2021). South Africa (SA) has one of the highest rates of rape and gender based violence prevalence in the world among countries not at war (du Toit, 2014; Gouws, 2022; Moffett, 2006). According to a report by the SAPS, 5877 rape incidences were reported between April and June of 2022 (SAPS, 2022). SA's rape incidences show the grim reality and extent of sexual violence in the country; with the highest number of reported rapes (3780) reported by SAPS between April and June of 2022, occurring in residences known by the victim/survivor or perpetrator such as those of family, friends or neighbours (SAPS, 2022). These statistics may not be accurate due to lack of reporting due to the stigma and shame associated with the act, the extent to which disclosure of abuse and

assault is encouraged, cultural beliefs and the gender roles that women and children are given in society (Vetten, 2014; Wieberneit et al., 2024).

Institutions of higher education are not free of SV. Sexual assaults have become a widespread phenomenon on Higher Education Institution (HEI) campuses across the world (Giraldi & Monk-Turner, 2018; Hall, 2016). In a review of US based studies on HEI campuses by Fedina et al. (2018) the prevalence of sexual assaults were estimated to 0.5–8% for forcible rape, 2–34% for unwanted sexual contact, 2–14% for incapacitated rape, and 2–32% for sexual coercion. In a study of SV at a HEI in Swaziland, 60% of the participants reported having experienced an attempted or completed sexual assault; 93% were known to the survivor and 56% of the perpetrators were romantic partners (Fielding-Miller et al., 2021). Nkosi (2022) reported that in the year 2021; 88 rape cases were reported in SA public Technical and Vocational Education and Training (TVET) college campuses. Furthermore,16 cases of sexual assault, nine of touching and insinuation, nine of incest and 11 of unwanted sexual touching in 2020, these are large numbers considering colleges were closed in March of 2020 due to Covid (Nkosi, 2022). A study by Oni et al. (2019) at a SA HEI revealed that 17,3% (27) and 25,5% (45) of men and women students, respectively, had experienced unwanted touching; 10,8% (17) of the men and 10,2% (19) of the women had been coerced into having a sexual relationship on campus.

Most of the SV that occurs on and off campus rarely involves physical force or injury (Pugh & Becker, 2018). These assaults usually involve verbal sexual coercion and/or substances such as alcohol and drugs (Daspe et al., 2016; Edwards et al., 2014; French et al., 2017; Ramisetty-Mikler et al., 2007; Strang et al., 2013; Widman et al., 2013). Several factors make the university student population vulnerable to sexual violence and assault; not least of which is that students often have difficulties understanding what can be defined as sexual assault, especially within romantic relationships (Bhochhibhoya et al., 2021; McMahon, 2008). A study by Bhochhibhoya et al., (2021) found that sexual assertiveness, gender dynamics, "hook-up" culture and the length of relationships were seen to be linked to the pervasive incidents of sexual violence on campuses. While other studies indicated that alcohol use and behaviour associated with the use thereof, social support and sexual orientation are contributing factors to the risk (Conley et al., 2017; Mellins et al., 2017).

Literature and general discourse around SV and consent largely focuses on women and; their experiences and understandings of SV and consent (Beare & Boonzaier, 2020; Cook & Messman-Moore, 2018; Edwards et al., 2014; Fielding-Miller et al., 2021), while less attention has been given to understanding men's perspectives. Statistics highlight that men are predominantly the perpetrators of SV, and these offences are usually committed against women (Gqola, 2015). Studies by Wignall et al. (2020) and Jozkowski et al. (2018) indicate gender differences in interpretation of situational or contextual cues, with women making a distinction between indicators of sexual interest rather than consent. These differences will be further explored in the literature review chapter. This present study seeks to explore these dynamics and is concerned particularly with how men in the university setting understand, interpret and engage with the concept of consent.

1.2. Background to the study

SV and rape are a profound violation of human rights that strips survivors of their autonomy and dignity, leaving not only physical wounds but also psychological and emotional scars that linger long after the physical injuries have healed (Barker et al., 2019; Makhaye & Ajani, 2023). Literature, as evidenced by studies conducted by Black et al. (2011) and Moylan and Javorka (2020) underscore the gravity of the impact of SV. Victims/survivors of SV confront a heightened susceptibility to enduring physical, reproductive, and psychological distress, which severely impairs their overall well-being and functional capacity (Black et al., 2011). Trauma and stressor-related disorders, encompassing hyperarousal, avoidance, dissociative experiences, and intrusion symptoms have been associated with SV (Barker et al., 2019; Black et al., 2011; Chaudhury, 2017). Furthermore, victims/survivors commonly grapple with comorbid conditions such as depression, anxiety, substance misuse, and suicidality (Barker et al., 2019; Chaudhury, 2017; Makhaye & Ajani, 2023). These experiences bring forth feelings of shame and stigma attached to SV further exacerbating the emotional symptoms (Barker et al., 2019; Chaudhury, 2017).

SV is also associated with sexual and physical symptoms like sexually transmitted infections (STIs), unintended pregnancy, physical injuries and, somatic symptoms - headaches and body pain (Barker et al.,2019; Makhaye & Ajani, 2023). Victims/survivors must also grapple with feelings of sadness, regret, self-blame, societal blame (implicit and explicit), low self-worth, and a breakdown of their individual self-concept (Barker et al., 2019).

Incidences of sexual offences reported to the South African Police Services (SAPS) in the 2022/23 financial year were a total of 53 598, this is an increase of 804 counts from the previous year (SAPS, 2023). Rape contributed to 80% (42 780) of the total reported sexual offences and this percentage has been on the rise in recent years (SAPS, 2023). These reported numbers sadly do not even account for all the SV and rape incidences that have occurred in the country (AfricaCheck, 2020). Reporting rape becomes difficult as a result of how rape victims/survivors are often confronted with a range of questions about a variety of issues – their dress at the time of the incident, their character, position, and relations with the perpetrator (Cook & Messman-Moore, 2018). Furthermore, there is a likelihood that victims/survivors of rape are also uncertain of the circumstances that constitute nonconsensual sex especially with respect to intimate partner violence and preexisting beliefs around sexual 'rights' in existing relationships (Littleton et al., 2007).

In response to these challenges, student activists in around the world have been vocal about sexual assault on campuses, creating awareness on social media, protests and have held university authorities accountable for perpetuating rape culture in universities (Orth et.al., 2020). Rape culture is an intricate set of beliefs that encourage male sexual aggression and sexual dominance and support SV against women (Geldenhuys, 2014). Within rape culture women experience threatened violence that ranges from sexual comments to sexual touching to rape itself (Geldenhuys, 2014). In societies that live with rape culture both men and women normalise SV and it is seen as a way of being – men's sexually aggressive behaviour will be excused as just the way men are, accepting this aggression as inevitable and not something that can be changed (Derraugh, 2018). Campaigns, activist protests and commentary on social media typically place victims/survivors of rape under scrutiny based on their character, dress and behaviour in determining whether or not they were raped (Stubbs-Richardson et al., 2018). These acts of

scrutinizing the victim/survivor may reflect aspects of rape culture that exist within these institutions.

South African HEIs are not exempt from the dynamics that contribute to the perpetuation of rape culture. Studies conducted within HEIs in SA have reported that there is a problem with SV and that women students live in fear of being sexually violated on campus (Boonzaier et.al., 2019; Gordon & Collins, 2013; Machisa et.al, 2021; Mkhize et.al., 2020; Singh et.al., 2015). Anti-rape protests against SV that occurred in recent years on university campuses in this country further highlight this problem (Orth et al., 2020; Schwark & Bohner, 2019). In April 2016, students from across South African HEIs took to the streets and digital platforms to protest rape culture experienced within their institutions (Gouws, 2018; Orth et al., 2021). The students set off the #EndRapeCulture campaigns to express their frustrations with, and to raise awareness of, sexual assault and rape on campus and the policies relating to this, which activists critiqued for maintaining rape culture (Gouws, 2018). Students protested against their perceived victimisation, the objectification of women's bodies and the patriarchal systems that keep these injustices active and in place within universities (Krige, 2021).

Several South African universities took a stand against rape culture: Rhodes University's 2016 #RUReferenceList protest; Nelson Mandela University's #NMMURapeMarch and #NMMUShutdown; Stellenbosch University and the University of Cape Town's #RapeAtAzania protest; University of the Western Cape had the #3days4girls protest; and Wits University's #RapeAtJunction protest (Bashonga & Khuzwayo, 2017; Maluleke & Moyer, 2020; Orchowski et al., 2022). These protests resulted in universities such as Rhodes University and Stellenbosch University setting up task forces to address these concerns for their respective campuses and to investigate the SV experienced by women on these campuses (Krige, 2021). These protests have challenged HEI's to face the reality of SV which is often stifled and to relook their policies in order to be more responsive to the issues brought forward by the protesting students (Krige, 2021). The effectiveness and implementation of policies and recommendations is unclear as HEIs are still faced with SV and protests led by different student bodies, with the same issues resurfacing in recent years (Krige, 2021; Pitt, 2021).

It is evident that SV is a pervasive issue; the prevalence of SV emphasises the importance of the exploration of men's understandings and attitudes towards consent. Without clear understanding

of consent the issue of SV will continue to perpetuate (Pitt, 2021). Literature has placed a large focus on women's understandings of sexual consent, as well as men convicted rapists' understandings of SV and consent (Beare & Boonzaier, 2020; M. A. Beres, 2007; Cook & Messman-Moore, 2018b; Gordon & Collins, 2014). This work has given valuable insights into the topic but have left a gap in the research concerning the perspectives of everyday men.

1.3. Rationale for the Study

Consent is frequently regarded as the determining factor of whether rape or SV occurred and a lack of a clear definition and understanding of sexual consent impacts SV prevalence (Hills et al., 2021; Pitt, 2021). Studies have shown that young adults at college and university generally construct and understand sexual consent as a clear, mutual agreement to engage in sexual activity and as essential for participating in legal and morally permissible sexual activity (Beres et al., 2014; Humphreys, 2007; Jozkowski & Peterson, 2013; Marg, 2020).

While these understandings of consent provide valuable frameworks, they often struggle to capture the nuanced realities of sexual interactions (Marg, 2020). How can we reconcile the need for clear, actionable definitions of consent with the complex, often non-verbal ways in which people communicate sexual boundaries? Moreover, how do power dynamics, cultural differences, and individual experiences shape understandings of consent in ways that may not be easily captured by academic or legal definitions?

From the perspective of this research, it seems crucial to explore the understandings of sexual consent amongst men students, as this plays a role in shaping sexual behaviour and campus cultures. SV is a pressing issue on campuses and affects many students (Krige, 2021; Pitt, 2021). Having an understanding of how men understand and construct consent can give insights useful for informing SV interventions, which have been predominantly focused on feminist perspectives (Beare & Boonzaier, 2020; Beres, 2007; Gordon & Collins, 2014). These perspectives have transformed intervention strategies, promoting legal, social, and cultural shifts that prioritize the well-being and rights of survivors while addressing the systemic causes of violence (McPhail, 2016; Sen, 2019). Studies have often overlooked how men students engage with and understand consent and this gap may have led to prevention programmes not addressing men's attitudes and misperceptions of consent.

This study seeks to explore how men undergraduate students perceive sexual consent, with particular attention to how these perceptions may reflect broader cultural and societal norms around masculinity, entitlement, and sexual power dynamics. By examining the factors that shape male students' understanding of consent, this research seeks to inform future educational interventions and policies designed to reduce SV and promote safe, healthy and respectful relationships on university campuses.

2. Literature Review

2.1. Introduction

SV is a pervasive global issue with far-reaching consequences for individuals and societies. This literature review aims to examine the multifaceted nature of SV, exploring its prevalence, legal definitions, social attitudes, as well as the complexities of the construct of sexual consent. By critically analyzing existing research and theories, we seek to uncover the underlying factors that perpetuate SV and identify potential avenues for intervention and prevention.

Before one can discuss sexual consent, it is important to look at SV, its history and societal assumptions, to place the issue of sexual consent into context.

2.2. Theoretical Framework

There have been numerous approaches to understanding SV and rape over the past six decades. These approaches range from biological, psycho-social to feminist, the latter being the dominant construction of SV in literature (McPhail, 2016). This study draws on social constructionist theory to examine how construction of sexual consent are shaped by prevailing social discourses concerning gender roles and relationships. From this perspective, the study recognises that gendered norms concerning sexuality and consent are not inherent or given by nature, but are constructed by society, culture, history and social practice.

A feminist theoretical lens is also central to this study, as feminist theories critically examines how these socially constructed discourses contribute to the perpetuation of SV and broader gender inequalities. It also allows us see how hegemonic constructions of masculinity influence sexual behaviours and normative expectations concerning relationships. This study will therefore provide a brief overview of feminist and social constructionist theories of SV, as they form the theoretical foundation for the analysis and interpretation of the findings that follow.

2.2.1. Feminist Theoretical Perspectives

In the 17th century, rape was regarded as a severe criminal act punishable by death, at the same time, there was significant focus and concern for false accusations (Gavey, 2019). The primary

concern was men being falsely accused, and this took more importance than the act of rape itself; this perspective influenced legal thinking for centuries to come (Gavey, 2019).

The reporting of rapes that fell outside the narrow boundaries of what society deemed condemnable, specifically, violent attacks by strangers and rape committed on white, "respectable" women perpetrated by black men, was often dismissed or trivialized as either a case of consensual sex or a false accusation (Gavey, 2019). According to Gavey (2019), societal responses to rape underwent changes in the mid-to-late twentieth century. During this period, prevailing beliefs about traditional gender norms led to the view that certain instances of SV were not legitimate cases of rape, but rather instances of seduction (Gavey, 2019). Furthermore, when rape was acknowledged, it was often assumed that the woman involved lacked moral integrity (Gavey, 2019). These attitudes were passed down across generations, contributing to a general disregard for unconventional cases of rape (Gavey, 2019). This also played a crucial role in the development of the rape myths that continue to permeate contemporary society (Gavey, 2019).

When the feminist movement rose to prominence in the 1970's, SV was constructed as evidence of gender inequality, women's oppression and men's abuse of power (McPhail, 2016). Brownmiller (1975) described rape as a crime against women that comes from men's dominance and aggression. She redefined the landscape of rape and clarified that any woman can be raped, any man can be a rapist and rape can come in many forms (McPhail, 2016). Feminist thought played a significant role in breaking the silence surrounding rape, challenging the idea that rape is a rare and exceptional occurrence; and instead highlighted its prevalence (Whisnant, 2021). These constructions challenged traditional views of rape by reframing it not as a property crime, as it was historically recognized and recorded, but as a crime primarily against the victim/survivor (Gavey, 2019; Whisnant, 2021).

Feminist perspectives of rape can be understood as existing on a spectrum, from liberal to radical viewpoints (Whisnant, 2021). Liberal feminists primarily view rape as a violation of individual rights; violating women's bodily autonomy and freedom (McPhail, 2016; Whisnant, 2021). Radical feminist perspectives, along with black (and postcolonial) feminists, have critiqued the liberal feminist approach to SV. Radical feminist argue that liberal feminism does not sufficiently address the deeper social and structural causes of SV, failing to address the systemic nature of gendered oppression (McPhail, 2016; Whisnant, 2021). Meanwhile black and postcolonial feminists challenged both liberal and radical feminist frameworks by articulating that rape cannot

solely be seen as rooted in patriarchy (McPhail, 2016). Patriarchy is defined as a social system in which men primarily hold positions of power and authority (Whisnant, 2021). In a patriarchal society, the dominant norms and values are associated with ideals of manhood and masculinity; emphasizing traits such as dominance and control, with men typically occupying the central focus of attention in most cultural and social spaces (Whisnant, 2021). Black feminists contend that such an approach fails the intersecting roles of racism, classism, colonialism and poverty, which are integral to understanding the complexity of SV, particularly within marginalized communities (McPhail, 2016).

According to Whisnant (2021) radical feminists often approach the issue of rape in the following ways. First, they view the denial of women's bodily autonomy, especially in terms of sex and reproduction, as a fundamental aspect of patriarchy (Whisnant, 2021). This framework understands rape as one of many forms of male violence used to exploit and oppress women (McPhail, 2016; Whisnant, 2021). Second, they expand the definition of "rape" further than violent acts or threats. They argue that everyday situations where women are pressured or coerced into sex can also be seen as part of a broader pattern of male control, where women's freedom to make choices about their bodies is limited (Whisnant, 2021). Black feminists examine how rape and related ideologies contribute, not just patriarchy but also other systems of domination, like racism and colonialism (Whisnant, 2021).

Feminist scholars and activists have over the years collaborated with victims/survivors of SV to develop frameworks for understanding violence from a gendered perspective, with an emphasis on the dynamics of patriarchy (McPhail, 2016). This focus on gender has contributed significantly to the theoretical understanding of SV and the development of interventions aimed at addressing it. However, despite these advancements, an examination of rape incidence suggests that existing interventions, while foundational, may not be as effective as intended, particularly in efforts to engage men, the predominant perpetrators of sexual violence, in meaningful ways. Considering this, there is a need to reconsider and potentially broaden current approaches to prevention and intervention.

Feminist frameworks have done groundbreaking work on drawing attention and awareness to SV against women, acquaintance rape/date rape, advocating for and implementing change in legal frameworks and implementing programs on reducing risk on campuses (McPhail, 2016; Turchik

et al., 2016). These frameworks for understanding SV are often seen as offering a comprehensive analysis that captures the majority of rape cases, particularly by highlighting the gendered power dynamics that underlie such violence (Turchik et al., 2016). However, it can be argued that these frameworks tend to center women's experiences and perspectives, which, while essential for addressing the unequal impact of SV on women, may overlook the complex roles played by other gender identities in both the perpetration and experience of SV. This women-centered approach, while valuable, risks narrowing the focus in ways that might limit a fuller understanding of SV across different social and gender contexts (Turchik et al., 2016). Hence, there is a need to examine male attitudes and understandings of SV, as such perspectives are essential for developing more comprehensive interventions that address the root causes of perpetration.

2.2.2. Social Constructionism

Building on feminist perspectives, social constructionism offers a valuable framework for understanding SV. At its core, social constructionism argues that phenomena like SV are shaped by social and cultural, rather than natural, factors (Mallon, 2024). Social Constructionist perspectives argue that individuals' understanding of reality is influenced by their subjective experiences, which are in turn shaped by history, culture, and the communities they belong to (Gergen, 2001; Phillips, 2023). According to this perspective, human knowledge and perceptions of the world are not objective truths but are socially constructed through personal experiences and social interactions.

Social constructionism seeks to examine and challenge dominant societal perceptions of reality, questioning how these constructions are formed, maintained and accepted (Burr, 2015). It questions the dominant representations and assumptions that underlie societal norms and collective understandings with concepts such as gender, class, race and sexuality (Burr, 2015). In the context of this particular study, the focus is on analysing how university men talk about and understand SV and consent. These perceptions are shaped by societal constructions of rape and consent, which reflect prevailing norms, behaviours, and assumptions rooted in dominant ideologies of gender and sexuality (Levand, 2020).

Burr (2015) identifies key features of a social constructionist perspective: first, a focus on language as a system for constructing and shaping ways of knowing the world; second, the understanding that knowledge is culturally and historically specific; and third, knowledge is produced and sustained through social processes, particularly discourse. Philips (2023) goes on to further explain

that social constructionism teaches us about how realities and knowledge are socially constructed through language.

With regards to language, people use different styles of language for varying reasons. Languages can be used to present identities in varying contexts (Gee, 2005). A student might for instance use different language when engaging in the academic sphere than they would in their friendship circles. Gavey (2019) speaks of discourses as organised systems of statements that provide ways of looking at, talking about and understanding a concept and how to act in relation to it – there are multiple discourses, and these are often competing. Discourses integrate language, actions, belief and value system, interactions and ways of thinking (Gee, 2005). Language is located in discourse, and this provides a framework to explore how meaning and action is produced socially (Gavey, 2019).

Social constructionism views meaning and knowledge as products of social interactions through language, suggesting that these constructs emerge through interacting with others (Burr, 2015; Gavey, 2019). This study, will therefore examine how men talk about sexual consent to each other, focusing on the social norms and ideologies that shape their understanding of the concept. I argue that in order to develop effective SV interventions within the university context, it is essential to first explore understandings of how young men understand sexual consent. This exploration carries the potential of illustrating the social constructions of SV and consent, providing insight into how these ideas are shaped by dominant cultural and social narratives.

Social constructionism is specifically useful here, as it explores how certain discourses achieve social, cultural, or historical power, influencing how phenomena like sexual consent are understood. This framework helps us recognize how power dynamics shape, limit and sometimes distort our understandings of consent, specifically in relation to gender and sexual norms.

2.3. Social and Cultural Frameworks

SV is not just an independent act, it is also a reflection of broader social inequalities such as gendered expectations, power imbalances and patriarchy. This subsection will examine the key components of social and cultural frameworks that shape attitudes, behaviours and perceptions around sexual consent and SV.

2.3.1. Gender roles and heteronormativity

Sex and gender are often used interchangeably in everyday language (Speer, 2005; Yoshizawa et al., 2023). What distinguishes sex from gender, conceptually is that sex is typically constructed as what you are biologically born with, while gender is typically constructed as the social and cultural constructs used to describe women/girls and men/boys (Speer, 2005). Sex refers to biological differences such as being male or female, while gender relates to the roles, behaviours and expectations society has for people based on their biological sex (Mikkola, 2024; Speer, 2005). These feminine and masculine constructs are determined by culture and society and are not fixed biological categories (Mikkola, 2024; Speer, 2005).

The dominant gender ideology, which is rooted in traditional binary understandings of sex and gender states that only two kinds of people exist -women/girls and men/boys (Yoshizawa et al., 2023). This binary ideology emerges from historical and cultural processes and has been reinforced by cultural, legal and religious institutions, shaping societal expectations (Mikkola, 2024; Yoshizawa et al., 2023). Society has made the distinctions between the two seem obvious and inherent, in turn influencing how each kind of person is able or permitted to express themselves in terms of their identity (Speer, 2005). The dominant gender ideology reinforces restrictive gender norms that dictate how an individual is to express themselves and their identity based on one's assigned gender. (Yoshizawa et al., 2023). Women are portrayed as gentle, submissive and without agency and men are considered as the opposite - strong and dominant (Gavey, 2019; Speer, 2005).

This ideology contributes to inequality, restrictive and hierarchical gender roles, discrimination and oppression (Yoshizawa, 2023). It prescribes normative expectations around romantic and sexual attraction, and has played a central role in the establishment and perpetuation of heterosexuality (Mikkola, 2024). However, the reality is far more complex: multiple sexes and genders exist, and individuals can embody both masculine and feminine traits simultaneously (Yoshizawa et al., 2023). Human beings are complex and inherently diverse, yet the dominant gender ideology limits and gatekeeps other forms of gender and sexual expression (Yoshizawa et al., 2023).

South African societies and cultures are typically shaped by hegemonic heterosexual norms that mirror those of other patriarchal societies worldwide (Zokoza, 2022). Our societies and cultures are structured by dominant discourses of gendered submission and dominance, which establish

and normalise specific patterns of SV within heterosexual relationships (Gavey, 2019). These discourses perpetuate the idea that men are inherently dominant, and women are submissive, reinforcing a power imbalance that supports and facilitates SV (Gavey, 2019). As a result, the normalization of these power dynamics makes it easier for acts of rape to occur, particularly within heterosexual contexts, while simultaneously fostering a culture where such acts are often denied or dismissed (Gavey, 2019; Whisnant, 2021). This normalized acceptance of SV is a product of deeply entrenched patriarchal norms, where the experience of women is trivialized, and the agency of men is reinforced (Whisnant, 2021).

Men are commonly perceived as the initiators of sexual activity, whereas women are often assigned the role of gatekeepers, regulating access to sex. The initiator-gatekeeper dynamic reflects an implicit societal expectation that reinforces gendered sexual scripts, complicating negotiation of consent (Benoit & Ronis, 2022). The role of "gatekeeper" places the weight of the burden of negotiating consent on women, often leading to situations where women's agency is reduced or misunderstood (Gavey, 2019; Jozkowski & Peterson, 2013). Women may feel pressured to say "yes" to sex when they don't want to, in order to conform to expected roles in heterosexual relationships and fulfill male desires (Benoit & Ronis, 2022; Willis et al., 2022). Heteronormative expectations often overlook the importance of mutual consent and women's sexual agency, focusing instead on women's role in regulating men's sexual behaviour, undermining ongoing, active consent (Willis et al., 2022).

These social norms can contribute to rape culture, where SV is minimized, blamed on victims or excused by societal attitudes that undermine consent (Littleton et al., 2018; Orchowski et al., 2022). Buchwald, Fletcher and Roth, (2005, p.11 as cited in Derraugh, 2018) describes rape culture as:

A complex set of beliefs that encourage male sexual aggression and support violence against women. It is a society where violence is seen as sexy and sexuality as violent. In a rape culture women perceive a continuum of threatened violence that ranges from sexual remarks to sexual touching to rape itself. A rape culture condones physical and emotional terrorism against women as a norm…In a rape culture both men and women assume that SV is a fact of life, inevitable…however…much of what we accept as inevitable is in fact the expression of values and attitudes that can change.

In a rape culture, the focus is not on respecting boundaries and seeking consent, but rather on pleasing male desires and accommodating them (Derraugh, 2018). Due to the social constructions of heterosexuality and the dominant gender ideology, SV, particularly against women, has been normalised and tolerated (Gqola, 2015). This can lead to systemic issues where consent is either ignored or misunderstood, and SV is not treated as seriously as it should be.

Knountsen (2023, p. 15) examined the construction of sexual consent as a 'gendered primarily heteronormative practice', suggesting that individuals shape their understanding of consent based on traditional and gendered expectations. These gendered norms, in turn, influence their understanding and perception of gender roles, body image, discrimination, and the cultural values and beliefs they hold (Gavey, 2019, Nkosi, 2020). According to Knountsen (2023) certain individuals seem to also draw on biological instinct as a gendered expectation, this mirrors the male sexual drive discourse – men are 'always' ready to have sex.

These heteronormative perspectives complicate the determination of consent, as they are deeply embedded in societal constructs that shape the behaviours and expectations of both men and women (Gavey, 2019; Knountsen, 2023). Addressing this issue requires a process of unlearning these ingrained norms and beliefs, which perpetuate patterns of patriarchal entitlement (Gqola, 2015). Such entitlement is a key factor in the continuation of SV, as it reinforces unequal power dynamics and distorted understandings of consent (Gqola, 2015)

2.3.1.1. Conceptualisations of Masculinities

Connell (2016) argues that dominant gender theories, such as patriarchy and heteronormativity are often Western and tend to assume that gender systems are uniform and predictable across the world. She critiques the notion that hegemonic masculinities are static and universal and calls for constructions of masculine gender identities to be understood as contextualized and historically specific, particularly when examining masculinity outside of the Global North (Connell, 2016).

In the Global North, masculinities are theorised as a hierarchical structures of gender relations in which heterosexual men hold power over women and homosexual men, producing a rigid gender order (Mfecane, 2018). Eurocentric conceptualisations therefore tend to frame masculinity as social acts that men engage in to assert and display their manhood (Mfecane, 2018). Connell's theory of hegemonic masculinity, developed in the late 1970s, refers to a set of practices and attitudes

structured by power, rather than a fixed identity (Connell, 2016). While this framework has been influential globally, it has also been critiqued for centering Eurocentric norms such as aggression, individualism and emotional restraint (Mfecane, 2018). Mfecane(2018) argues for a more culturally grounded approach, recognizing African masculinities as embedded in relational and communal roles. This thesis draws on Connell's relational model while remaining attentive to these critiques, using it as a flexible tool rather than a rigid framework.

Ratele (2016) as cited in Myeza (2019), critiqued hegemonic masculinity for being too simplistic. He argues that it fails to account for how different intersecting social factors such as culture, economics and both local and global political factors have influenced the way masculinity is constructed and experienced. These intersections are not minor, but are important to understanding how masculinities are lived in the South African context. For instance, apartheid and colonialism constructed systems of racial gender oppression where black men were not given access to political and economic power (Morrell et al., 2012). Post-apartheid, these inequalities continue to influence how masculine identities present themselves in black South African men (Morrell et al., 2012).

Morrell (2012) and colleagues, argue that structural issues like unemployment, limited access to education and poverty contribute to what they describe as a crisis of masculine legitimacy. In response to this, some men may assert dominance over women, engaging in violent competition with other men or adopt hypermasculine behaviours as strategies to compensate (Morrell et al., (2012)). This aligns with Ratele's (2016) argument that South African masculinities cannot be understood outside of their historical, racial and socioeconomic context.

A qualitative study by Helman & Ratele (2016) supports this view, as it demonstrates how gender norms are reproduced and contested within familial settings. The findings also revealed that poverty can reinforce patriarchal gender constructions in some cases and in others, more egalitarian practices (Helman & Ratele, 2016). This demonstrates Ratele's view that masculinity is not a fixed, dominant ideal but should be understood according to their context (Myeza, 2019). The study coupled with Morrell et. al's (2012) work highlight the influence of age, education, and peer groups on gender constructions, suggesting that masculinity is not simply inherited but actively shaped, and sometimes resisted across generations.

Ratele's perspective emphasises that is not just imposed through hierarchical hegemony, but something men actively negotiate based on their individual social positionings (Myeza, 2019). These

intersecting factors, such as race, age, class and location, shape how men understand themselves, how they relate to other men, and how they function in society (Myeza, 2019). For example, in urban townships, hegemonic masculinity may present as hypersexuality and economic provision, wheras in rural contexts it might be more closely linked to traditional authority or physical labor (Morrell et al., 2012). Both constructions may create pressures to conform to dominant masculine norms can produce coercive behaviors and attitudes, especially around sexual relationships and consent (Morrell et al., 2012).

This suggests that the high prevalence of sexual violence in South Africa is not solely a result of individual pathology but could also be shaped by how masculinity is culturally and socially produced. As Morrel et al. (2012) argue, men's violence against women often stems from experiences of vulnerability and social pressure rather than inherent aggression. This underscores how intersecting social and structural factors, such as economic inequality, racial histories, peer group dynamics, and patriarchal ideologies, collectively shape harmful gender norms that normalize coercion and undermine the concept of mutual consent.

2.3.2. Men's sexual entitlement.

Sexual entitlement refers to the belief that men have strong sexual urges that must be satisfied and that men are justified in pursuing their sexual urges (Hill & Fischer, 2001). This sense of entitlement, where men believe their needs and desires should be satisfied by women is a concept that is deeply rooted in heterosexual ideologies and reinforced by traditional gender norms (Benoit & Ronis, 2022; Hill & Fischer, 2001). These social norms perpetuate the belief that men are biologically driven to pursue sex, often framing men's sexuality as an almost primitive or uncontrollable instinct, while women are positioned as the gatekeepers of sex who are responsible for managing men's sexual impulses and determining when it is appropriate for them to act on their desires (Gavey, 2005).

Framing male aggression or sexual entitlement as biologically innate risks naturalizing harmful behaviors and masking the systemic power relations that keep them in place (Gavey, 2019). Mfecane (2018) critiques such biological explanations of gender for reducing it to empirically measurable traits, arguing that such perspectives miss the complexities of gender identity and risk perpetuating gender-based violence. Mfecane (2018) focuses on how biological explanations reduce gender to fixed traits, thereby ignoring its social construction. This

critique aligns closely with Hill and Fischer's (2001) findings on men's sexual entitlement and how it is interlinked with rape myth acceptance and other rape-related attitudes and behaviours. Both of these studies illustrate the dangers of rigid understandings of gender. Hill and Fischer (2001) argue that sexual entitlement and rape-supportive attitudes among men may be a product of gender role socialization and masculinity ideologies, ideas that stem from a dominant gender ideology. This perspective, much like the one critiqued by Mfecane (2018), assumes innate differences between men and women, often positioning men as naturally dominant and sexually assertive. These norms are not biologically determined, but socially produced and reinforced through cultural narratives and institutional practices (Hill & Fischer, 2001; Mfecane, 2018).

I align with Mfecane's (2018) critique and similarly argue that gendered attitudes, especially those related to rape perpetration and consent, cannot be reduced to biology. Rather, they must be understood within their broader sociocultural context. Norms around masculinity, power, and entitlement are socially constructed and reinforced through institutions like family, religion, and education (Hill & Fischer, 2001; Mfecane, 2018). When gender is understood as socially constructed, as proposed by Mfecane it becomes evident that harmful attitudes like sexual entitlement are not inevitable inherent male traits, but rather products of learned behavior.

Lofgreen et al. (2021) noted that hypermasculine men, particularly those with exaggerated beliefs about masculinity, such as college students involved in fraternities have exhibited high rape myth acceptance. These individuals also display a high sense of entitlement to women's bodies and endorse aggressive and coercive behaviours that contribute to SV (Lofgreen et al., 2021). Despite engaging in such behaviours, these men frequently deny any intent to rape, even though they acknowledge their actions (Jewkes et al., 2010; Lankster, 2019; Lofgreen et al., 2021; Rerick et al., 2020; Sutton & Simons, 2015). The denial of intent may reflect underlying patterns of patriarchal entitlement, which are rooted in heterosexual norms and ideologies, whereby individuals rationalize their actions as an acceptable and natural course of heterosexual interaction (Rerick et al., 2020). Additionally, it may be influenced by social desirability bias, as individuals may seek to present themselves in a socially acceptable manner, thereby denying behaviours that could be perceived as deviant or immoral.

These heterosexual social constructions and dominant gender ideologies are also evident from a South African perspective. Literature reveals a strong discourse that highlights the pervasive

influence of patriarchy in SA, where men often justify rape by invoking gender roles that reflect entitlement (De Vries et al., 2014; Lankster, 2019; Naidu, 2019). This justification is reflected in practices such as transactional intercourse, victim blaming and the widespread acceptance of rape myths (De Vries et al., 2014; Jewkes et al., 2010; Lankster, 2019; Naidu, 2019). De Vries et al. (2014) and Naidu (2019) highlight that in SA, men who are financially stable and hold dominant positions often coerce women into sex, feeling entitled to their bodies once they have provided financial support. These men may view forced sex, commonly referred to as rape, as justified, particularly when the woman is financially dependent on the perpetrator (De Vries et al., 2014; Naidu, 2019). This perspective is often linked to the practice of transactional sex, where financial dependence is seen as a form of obligation, reinforcing the perpetrator's sense of entitlement to sexual access (Naidu, 2019).

According to Naidu (2019) the social belief that the function of a woman's body is to sexually please a man contributes to the pervasive rape culture in society. This belief presented itself in a study with adolescent boys where the respondents felt that "forced sex" was a way to satisfy their sexual urges and that it was justified when the girl does not listen to the boy's bodily need for sex (De Vries et al., 2014). This position is supported by Hill and Fischer (2001), who found that men's sexual entitlement is significantly correlated with rape myth acceptance and other rape-related behaviors. These studies show us how pervasive male sexual entitlement is and how they perpetuate sexually violent social norms. Additionally, Jewkes et al. (2010) showed that South African men have a high rate of self-disclosed rape perpetration. South African men commonly raped out of a sense of entitlement, perpetration was also used as a form of punishment and peer pressure played a role (Jewkes et al., 2010).

Understanding rape perpetration through this sociocultural lens is essential for challenging the underlying structures that enable it. It shifts the focus away from individual pathology or "male nature" and toward the transformation of gender norms and ideologies that shape how consent is prioritized and negotiated.

2.3.3. __Rape myths and victim blaming__

It appears that many individuals, influenced by heteronormative ideologies fail to recognize that SV does not conform to a uniform category where it is violent and perpetrated exclusively by strangers (Finchilescu & Dugard, 2018; Nkosi, 2022). This limited understanding of SV is reinforced and perpetuated by rape myths, which remain deeply ingrained societal beliefs and

continue to shape public perceptions of SV (Knountsen, 2023).

Rape myths are a culturally ingrained, set of false, widespread beliefs that largely place blame on the rape victim/survivor and normalize men's sexual aggression against women (Finchilescu & Dugard, 2018; Murray et al., 2023). This leads to unsupportive, skeptical and inappropriate reactions to those affected (Gopal & Daniel, 2008). These myths are not only prevalent in society but also at various stages of the criminal justice system (Gopal & Daniel, 2008; Hirschauer, 2014; Vetten, 2014). Rape myth acceptance contributes to the victimisation of individuals and trivializing of SV by making the victim/survivor responsible and reducing the perpetrators blame (Finchilescu & Dugard, 2018; Murray et al., 2023; Strömwall et al., 2013). This normalization creates an environment in which SV is tolerated or overlooked, thereby increasing the likelihood of both perpetration and victimisation (Cook & Messman-Moore, 2018b; Gqola, 2015). By minimizing the seriousness of sexual assault, rape myths allow perpetrators to evade accountability and undermine efforts to prevent and address SV (Cook & Messman-Moore, 2018b; Gqola, 2015; Strömwall et al., 2013).

Gqola (2015) identifies several prevalent rape myths in SA, including the myth that perpetrators are habitual abusers who are inherently monstrous. This myth serves to excuse the accused, while simultaneously fostering disbelief towards rape claims that don't conform to societal expectations of an ideal perpetrator (Bohner et al., 2009; Murray et al., 2023). Gqola (2015, p. 145) highlights a prevalent myth that dictates an "appropriate" response to rape, wherein victims/survivors are expected to react in specific ways, such as screaming, crying and repeatedly saying "no" and report the incident immediately for it to be recognized as rape by both the perpetrator and society. This myth serves to excuse the perpetrator while shifting the focus and blame on the victim for their experience of SV (Bohner et al., 2009; Smith & Skinner, 2017). Another prevalent myth is that women invite rape through their behaviour or appearance, such as dressing a certain way or being visibly intoxicated (Gomez Duque, 2021; Gqola, 2015). However, as Gqola (2015) argues, women are raped regardless of how they dress, and rape is not about seduction. This myth implies that certain types of women are "deserving" of rape, and once again shifting the blame on the victim/survivor for their violation (Bohner et al., 2009; Smith & Skinner, 2017). Another common myth is the belief that "rapists are strangers who abduct women in public and rape them in unknown places" (Gqola, 2015, p. 149). However, individuals are often raped in the familiarity of their own homes by husbands, fathers, boyfriends, friends, uncles or acquaintances (Gqola, 2015).

This myth reinforces the misconception that rape only occurs within specific social contexts, particularly involving strangers in public spaces (Bohner et al., 2009; Smith & Skinner, 2017). Another myth identified by Bohner et al., (2009) is that male sexuality is uncontrollable and easily triggered, with rape being viewed as a crime of passion. This myth absolves the accused, provides an excuse for their behaviour, and normalizes such actions as part of male sexual expression (Smith & Skinner, 2017). Smith & Skinner (2017) also identify the myth that false allegations of rape are common, often motivated by revenge or guilt and, and that all victims/survivors will display visible distress in the aftermath of the assault or recounting their experience (Bohner et al., 2009). This belief undermines the credibility of allegations, serving to cast doubt on their validity and trivializing the experiences of survivors (Murray et al., 2023; Smith & Skinner, 2017).

Rape myths contribute to problematic assumptions about the behaviour of both perpetrators and victims/survivors, painting a distorted picture of the causes and consequences of rape (Bohner et al., 2009). These myths reflect a lack of understanding about sexual consent and rooted in enduring gendered stereotypes that have been passed down through history (Cook & Messman-Moore, 2018b; Gavey, 2019; Gomez Duque, 2021; Smith & Skinner, 2017). The societal attitudes that perpetuate rape culture shape how individuals and communities understand and negotiate sexual consent by reinforcing traditional gender roles that position women as passive or submissive and men as assertive and dominant in sexual situations (Gavey, 2019; Littleton et al., 2018; Smith & Skinner, 2017). Additionally, these attitudes minimise non-physical forms of SV such as manipulation, coercion and pressure, further distorting the understanding of consent (Gavey, 2019; Littleton et al., 2018; Smith & Skinner, 2017). By critically examining various constructions of consent, we can begin to unravel the complex relationship between social norms, personal beliefs, and sexual behaviour.

Rape myths do not just affect how rape and consent is perceived, they also play a significant role in perpetuating victim blaming (Murray et al., 2023; Smith & Skinner, 2017). Victim blaming refers to the tendency to hold the victim responsible for the harm they have experienced, shifting accountability away from the perpetrator (Geldenhuys, 2014). In the context of this study victim blaming occurs when individuals suggests that the victim/survivor of SV bears some responsibility for the crime or assert that the victim/survivor and perpetrator are equally culpable (Geldenhuys, 2014; Strömwall et al., 2013). This form of victimization places the responsibility on the individual for their own safety, while failing to address the actions of the perpetrator (Bohner et al., 2009; Geldenhuys, 2014). Victim blaming is significantly linked to the belief in and reinforcement of

rape myths, which misrepresent the true nature of SV and contribute to societal inclinations to place blame on the victim/survivor rather than holding the perpetrator accountable (Bohner et al., 2009; Murray et al., 2023).

Boonzaier, Carr & Matutu (2019) report on the silence surrounding the issue of perpetration in their study at a South African university, highlighting the dominant focus on the "victim", rather than addressing the actions of perpetrators. The study points out that, rather than encouraging perpetrators to take responsibility for their actions or to stop engaging in SV, the discourse

predominantly emphasises the vulnerability of potential victims/survivors (Boonzaier et al., 2019). This approach frames women as inevitably at risk and highlights their responsibility to protect themselves, prevent, or avoid potential harm (Boonzaier et al., 2019). Such a focus on victim vulnerability not only shifts the burden of responsibility for perpetration onto the survivor but also diminishes the accountability of perpetrators.

Furthermore, prevention and awareness campaigns often reinforce this narrative by positioning potential victims as responsible for managing the risk of SV, thus perpetuating a discourse that ultimately places blame and responsibility on the victim/survivor (Boonzaier et al., 2019; Marg, 2020). However, there is evidence of a shift in the language used in placards during protests and in social media posts, where discourses that either implicitly or explicitly reinforce SV are being challenged (Schwark & Bohner, 2019; Stubbs-Richardson et al., 2018). This change reflects a growing tendency to shift the focus onto perpetrators, bringing their actions into the spotlight rather than continuing to emphasise the victim's vulnerability (Stubbs-Richardson et al., 2018).

2.3.4. Sexual Violence, Consent and the Law

While societal and cultural frameworks like traditional gender roles, heteronormative sexuality, and male entitlement shape public perceptions and personal understandings of SV and consent; these narratives also intersect with legal constructions. Legal definitions and frameworks around SV are not only shaped by societal norms but also function to either reinforce or challenge these deeply ingrained beliefs.

The legal definition of rape has evolved significantly over time, reflecting changing societal attitudes and understandings of SV (Gomez Duque, 2021). Historically, rape was viewed as a property crime against men rather than a violation of women's bodily autonomy (Gomez Duque, 2021). In medieval Europe, rape laws primarily focused on protecting women's virginity and were heavily influenced by social status (Gomez Duque, 2021).

By the 17th century, rape was considered a serious crime, but legal systems paradoxically focused more on the potential for false accusations than on the act itself (Gavey, 2005). This skepticism

towards victims persisted into the 20th century, with rape often being narrowly defined as a violent act committed by strangers (Gavey, 2005).

In contemporary SA, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 defines rape as: “Any person (‘‘A’’) who unlawfully and intentionally commits an act of sexual penetration with a complainant (‘‘B’’), without the consent of B, is guilty of the offence of rape.” (Sexual Offences Act 32 of 2007, 2020, p. 20). This definition marks a significant shift from earlier, gender-specific definitions, now recognizing that anyone can be a victim or perpetrator of rape.

However, the retention and emphasis on consent in legal definitions in SA remains contentious. While intended to empower victims, it often places the burden of proof on them (du Toit, 2012). Some scholars argue for removing consent from the definition to focus solely on the act of unlawful penetration (du Toit, 2012), while others contend that consent remains crucial but needs reframing within legal discourse (Fischel, 2019).

The gap between 'law on the books' and 'law in action' persists, influenced by persistent cultural paradigms and deeply ingrained gender norms, particularly in cases involving acquaintances or existing romantic relationships (Vandervort, 2018). While legal frameworks provide clear definitions of consent and rape, the way these laws are applied often reflects the biases, assumptions and stereotypes that exist in society (Vandervort, 2018). This discrepancy highlights the ongoing challenge of aligning legal definitions with the complex realities of SV.

In many instances, legal definitions of consent may not fully account for the complexities of situations where non-consensual sex is questioned and interpreted as consensual based on the relationship between the victim/survivor and perpetrator and issues of power, coercion and manipulation are not always immediately visible (Jewkes & Abrahams, 2002). These social dynamics often result in legal outcomes that fail to capture the full scope of harm experienced by the victim/survivor, reinforcing the disconnection between the law’s formal framework and the lived experiences of those affected by SV (Fischel, 2019; Vandervort, 2018).

*2.3.5. **Consent as part of legal definitions.***

Many legislations worldwide now mandate that sexual consent be affirmative, meaning it must be voluntary and conscious, and mutually agreed upon by all parties involved (Cossins, 2019;

Hickman & Muehlenhard, 1999; Mark & Vowels, 2020). While affirmative consent typically requires individuals to explicitly and verbally communicate their agreement to engage in sexual activity, people are more likely to rely on nonverbal cues to express non-consent (Mark & Vowels, 2020).

Vandervort (2018) emphasises that legal arguments regarding affirmative sexual consent often contained prejudicial effects. These include an undue focus on irrelevant factual circumstances as well as an overreliance on popular myths, stereotypes, assumptions, and generalisations, rather than on the legal definition of sexual consent to interpret the conduct of the parties and the surrounding circumstances (Vandervort, 2018). Consequently, such biases contribute to a failure to attend to and resolve the essential legal issues accurately (Vandervort, 2018).

These prejudicial factors highlight that rape trials are influenced by societal discourses, shaping how rape and consent are perceived in court. Consequently, there is a gap between the legal definitions of sexual consent and social realities (Vandervort, 2018). The legal framework often oversimplifies the complexities of consent and how it is shaped by societal norms rooted in heteronormative views (Jewkes & Abrahams, 2002). In such contexts, liberal perspectives on gender equity are less prevalent, and rape myths continue to influence legal interpretations, this gap is not adequately addressed in the legal definition of consent (Buntu, 2012). These broader societal influences on the perceptions of consent are also evident in the South African legal context.

The South African Sexual Offences Act 32 of 2007 defines consent as "voluntary or uncoerced agreement" (Sexual Offences Act of 2007, p. 16). According to du Toit (2012) the South African Law Reform Commission in the Sexual Offences Amendment Act Bill of 2003 had proposed that the crime should be defined just as unlawful and intentional penetration without making any reference to consent. They argued that the focus should be on whether the act was coercive or not (du Toit, 2012). This recommendation was however not approved, retaining consent as a key definition of rape. This decision meant that the legal framework for dealing with rape in SA remained relatively weak, as it is still highly dependent on proving lack of consent, which can be difficult in many cases (du Toit, 2012).

The focus on consent on the legal definition on rape operates under the presumption that consent has already been granted, thus creating significant challenges in proving lack of agreement

(Vandervort, 2018). This presumption places the complainant at a vulnerable and disadvantaged position, as it shifts the burden of proof onto them to show non-consent (Vandervort, 2018). The legal framework does not prioritise a clear and unambiguous expression of agreement but rather complicates the process when non-consent is communicated, whether verbally or nonverbally. Moreover, this focus on consent reinforces traditional gendered and heteronormative assumptions, in which men are viewed as sexually aggressive participants and women as passive or submissive (du Toit, 2012).

du Toit (2008; 2012) critiques the use of consent in defining rape, arguing that its inclusion undermines women's sexual autonomy and unjustly places the responsibility for sexual violations on women themselves. I concur with this view, as consent places an undue burden on the victim/survivor, a dynamic that is evident in rape trials such as the Zuma and Omotoso cases (Illsey, 2008; Kgatle & Frahm-Arp, 2022). Furthermore, I believe that this approach particularly reinforces heteronormative frameworks in rape cases.

The emphasis on consent in legal definitions of rape, while intended to empower victims/survivors, paradoxically places an undue burden on them to prove non-consent (Gomez Duque, 2021). This raises critical questions about the efficacy of current legal frameworks in addressing SV. Are these definitions unknowingly reinforcing harmful gender stereotypes and power dynamics? How can legal systems balance the need for clear definitions with the complex realities of sexual interactions?

This discrepancy between the theoretical application of law and its actual implementation underscores a broader challenge: the difficulty of aligning legal frameworks with the nuanced realities of SV. Legal systems must confront not only the legal technicalities but also the cultural attitudes and gendered assumptions that can shape the interpretation and enforcement of laws. As a result, bridging this gap requires not only legal reform but also cultural shifts that challenge entrenched gender norms and promote a more nuanced understanding of consent and SV.

2.4. Sexual Consent

2.4.1. Defining Consent

There are multiple definitions of sexual consent, which often creates ambiguity regarding its

precise meaning (Cossins, 2019; Jozkowski & Peterson, 2014; Mark & Vowels, 2020). Generally, sexual consent is defined as a voluntary, affirmative agreement to engage in sexual activity, given by an individual with the cognitive capacity to make that decision (Beres, 2007; Featherstone et al., 2024; Muehlenhard et al., 2016). Individuals under the influence of drugs or alcohol, or those with mental disability, are incapable of providing valid consent (Cook & Messman-Moore, 2018).

Several factors influence the validity of sexual consent, including capacity, information; voluntariness, and exploitation (Archard, 2019; Pugh & Becker, 2018a; Wertheimer, 2003). Capacity refers to an individual's ability to understand the nature of what they are consenting to and the ability to make autonomous decisions regarding sexual activity (Cook & Messman-Moore, 2018). Individuals who may lack the capacity to consent include those living with mental illness or disability, minors, individuals who are intoxicated, or those experiencing temporary psychological disturbance (Pugh & Becker, 2018a; Wertheimer, 2003). These individuals are considered vulnerable and, therefore, are unable to provide valid consent to sexual relations (Pugh & Becker, 2018; Wertheimer, 2003).

Featherstone et.al. (2024) asserts that consent must be clearly and enthusiastically expressed, either verbally or through actions, and cannot be inferred from the mere absence of resistance or protest. It is also crucial to recognize that consent can be revoked at any time during sexual activity (Featherstone et al., 2024; Pugh & Becker, 2018). Additionally, consent is increasingly understood as an ongoing and continuous process (Muehlenhard et al., 2016; Shumlich & Fisher, 2018). This perspective suggests that consent is not a one-time agreement but rather requires mutual understanding and ongoing communication throughout the interaction. It involves regular check-ins and an openness and willingness to adapt to changes in feeling and boundaries (Shumlich & Fisher, 2018).

Furthermore, for consent to be valid, an individual must be fully informed about what they are consenting to, and there must be no deliberate misrepresentation of facts regarding the act itself or the person's identity (Archard, 1998). Consent should be given voluntarily, free from coercion or manipulation (Archard, 2019; Featherstone et al., 2024a). Sexual coercion refers to a situation where an individual, initially refuses to engage in sexual activity, ultimately acquiesces due to persuasion, threats or being under the influence of a substance (Pugh & Becker, 2018). However, valid consent does not rely on such tactics or persuasion; it is freely and willingly given (Cook &

Messman-Moore, 2018).

2.4.2. <u>Conceptualising consent</u>

This subsection adopts a broader, theoretical approach to consent, exploring its nuances and complexities. Overtime, numerous debates have emerged around the concept of consent, with a key focus on how consent is understood and communicated (Beres, 2007; Levand, 2020a). These discussions examine the conceptualization of consent and how it is conveyed in various contexts.

Beres (2010), and Beres, Senn and McCaw (2013) challenge the widely accepted miscommunication theory that has framed research and scholarship around sexual consent. According to the miscommunication theory, incidents of acquaintance rape and coercive sex are often as a result of these misunderstandings (Beres, 2010; Beres et al., 2013). This theory further suggests that (1) men overestimate women's interest in sex and (2) women often engage in 'token resistance', saying 'no' when they mean 'yes'. Beres (2010) and Beres et al., (2013) state that there is little evidence to support this theory, which has been widely accepted in judicial and academic circles. They also highlight its heteronormative bias, which assumes that men misunderstand women's cues regarding sex (Beres, 2010; Beres et al., 2013).

Beres (2010) also critiques sexual scripting theory, which assumes a traditional gender dynamic, where men serve as initiators and women as sexual gatekeepers. Both the miscommunication theory and sexual scripting theory are often used as the basis for date-rape prevention programmes, often involving assertiveness training for women, such as teaching women to say 'no' more clearly. Beres (2010) asserts that the problem is not that women are not communicating clearly, but rather that some men misinterpret situations because they believe that women use token resistance.

In her 2017 article, Beres further highlights how feminist sexuality scholarship has pointed out the ways in which women's choices around sex are constrained by heteronormative discourses surrounding sex, citing Nicola Gavey's (2005) concept of the 'cultural scaffolding of rape', to demonstrate how normative ideas of heterosexuality are linked to the perpetuation of rape.

Levand (2020) identifies two key conceptualisations of consent: consent as a mental or verbal act; and consent as direct or indirect. Other scholars refer to this phenomenon as internal and external consent (cf. Jozkowski, 2011). Internal consent refers to the individual's internal experience of consent, encompassing their mental and emotional willingness to engage in sexual activity (Willis & Jozkowski, 2019). It is an internal decision, rooted in feelings and personal reflections. In

contrast, external consent pertains to more overt expressions of consent, including verbal and nonverbal cues that signal an individual's willingness to engage in sexual activity (Willis & Jozkowski, 2019).

Levand (2020) further draws on Garneau and Pepin (2015) who argue that consent is influenced by a constructionist notion of culture. This perspective sees consent as a dynamic, relational process shaped by historical, political, social, and economic contexts (Levand, 2020). Levand (2020) asserts that cultural and societal norms play a significant role in shaping how consent is understood, particularly with gendered expectations. He notes that women are often portrayed as sexual gatekeepers and men as initiators (Levand, 2020). This gendered sexual scripting complicates the understanding of consent, particularly when it aligns to the 'male sexual drive' discourse where men are viewed as always desiring sex which in turn influences how their consent is perceived and obtained (Levand, 2020). This problematic conceptualisation reinforces unequal power dynamics and challenges the ideal of mutual and informed consent.

Popova (2019) highlights a key development in feminist thought that moves beyond the limited "no means no" model of consent. This model, primarily frames consent as a binary, either given or withheld (Clark, 2019; Popova, 2019). However, Popova (2019) asserts that this perspective is too simplistic because it treats sexual dynamics within heterosexual interactions as contractual agreement, heavily influenced by legal definitions. This legalistic approach overlooks the complex power dynamics that shape sexual interactions (Popova, 2019).

In contrast, sex-critical feminists also tend to have a more nuanced conception of power in sexual relationships (Popova, 2019). Instead of viewing power as a single, top-down force, they see it as an interaction of multiple forces, that influence individuals in different ways (Popova, 2019). This perspective acknowledges that power is not only imposed by dominant groups, but is distributed throughout society and shaped by various cultural, social and relational factors (Popova, 2019). For these feminists, consent is not just a legal issue, it must also consider the broader cultural contexts in which behaviour occurs.

Several scholars advocate for an affirmative model of consent, which views consent as a positive, explicit agreement between all parties involved (Fischel, 2019; Marg, 2020; Shumlich & Fisher, 2018). Affirmative consent requires active, enthusiastic participation from all individuals from the

beginning to the end of sexual activity, thereby preventing situations where consent is merely implied or coerced (Featherstone et al., 2024a). In this model, responsibility is placed on the initiator of sexual activity to ensure that consent is clearly given, thus reducing the burden on victims/survivors of SV (Featherstone et al., 2024a). This shift has the potential to challenge dominant gender ideologies that continue to shape and regulate sexual interactions, encouraging more equitable and respectful interaction.

Building on this framework, Dougherty (2018) emphasises the importance of an affirmative model of consent, arguing that responsible moral agency involves more than simply acting in ways we believe to be morally permissible. It also requires striving to form accurate beliefs about what actions are morally permissible (Dougherty, 2018). According to Dougherty (2018), this process entails both reflecting on moral principles in advance and examining the consequences of our actions.

Chadha (2020) advocates for what she terms the "Common-sense View", and the "Hybrid Account of Consent". The former view, Chadha explains, "presupposes a relationship between consent and our moral rights" Chadha (2020, p. 624). The Hybrid Account of Consent acknowledges that both parties have agency to exercise their rights rather than one party being passive in what is done to them (Chadha, 2020).

In her book review, Black (2020) introduces an interesting notion around positionality and sexual autonomy emphasizing the multifaceted ways that power and oppression are tangled up with rape culture and SV. Black (2020) calls for settler feminists to extend space in their scholarship to work through the implications of colonial relationality. This concept is particularly relevant in the South African social context, where the issue of sexual consent is inextricably linked to the nation's colonial history and diverse social dynamics. As Black (2020) suggests, colonial relationality underscores how colonial power structures continue to influence contemporary understandings of gender, power, violence, and consent.

In the South African context, colonialism's legacy profoundly influences rape culture and SV, as colonial-era systems of racial and gendered domination persist in modern social dynamics (Gqola, 2015). Black (2020) argues that rape culture is not just perpetuated through individual acts but by systemic failures, particularly in the justice system, which focuses on individual blame rather than

collective responsibility. This prevents meaningful resistance to rape culture, as it ignores the historical and structural conditions that sustain SV (Black, 2020). Thornberry (2019), as cited in (Tallie, 2020), further argues that colonial structures of power and authority shaped and continue to shape contemporary views of consent. Thornberry emphasises that sexual consent was historically intertwined with broader political struggles over power and control, particularly within the context of colonialism (Kelk Mager, 2020; Tallie, 2020). In colonial SA, SV was not merely a personal matter but was deeply embedded in the political contestations between colonial authorities, native peoples, and emerging social hierarchies (Tallie, 2020).

Thornberry (2019) highlights how colonial authorities redefined traditional systems of consent and SV, often suppressing or altering existing practices to align with colonial legal frameworks (Tallie, 2020). Thornberry also critiques the intersection of liberalism and racial oppression, noting that colonial liberal ideals about consent were limited and only applied to certain groups, primarily white and "respectable" individuals (Tallie, 2020). The legacy of these colonial systems continues to influence modern South African views of consent, where race, gender, and class still play significant roles in determining who has agency (Kelk Mager, 2020; Tallie, 2020). Thornberry's work emphasises the continuity of native concepts of consent, even under colonial pressure, suggesting that the colonial reconfiguration of consent still shapes current understandings and practices. According to Black (2020) addressing these colonial legacies is crucial to dismantling rape culture, gendered power dynamics and achieving justice.

These approaches emphasise the role of culture—both popular culture and everyday practices—in shaping attitudes toward sex and consent. They argue that SV is not simply an individual problem, but one that is deeply connected to cultural norms that enable it to persist. By focusing on these cultural and societal factors, conditions necessary for preventing SV could be created, not just through legal reforms, but by changing the societal norms that contribute to its occurrence.

2.4.3. ***Communicating consent***

This section explores the complexities of how consent is expressed and communicated in practice. While consent is often perceived as verbal agreement, in practice, it frequently extends beyond words (Mark & Vowels, 2020). Nonverbal cues such as body language, facial expressions, and physical gestures, play a significant role in signaling consent or its absence (Mark & Vowels, 2020). Furthermore, the reliance on nonverbal communication carries significant implications for

negotiating consent, as such cues can be ambiguous and subject to misinterpretation (Setty, 2023).

The use of nonverbal cues may also reinforce harmful gendered and sexual norms, particularly in heterosexual contexts, thereby perpetuating problematic conceptions of gender roles and sexuality (Powell, 2008). This dynamic can hinder open communication about consent, thereby contributing to the perpetuation of SV. Nonverbal cues of consent are often observed within established sexual or romantic relationships (Beres, 2010; Mark & Vowels, 2020). However, the diversity of ways in which consent, or its absence, is communicated introduces significant complexity and uncertainty regarding what constitutes valid consent (Setty, 2023).

Richards and Sheeder (2018) identified a distinction in how men and women communicate, interpret and conceptualise sexual consent. Scott and Graves (2017) support this view, attributing these differences to socially assigned sex roles, with women often positioned as gatekeepers and men seen as responsible for initiating and 'allowing or disallowing' sex. However, this perspective was criticised by Beres (2010), who asserts that the core issue lies not in these roles but in men's tendency to misinterpret situations, influenced by the belief that women engage in token resistance.

A study by Shafer et al., (2018) confirmed that beliefs in token resistance are associated with destructive attitudes and misinterpretations of sexual consent, thereby perpetuating rape myths. This finding forms the foundation of miscommunication theory (Setty, 2023) which has significantly influenced the theorisation of sexual consent, and the interpretation of legislation related to rape and sexual assault. Scott and Graves (2017) argue that the issue is not solely rooted in miscommunication but rather men's aversion to refusals. Additionally, traditional sex scripting and toxic masculinity play a crucial role in shaping these dynamics (Scott & Graves, 2017).

Research has demonstrated that gender differences influence how situational or contextual cues are interpreted, with women often differentiating between signs of sexual interest and signs of consent, while men tend to conflate these cues into a single category (Jozkowski et al., 2018; Wignall et al., 2020). For example, men often interpret behaviours such as accepting drinks, flirting or going home with someone as signals of consent to sexual activity (Jozkowski et al., 2018). In contrast, women tended to view the actions as indications of romantic or sexual interest, rather than explicit consent (Jozkowski et al., 2018). A study by Jozkowski et al., (2018) further found that women are more likely to view consent as an ongoing process, whereas men often perceive it

as a discrete event, typically seeking consent only once during a sexual encounter. This divergence in interpretation underscores the persistence of deeply embedded gender ideologies and highlights how sexual agency from genders other than men challenges dominant gender discourses. The

ability of women to distinguish between cues of sexual interest and consent serves as an indicator of sexual agency and represents a form of emancipation from traditional gender norms (Jozkowski et al., 2018).

Levand (2020) states that negotiating sexual consent involves intercultural communication, which is shaped by two main components: directness (and indirectness) and emotionality, both of which are culturally influenced in the way messages are conveyed. Levand draws on Mitchell Hammer's (2005) Intercultural Conflict Style (ICS) inventory and a similar model by Humphreys and Brousseau (2010) which describe cultural communication differences along two continua: emotional expressiveness/restraint (emotionality), and directness/indirectness. Levand (2020) further asserts that culture plays an important role in sexual consent; arguing that cultural systems such as beliefs about sex, gendered norms, and negotiation processes, shape how consent is communicated. Additionally, Levand (2020) introduces the concept of cross-cultural code-switching, a term coined by Molinsky (2007), which refers to navigating between culturally ingrained systems of behaviour. Citing Tannen's (1983) work on cross-cultural communication, Levand (2020, p.843) emphasises that "only a small part of meaning is contained in the words spoken; the largest part is communicated by hints, assumptions, and audience filling-in from context and prior experience." Tannen (1983) further notes that how one expresses indirectness or directness is culturally relative (Levand, 2020).

The cultural dimensions of consent communication, such as indirectness, emotional restraint, and cross-cultural code-switching, can complicate the process of obtaining and interpreting clear consent. These factors not only increase the risk of miscommunication but also contribute to the normalisation of SV by reinforcing cultural norms that undermine explicit, informed, and respectful consent. Addressing these cultural complexities is crucial for creating environments where sexual consent is clearly communicated and respected, and where SV is actively prevented.

2.4.4. Young adults' constructions of sexual consent within the university setting

While consent is a fundamental concept in various areas of social interaction, its meaning and communication can vary depending on the context. Broadly, consent is understood as a clear, informed, and voluntary agreement, but the ways in which it is communicated can differ across settings, cultures, and individuals (Jozkowski & Peterson, 2013; Marg, 2020). In particular, the university environment introduces a unique set of factors that shape how students understand and

navigate consent.

Research has demonstrated how college and university students generally conceptualise sexual consent as a clear, mutual agreement to engage in sexual activity and regard it as essential for ensuring both the legality and moral permissibility of such acts (Beres et al., 2014; Humphreys, 2007; Jozkowski & Peterson, 2013; Marg, 2020). However, Clark (2019), drawing on Butler's (2011) work, critiques the tendency to conceptualise consent as the product of independent, informed decision making, particularly during adolescence and young adulthood. This perspective overlooks the evolving nature of one's sexuality and sexual identity (Clark, 2019). Muehlenhard et al. (2016) observe that while nearly all participants were able to provide a definition of consent, these definitions were often abstract and context-free, typically influenced by legal frameworks or affirmative consent policies. In contrast, the expressions of consent participants provided in real-life situations often did not align with these theoretical definitions. This disjunction has significant implications for the prevention of SV and resonates with Clark's (2019) argument about the fluidity of sexual identity during young adulthood.

The constructions of consent reviewed here reveal a certain degree of ambiguity, which, in my view, not only reflects the complexity and uncertainty in conceptualizing sexual consent but also highlights the exclusion of the lived experiences of survivors of SV across all genders, and the legal interpretations that shape the criminal justice process. While these university students' definitions of consent provide valuable frameworks, they often struggle to capture the nuanced realities of sexual interactions.

2.4.4.1. The mediation of alcohol in consent

Alcohol plays a significant role in the perpetration of sexual assault, yet its influence remains underexamined in much of the existing research (Abbey, 2015). Intoxication impairs an individual's ability to provide consent, as it compromises their capacity for rational decision-making. Legally, an intoxicated person is considered incapable of giving valid consent. The relationship between alcohol consumption and sexual consent is a recurring theme in literature examining college and university students, where alcohol is often identified as a contributing factor in the perpetration of SV (Abbey, 2015; Jewkes et al., 2010; Marg, 2020).

A study focusing on college students found that those who engage in alcohol consumption and sexual activity tend to normalise "drunk sex" as a typical aspect of social and leisure activities (Hirsch et al., 2019). Binge drinking is prevalent in higher education settings, where students often drink for recreational purposes (Hirsch et al., 2019). Alcohol is reported to facilitate sexual encounters, particularly with new partners, although students were less likely to engage in sexual activity if they perceived the other person to be more intoxicated, or if the person exhibited signs such as slurred speech (Hirsch et al., 2019).

Research also indicates that men college students who engage in heavy drinking are more likely to perpetrate sexual assault for various reasons, including perceived sexual desirability, self-gratification, and group dynamics (Abbey, 2015; Orchowski et al., 2020). A study examining sexual assault in alcohol-influenced environments found that alcohol consumption leads some men students to assume that women are more likely to consent to sex (Abbey, 2015). While much of the literature has focused on male perpetrators, both male and female students engage in sexual activity while intoxicated (Abbey, 2015).

Norms about drinking, partying, and having sex under the influence of alcohol create ambiguity when it comes to sexual consent. One questions whether both parties involved have an understanding on what consent is; and whether those who did not consent have knowledge of that because drunk sex has been normalised in the higher education night-life context.

2.5. Literature Overview

Feminist frameworks have been instrumental in advancing awareness of SV against women, particularly in the context of acquaintance and date rape (McPhail, 2016). Their advocacy has led to significant changes in legal frameworks, campus policies, and efforts to reduce risk on HEIs. One of the most pivotal contributions of feminist scholarship is the shift in understanding rape, not as a property crime against men but as a human rights violation (McPhail, 2016; Turchik et al., 2016). Feminist perspectives have also illuminated the gendered power dynamics underlying rape, emphasizing how these dynamics are often rooted in heteronormative roles and expectations (Gavey, 2019). These roles contribute to the normalization of consent disregard and the perpetration of SV, complicating the determination of consent itself (Gavey, 2019; Gomez Duque, 2021).

The concept of consent is central to legal definitions of rape, which operate under the presumption that consent is given (Vandervort, 2018). This presumption places the burden of proof on the complainant to demonstrate that consent was not provided (Vandervort, 2018). Critics argue that this reliance on consent as a legal standard undermines women's sexual autonomy, reinforcing traditional heterosexual gender norms and unjustly shifting the responsibility for sexual violence onto women (du Toit, 2012). Furthermore, conceptualizations of consent underscore the influence of cultural and societal norms in shaping its understanding (Gomez Duque, 2021). SV, then, cannot be viewed solely as an individual issue but must be understood as a systemic problem embedded in broader cultural contexts that enable its perpetuation (Black, 2020).

Consent is communicated in various forms—verbal, nonverbal, direct, and indirect—creating complexities in its clear expression and mutual understanding (Mark & Vowels, 2020; Setty, 2023; Willis & Jozkowski, 2019). Gendered communication patterns further complicate this issue, with research suggesting that men and women often communicate consent in different ways due to deeply entrenched gender ideologies (Jozkowski et al., 2018; Powell, 2008). In addition, young adults, particularly university students, may intellectually grasp the concept of consent in theory, influenced by legal frameworks and affirmative consent policies (Muehlenhard et al., 2016). However, challenges emerge when these understandings are applied in practice, often resulting in ambiguity (Jozkowski & Peterson, 2013; Muehlenhard et al., 2016). Alcohol use is also a significant factor in SV perpetration, with the normalisation of intoxicated sex on campuses and\
its impact on perceptions of desirability, self-gratification, and group dynamics (Abbey, 2015; Orchowski et al., 2022). These factors further cloud the clarity and communication of consent (Abbey, 2015).

The complex interplay between these issues signals the need for more nuanced explorations of consent, gender dynamics, and the cultural factors that shape both the understanding and the enactment of sexual violence. In the next chapter, the methods employed to investigate these issues will be explored in the university context.

3. Methodology

3.1. Introduction

This study aims to explore how men undergraduate students perceive sexual consent, with particular attention to how these perceptions may reflect broader cultural and societal norms surrounding masculinity, entitlement and sexual power dynamics. University students often bring beliefs and ideologies from their communities into the academic environment. Given that men are predominantly perpetrators in cases of SV, it is crucial to examine how they understand consent and the factors that contribute to shaping their perceptions. The study will employ qualitative methods, drawing on a social constructionist approach. Social constructionism provides a useful framework for investigating how men students actively construct, maintain, and challenge social realities such as SV and consent. This approach allows for a deeper understanding of subjective experiences and the social forces that influence them (Burr, 2015). Furthermore, it offers a valuable perspective on issues of power, identity, language, and culture (Burr, 2015). The methodology was specifically designed to explore how men first-year university students understand sexual consent.

3.2. Research Questions

The research aim is to explore how men in the university context understand sexual consent. In order to meet this study's aims and objectives, the following questions will be asked to guide the research:

1. How do men students at a South African University construct their understanding of the concept of sexual consent?
2. What sexual roles and responsibilities for men and women are constructed in men university students' talk about negotiating sexual consent?
3. What discursive constructions do men university students draw on in making sense of behaviours that signify the presence or absence of consent?

3.3. Research design

The aim of the stated questions was fundamental in guiding the design of this study. This research sought to explore how understandings of sexual consent are constructed by men within the university context. Given the exploratory nature of the question, a qualitative research design was chosen to address this aim. The study specifically focused on men university students due to the

prevalence of sexual violence within the university environment. While existing research in South Africa has largely concentrated on women university students, less attention has been given to men (Ajayi et al., 2021; Beare & Boonzaier, 2020; Maluleke & Moyer, 2020). However, men are an integral part of a society with a high prevalence of sexual violence, and their perceptions of consent are just as important as those of women in discussions surrounding this issue.

Qualitative research is designed to explore the human aspects of a given topic, aiming to assess individuals' understandings and experiences of particular phenomena. It focuses on how meaning is constructed through the ways people interpret and make sense of their world and experiences (Creswell, 2012; Cropley, 2022). According to Cropley (2022), the core element of qualitative research lies in how individuals construct meaning from their lives and environments using everyday language and concepts. This approach aligns with the social constructionist paradigm that underpins this study, which emphasises the origins of knowledge, its significance in society, and the role of personal experience in shaping understanding. In the context of this study, qualitative research is particularly suited to exploring how men understand sexual consent and the sources of these understandings. It highlights the importance of context and individual beliefs in the process of meaning-making (Beare & Boonzaier, 2020).

3.4. Population, Sampling and Recruitment

3.4.1. Population

This study was conducted among undergraduate first-year men students at Rhodes University, specifically those registering for the first time in the 2024 academic year. The aim was to include students who could provide insights into sexual consent, regardless of whether they had engaged in sexual activity. Participation in the study did not require personal experience with SV, as the focus was on understanding perceptions of sexual consent rather than individual experiences of SV. Consequently, participants were not required to have had prior exposure to SV in order to take part in the study.

3.4.2. Sampling and Recruitment

The Rhodes University Anti-Harassment, Discrimination and Gender Harm Office was instrumental in the recruitment of participants for this study. Established after the 2016 SV protests, the office is dedicated to addressing behaviours that include SV, ensuring that both staff and

students can fully participate in university life (Krige, 2021; Rhodes University, 2018). Among its initiatives is the Consent Talks programme which takes place during first-year orientation week under psycho-social support workshops , and serves as a key intervention aimed towards SV prevention (Rhodes University, 2023).

The study participants were recruited using a combination of purposive sampling and snowball sampling techniques. Purposive sampling is a technique where participants are selected based on specific characteristics of a population and the objective of the study (Besen-Cassino & Cassino, 2018). This sampling method was appropriate for this study as it allowed for targeting a specific population of interest; first year, university men.

Participants were initially approached during the First Year Orientation Programme, during the Consent Talks facilitated by the Anti-Harassment, Discrimination and Gender Harm Manager. At the beginning of two of these sessions, the researcher was given an opportunity to introduce the study and to invite any interested men students to participate. A total of 114 students initially expressed interest in participating in the research. Following this, an email was sent to these students containing an invitation poster (Appendix B). Several series of recruitment email reminders were sent to students who initially expressed interest in participating over the next eight weeks, at the end of which only four participants confirmed their willingness to participate. However, two of these later withdrew. As a result, snowball sampling was employed to obtain more participants. Snowball sampling is a sampling technique in which initial participants recruit peers, friends or acquaintances who may be willing to participate, thus expanding the sample (Cropley, 2022). This approach successfully yielded two additional participants for data collection. These participants were then sent Information leaflets (Appendix C) via email.

The final sample consisted of four participants, organized into two dyads. Three of the participants were already acquainted through their student residence and one was a stranger. To determine the pairings, a random selection process was employed. Participants were asked to pick a shape from a collection of wrapped papers, with triangles forming one pair and circles forming the other. This random assignment helped ensure the objectivity of the pairing process and contributed to the study's methodological rigor. One dyad consisted of strangers, while the other pair was already acquainted through their student residence.

Recruitment proved challenging, with some first-year students citing their busy academic schedules as a barrier to participation. This appears to have contributed to a reluctance to commit to the lengthy data collection process. Due to the 'sensitive' nature of the topic, recruiting a sufficient number of participants through purposive sampling alone also proved challenging.

3.5. Data Collection Methods

The data included in this study was obtained using dyadic interviews; which is interviewing two participants together (Kvalsvik & Øgaard, 2021). Dyadic interviews were deemed suitable for this present study because they allow for two participants to interact to construct and share meanings to create knowledge (Morgan, 2024). This approach is consistent with the constructionist nature of this study (Caldwell, 2014). The dyads consisted of one pair of participants that had a preexisting social relationship, while the other pair were strangers. The dyads interviews allowed for individuals to express their views and opinions and aided in exploring and understanding the discursive constructions drawn upon by men concerning sexual consent, as well as the language used to make meaning of the concept of sexual consent.

Data was collected using vignettes, an unstandardised measure to gather open-ended qualitative data and a useful technique for studying beliefs, attitudes and behaviours in social research contexts (Wilks, 2004).The vignettes presented scenarios depicting varying types and contexts of sexual interaction (both consensual and non-consensual), and were developed to reflect popular constructions of situations in which there may be some debate concerning whether or not SV had occurred. For example, in one vignette, consent for sexual intimacy is withdrawn, leading to the perpetration of SV. In another, there is clear, mutual and enthusiastic consent. Other vignettes describe scenarios in which the presence of coercive circumstances undermines the validity of consent; or in which physical aggression or sexual entitlement undermine or disregard the withholding of consent (Appendix D). The presentation of the vignettes was followed by open ended questions to elicit participants' perceptions.

The data was collected and recorded and thereafter transcribed using the Jefferson transcription method. The dyadic interviews were conducted in the researcher's office, on campus and the interviews continued for a duration of 1 hour 19 minutes, for the pair with a preexisting relationship and 2 hours for the pair of strangers.

3.6. Data analysis techniques

This research used Foucauldian Discourse Analysis (FDA) to analyse the data collected from the dyad interviews. FDA is a constructionist approach that views meaning as a product of power relations rooted in discourse (Khan & MacEachen, 2021). FDA is an approach that is concerned with how language forms social and psychological reality; it is also concerned with the role of discourse in the social processes of power and the historical perspective of discourses – how they changed over time (Willig, 2008). The main principle of discourse analysis is that our ways of being and actions in the social context are linked with historical, sociocultural and political contexts (Khan & MacEachen, 2021). This means that knowledge and actions are situated in and rooted in historical and cultural values and beliefs and are intertwined with power dynamics.

Foucault uses language, discourse and power-knowledge as the analytic framework or tools for inquiry. Language is located in discourse and reflects how meaning is constructed and how ideas are formulated. Discourses give rise to an analytic framework for exploring how meaning and action are socially produced (Gavey, 2005, Khan & MacEachen, 2021). Discourses combine language, ways of thinking, beliefs, values, behaviour, and symbols and are present in language and social practices (Gavey, 2005). Gavey (2005) suggests that discourse refers to human practices, forms and routines where knowledge is embedded. Gavey (2005) details how Foucault speaks of power and knowledge as connected and as a single concept. Foucault states that knowledge is possible and exists within systems of power relations (Gavey, 2005, Khan & MacEachen, 2021). Knowledge/power to a large extent determine the discourses that exist (Gavey, 2005, Khan & MacEachen, 2021), in the case of this study, discourses that exist about sexual consent.

The aim of the study is to explore how men in the university context understand sexual consent. The use of FDA is useful in this research as it will be exploring discourses that are drawn on by men when constructing the concept of sexual consent; their perceptions of sexual roles and responsibilities for men and women; and how they make sense of behaviours that signify consent. FDA will help us identify the ways that participants understand the world of negotiating sexual consent and how they exist within it.

"FDA asks questions about the relationship between discourse and how people think or feel (subjectivity), what they may do (practices) and the material conditions within which such

experiences may take place" (Willig, 2008, p. 113). FDA focuses on language and language use, including the selection of words and phrases and the construction of meaning through language (Willig, 2008). However, its interest goes beyond the immediate contexts in which language might be used by speaking subjects (Willig, 2008). It examines how language is intertwined with broader systems and structures, such as culture, institutions and ideologies (Willig, 2008). FDA is primarily concerned with interpersonal communication, it investigates how power dynamics and social norms shape communication between individuals (Willig, 2008). In essence, it analyses language in a way that reveals how communication is linked to power and societal structures, rather than merely how individuals speak in everyday situations (Willig, 2008).

During analysis, the researcher will follow the following six stages of FDA as stated in Willig (2008): 1) It focuses on the discursive constructions, it will therefore look at the various ways consent is constructed in the participants' discussions of the vignettes; 2) it locates the various discursive constructions of consent within wider discourses, for example, how consent is constructed in romantic relationships, transactional relationships etc.; 3) it then looks at action orientation, which involves a closer analysis of the discursive contexts within which the different constructions of consent are being employed by asking questions around the function of these constructions and their relation to other constructions (e.g. gender roles, sexuality etc.); 4) It examines the subject positions these constructions offer to users of these discourses, and the discursive locations participants speak from; 5) the analysis proceeds to explore the possibilities for action within the constructions that are employed; and 6) various subject positions made available within the discourses drawn upon and how these make different perspectives from which to engage with the social world (Willig, 2008)

FDA also gives attention to silences that might be present; qualitative data analysis usually uses coding and thematic analysis which do not account for socially produced silences, gestures and body language (Khan & MacEachen, 2021). FDA recognises that silences also contain untold or unspoken discourses and therefore allows us to listen to silences which are socio-culturally produced.

3.7. Criteria for validity and reliability

To ensure the quality of the research, Lincoln and Guba's (1985) criteria for trustworthiness were applied. According to Lincoln and Guba (1985), trustworthiness is essential for determining the

value of a study. The purpose of trustworthiness is to ensure that the arguments within the study are credible and worthy of consideration (Alexander, n.d.). The four criteria for evaluating trustworthiness: credibility, dependability, confirmability, and transferability, align with traditional criteria such as validity, reliability, objectivity, and external validity, respectively (Alexander, n.d.). The following sections outline how these criteria were met in this study:

Credibility refers to the accurate identification and description of participants, as well as the confidence in the truth of the data and its interpretations (Alexander, n.d.). To ensure credibility, peer debriefing was employed, where the researcher discussed the findings with a co-researcher to challenge any assumptions. Supervision also played a key role in establishing the credibility of the research.

Dependability refers to the consistency (reliability) of data over time and across different conditions (Alexander, n.d.). In this study, dependability was maintained by documenting detailed records of the research process and the decision-making involved.

Confirmability refers to objectivity, specifically the potential for agreement between independent individuals about the accuracy, relevance, and meaning of the data (Alexander, n.d.). This criterion ensures that the data reflects the participants' perspectives and not the researcher's interpretations (Alexander, n.d.). Confirmability was ensured by creating an audit trail, which included collecting materials and documentation that would allow an independent auditor to assess the data. Additionally, multiple sources were consulted to draw conclusions about what constitutes the truth.

Transferability refers to the extent to which the qualitative findings can be applied to or have relevance for other settings or groups (Alexander, n.d.). In this study, transferability was supported by providing a detailed description of the research context and participants, as well as including verbatim quotes from study participants, thus enhancing the authenticity of the findings.

3.8. Ethical considerations

To conduct the research, ethical clearance was granted by the Rhodes University Human Research Ethics Committee (RU-HREC) (See Appendix A).

Informed consent was obtained by providing adequate information to the participants regarding

the following aspects: the research procedure, the purpose of the study, risks involved, and a statement offering the participant the opportunity to ask questions of the researcher, the right to withdraw at any time from the research, information about how participants are selected, the persons responsible for the research, and how results will be disseminated. When obtaining sufficient participants for focus group interviews proved to be challenging due to low response rates in recruiting, participants who had enrolled in the research were informed about the possibility of conducting dyad interviews instead.

Participants were given a participant information letter and the summary of what their informed consent entails, before providing consent and proceeding to participate. The participants were given time to read the information letter and ask questions before proceeding to consent. The consent was obtained for both participation and the audio recording of the interviews.

The participants were offered debriefing after the session to answer any questions or concerns the participants might have, due to the sensitivity of the topic, the participants did not have any questions or concerns at the end of data collection, they expressed wanting to participate in more studies such as this one. The researcher was hypervigilant to possible triggered reactions for tailored debriefing and/or referral to the Counselling Centre.

No feedback was given directly to the participants as this was argued to potentially compromise anonymity and confidentiality. To ensure confidentiality and anonymity, no names or student numbers were recorded, and the collected data were presented in such a manner that did not allow for individual participants to be identified. Participant codes were used in all data and reports to ensure confidentiality. To address potential social desirability bias, particularly in the dyad consisting of individuals who were already acquainted from their residence, participants were encouraged to provide honest responses. This was achieved by avoiding leading questions, maintaining a warm and nonjudgmental tone throughout the interview, and employing vignettes and indirect questions. These strategies helped mitigate the tendency of participants to conform to socially acceptable answers, particularly when they seemed inclined to agree with their partner's responses.

To ensure researcher safety and well-being, the researcher received supportive therapy and peer supervision and debriefing was utilised after data collection and during the analysis sections.

The digital recordings of the dyad interviews were stored in password protected files and the consent forms were scanned and stored in a password protected electronic folder - the physical copies were shredded to protect the participants.

4. Analysis and Discussion

4.1. Introduction

This chapter will present the different constructions of consent that emerged from the analysis in response to the research questions. As outlined in the previous chapter, the data was gathered through two dyadic interviews, using five vignettes (Appendix D) representing different scenarios of consent. The first vignette depicted rape in an intimate setting where consent is withdrawn; the second, consent was impossible due to intoxication; the third vignette depicted clear consent, the fourth contained coercive circumstances with implied threat and, the fifth and last vignette contained physical aggression and sexual reputation.

Willig's (2013) approach to Foucauldian Discourse Analysis (FDA) was used to critically analyse the participants' responses. The results were organised around the three research questions this study aimed at addressing. The study sought to explore men first-year students' definitions and understandings of sexual consent; the roles and responsibilities they construct for men and women when negotiating consent and the discursive constructions they draw upon when describing behaviours that signify the presence or absence of consent.

4.2. Constructions of Consent

In this section, using Willig's approach to Foucauldian Discourse Analysis (FDA), the research identified how the discursive object (sexual consent) is constructed by the men first year university students while briefly exploring the broader discourses used to construct sexual consent. In response to this research question, participants presented varying constructions of consent, which appeared to be subject to the context presented by the vignettes. The researcher was interested in how the participants spoke about consent, how they constructed the discursive object in the various vignettes. The participants constructed consent as 'permission', 'affirmative and explicit', 'an unspoken willingness', 'a moral responsibility based on care and respect' and as 'ambiguous in impaired states'. These constructions will be explored and analysed in more detail within this

section and integrated with a discussion of the rest of the research questions at the end of this chapter. Throughout the chapter, the four participants are referred to as P01, P02, P03 and P04 respectively.

4.2.1. Consent as Permission, Explicit Communication, Agreement and Gatekeeping

One of the discursive themes that was identified in the data was the construction of consent as permission, involving explicit communication, agreement and the performance of socially expected sexual gatekeeping roles. The extracts below demonstrate the participants responses when asked what they understand about consent:

> **Extract 01:**
> P02: I think it's permission - so you have to go with whatever your partner says. Uhmm, so if you are going to engage in a sexual activity, and then your partner asks you to stop, you have to stop. That's what I think, and for you to engage uhm, your partner has to agree so you don't have to like force yourself onto that person without their permission.
>
> **Extract 02:**
> P01: It's just asking for permission to do something with someone or to do something with someone- and both parties have to agree to what's happening. They both have to be aware of what's happening and have to come to agreement *ukuba* (that), 'okay we are doing this now'. And it's not a contract- it's not something *yokuba* (that) when you have agreed, you have to do it. You might agree but end up changing your mind - and there's nothing wrong with that. So I think that is what consent is.
>
> **Extract 03:**
> P04: For me, it has to be a yes or a no. Like you have to point it out in words, then I know I can get permission. So, if you're not saying yes then probably like I am not getting permission. Consent is yes or a no.

Participants, particularly P02, imply that consent must be sought to avoid force and equates the absence of consent with violence. This perspective implies that consent is an important boundary in interactions and that the absence of explicit consent can be seen as a form of sexual violence. This perspective reproduces a legalistic construction where the idea of consent is central to the definition of SV (Dougherty, 2018; Mark & Vowels, 2020; Shumlich & Fisher, 2018).

Participants also emphasised the necessity for explicit verbal permission, framing consent as a simple "yes" or "no" response. The framing of consent as explicit verbal communication reproduces ideas about the concept present in legal definitions that require individuals to explicitly express consent or lack thereof. This way of framing consent also implies specific roles and responsibilities for the actors involved. By stating that it is "asking permission to do something with someone", this suggests that an initiator must seek permission from the recipient of attention.

The focus on explicit verbal permission suggests that the recipient of sexual attention becomes the gatekeeper, as they control access to sexual activity.

This “yes” or “no” perspective frames consent as a transactional process, wherein one party asks for permission, and the other grants it explicitly. This framing aligns with legal constructions of consent, which require explicit verbal agreement and emphasise the idea that consent is voluntary and mutually agreed upon (Dougherty, 2018; Vandervort, 2018). This idea also carries the implication of implicit power imbalances reflective of traditional gender roles. These imbalances are shaped by the presumption that consent functions in a dynamic where men are the initiators and women are the passive gatekeepers (Jozkowski & Peterson, 2013; Speer, 2005). This transactional concept of consent fails to account for situations in which the decision to consent is not made freely or without manipulation (Willis, 2020). However, by reducing consent to permission and a response of a simple “yes” or no”, it risks the overlooking of the diverse and complex situations, creating undue blame on victims who do not conform to expected norms of clear consent.

In addition to constructing consent as giving or asking for permission, participants also constructed it as explicit and affirmative. Affirmative consent is voluntary and conscious, and mutually agreed upon by all parties involved (Cossins, 2019; Mark & Vowels, 2020). The understanding of consent as affirmative and explicit corresponds to legalistic constructions that demand unambiguous, verbal agreements to prevent coercion and ambiguity in sexual encounters (Dougherty, 2018). When expressing their understanding of consent the participants stated the following:

> **Extract 04:**
> P02: Ummm, for me I would say word of mouth. Word of mouth umm, you have to talk. So if umm, if you’re not down to do whatever, just point it, and say: “listen man, I don’t want to do this.” Umm, for me it’s talking, like, word of mouth is key.
>
> **Extract 05:**
> P03: …there has to be an agreement, ja like fully informed you know, people need to know what they’re agreeing to.

All of these extracts emphasise verbal communication, that all parties should be on the same page regarding consent, positioning verbal cues to be the key to ensuring clear consent. P02 references the construction of consent as verbally communicated – “word of mouth” – and stresses that individuals should clearly communicate when they do not want to engage in something, “just point it”, positioning communication as the solution to ensuring mutual understanding and respect. In

their talk, participants suggest that consent should be unambiguous and clear, overlooking the complexities of ongoing negotiation of consent and nonverbal cues. By framing consent in this manner, the broader relational complexities like emotional, social and cultural influences are disregarded (Clark, 2019; Popova, 2019). Furthermore, this perspective excludes situations where implicit power dynamics may manifest, such as with coercion and manipulation, thereby undermining valid consent.

By drawing from legal discourse, the participants constructed consent as either giving or asking for permission, as explicit communication and agreement in the extracts above. The construction of consent in these extracts stress the importance of explicit, clear communication, permission and agreement in sexual interactions. Legislative frameworks globally consistently emphasise consent as voluntary, conscious, and mutually agreed upon by all parties involved, it requires individuals to explicitly and verbally communicate their agreement to engage in sexual activity (Cossins, 2019; Hickman & Muehlenhard, 1999; Mark & Vowels, 2020).

Furthermore, these extracts imply that consent involves mutual agreement, this reflects a construction of consent as underpinned by mutual respect and equality. This framing as mutual agreement suggests that all parties are seen as having equal agency in the decision-making process. This perspective counters traditional constructions of gender roles and sexuality, where men are often seen as seekers of sex, while women are seen as gatekeepers, reinforcing the idea that both parties involved are equally involved in negotiating and granting consent (Benoit & Ronis, 2022; Gavey, 2019; Jozkowski & Peterson, 2013). This understanding of consent as a mutual agreement situates these constructions of consent within an egalitarian framework, where both parties are equally involved in the decision-making process thereby enacting a power dynamic grounded in equality.

This theme seems strong in the discursive construction of consent due to there being, over recent years, a significant institutional and cultural focus on consent as clear, explicit and affirmative especially in educational environments (Beres, 2010; Featherstone et al., 2024; Hermann et al., 2018; Muehlenhard et al., 2016; Scott & Graves, 2017; Willis et al., 2022). This way of thinking in educational institutions is reflective of a cultural shift towards equality, particularly in terms of traditional gender roles and power dynamics. However, it can also be argued that institutional perspectives and responses align with legal definitions of consent which often focus on explicit agreements to avoid ambiguity and legal liability (Dougherty, 2018; Setty, 2023; Willis et al.,

2022). Participants are then likely to have had their understanding of what makes valid consent influenced by such discussions and awareness programmes. This emerging perspective reflects the growing emphasis on clarity, communication, and respect in intimate interactions and can lead to greater awareness and being equipped with tools to better avoid allegations of SV against them.

Additionally, affirmative consent typically requires individuals to explicitly and verbally communicate their agreement to engage in sexual activity, people are more likely to rely on nonverbal cues to express non-consent (Mark & Vowels, 2020). The construction of consent as affirmative and explicit communication creates challenges in navigating the complexities of real-life sexual and relational dynamics. The expectation that consent must always be verbal and clear can overlook situations where nonverbal cues are equally as important – individuals might be unable to speak due to power imbalances, fear or pressure. This understanding oversimplifies consent and negates social and cultural influences where social and cultural norms about gender roles, such as women might have been taught to be passive or accommodating of men's 'needs' influencing how men and women feel they should behave in intimate relations. This also disregards situations where judgement is impaired by substances which inhibit the ability to give informed and voluntary consent.

4.2.2. Consent and Diminished Responsibility

Participants often referred to how alcohol, or rather intoxication, plays a role in creating complexities in the ability to give clear and informed consent. This construction also underscores the tension between how participants conceptualized consent in situations where they were sober versus intoxicated. The ambiguity of consent in alcohol-influenced contexts emerged as a recurring issue.

Legal discourses require individuals to be in a certain state of mind to make an informed and voluntary decision about sexual activities (Cossins, 2019; Hickman & Muehlenhard, 1999; Mark & Vowels, 2020). This implies that intoxication or any other impairment invalidates the decision-making process.

Extract 06:
P04: There wasn't an agreement, it just happened because they were both drunk, so yeah it wasn't, I don't want to say it wasn't consensual, I also don't want to say it was consensual. They both didn't, they were both not aware of what they were doing at the time.

Extract 07:

P03: Yeah, I agree with what you're saying. Both of them were not in the right state of mind, there was no conversation before it, it just happened.

Participants stated that "it just happened because they were both drunk" and "there wasn't any conversation, it just happened". Both extracts reflect the ambiguity of consent when both parties are intoxicated and not fully aware of their actions. The emphasis on a lack of awareness removes responsibility from both parties involved, positioning their actions as being outside of their control. The participants suggest that neither of the individuals were fully aware of their actions due to intoxication, using drunkenness to justify why consent was not explicitly established. This construction implies that their actions were passive without conscious decision-making. Both participants state that "it just happened" due to intoxication. This statement implies a loss of agency where the ability to make an informed, conscious decision about sexual activity is concerned. This perspective suggests that an impaired state of mind undermines intentionality, potentially absolving responsibility for SV committed under the influence. This contrasts with the legal definition of SV, which generally requires conscious and intentional actions or behaviour (du Toit, 2012). Legal constructions often focus on the ability to say "yes" or "no", giving one party the role of gatekeeper in sexual activity (Gomez Duque, 2021; Vandervort, 2018). In contrast, this emerging construction of diminished responsibility suggests the inability to both seek or grant consent. This shift from the legal stand of conscious consent undermines clear boundaries about sexual consent, making it harder to hold individuals accountable for behaviour they engage in while intoxicated.

The statement "Both of them were not in the right state of mind, there was no conversation, it just happened" naturalizes the process of sexual interaction. It suggests that if it is a natural process, then it cannot be attributed to any one person's responsibility, nor is it intentional. This reinforces the "he didn't mean to" myth about SV (Murray et al., 2023; Smith & Skinner, 2017). This normalization of the drunken interaction removes accountability and frames it as an inevitable event, this reinforces the harmful myth that SV is unintentional, contributing to the blurring of lines of responsibility.

Extract 08:
P01: I understand uhhmmm, uSamkelo continued because as it says, he was turned on and already-already what? Put on a condom, and they're used to having sex. So to him it was like: 'mxm aahh this, we, what's wrong, why now 'cause we always do this?'. But, I feel like him having that uhmm thinking that way ba "we're used to having this, I'm already turned on let's continue, is selfish of him…

In this extract, the participant suggests that while Bulelwa could have attempted to set boundaries or give instructions, Samkelo, influenced by intoxication and his sexual desire, may have disregarded these cues. This reinforces a broader discourse on the unequal power dynamics often present in heterosexual sexual encounters, where men are more likely to exert more control or dominance, particularly when aroused (Mikkola, 2024). In this context, the man's desires are prioritised, while the woman's boundaries are more easily dismissed.

In society, particularly the HEI context, alcohol is often seen as a social lubricant, and sexual activity while intoxicated may be normalized (Hirsch et al., 2019). This normalization creates tension between the idea of clear and sober consent and the reality of sexual encounters when intoxication is involved. The participants hesitate to label sexual encounters involving intoxication as non-consensual, highlighting the ambiguity often associated with societal understandings of consent in intoxicated situations. Their reluctance suggests that they view consent as something that is dependent on sobriety and informed awareness, a perspective aligned with legal frameworks. When these conditions are not met, the construction of consent becomes uncertain. This uncertainty absolves individuals, often positioned as seekers of consent, from that responsibility, creating an exception to the legalistic view that the absence of consent equates to violence. In these drunken situations, the lack of consent is not interpreted as equating to violence. This construction challenges the binary "yes or no" framework and the legalistic models the participants initially adhered to, highlighting a need for discussions about capacity, agency and accountability in situations involving alcohol.

> **Extract 09:**
> P03: "...Tony shouldn't have confessed his attraction to Libo and Libo shouldn't have flirted with Tony, and the kissing, hayi, that shouldn't have happened. I feel like it's what led Tony into that state ((referring to sexual arousal))".

Extract 09 introduces another form of diminished responsibility, shifting from intoxication to a construction of heterosexuality and masculinity that emphasises the irresistible nature of men's sexual arousal (Derraugh, 2018; Willis, 2020). This construction absolves the perpetrator of responsibility by attributing his actions to the nature of his sexual arousal. P03 positions both Tony and Libo as responsible, suggesting that they both played a role in the encounter. However, this framing reduces responsibility for Tony and implies that Libo's behaviour provoked him, thus overlooking Tony's misuse of power.

This positioning aligns with affirmative understandings of consent, where sexual encounters are assumed to be inherently mutual. Yet, it overlooks the reality of coercion or exploitation that can occur in situations with imbalanced power dynamics. By scrutinizing Libo's behaviour, the perspective reproduces the discourse and myth that a woman's actions or appearance can provoke male desire (Benoit & Ronis, 2022; Gqola, 2015). In blaming Libo for provoking Tony, the participant inadvertently echoes the idea that men's sexual aggression or misuse of power can be justified by women's actions. This perspective perpetuates unequal dynamics of sexual desire and control while ignoring the coercive circumstances in the vignette.

> **Extract 10:**
> P02: …we can also narrow it down ummm on the assumption, they were at a restaurant. So we don't know what went down at the restaurant, maybe they were having dinner and they had some wine, alcohol and then uSamkelo had too much of it; so we can assume he was under the influence of alcohol. So for uBulelwa to open a- uBulelwa is a girl, right? So for uBulelwa to open a case, we have to like have some bit of profound understanding of like what really happened at the restaurant for us to place what happened during the sexual scene and then after-

The participant attributes being "under the influence" as the cause of Samkelo's actions, using this construction to absolve responsibility or minimise the severity of the behaviour. Responsibility is further questioned through the use of words like "we don't know" and ""we can assume". Bulelwa is however positioned as a victim, even though the participant questions or minimises her experience when alcohol is involved and the man is excused due to intoxication. The participant followed up the above statement with:

> **Extract 11:**
> P02: ...so the way I am placing it - ummm saying ukuthi- they had ummm- he was drunk. It's not that he won't remember. I am saying ukuthi in terms of ukuthi- 'cause we know ummm drunk people tend not to listen to instructions and stuff- so that's why I say ukuthi maybe uBulelwa was like "stop," but then uSamkelo was drunk, he was sexually motivated- he was turned on. So those two coming into combination, he would like throw away i-instruction.

Here, the participant rationalises and minimises Samkelo's actions, disregarding Bulelwa's "stop" and focusing instead on Samkelo's intoxication and sexual motivation. This positions the woman's boundaries as less important than his desires. Such reasoning reproduces the construction that men's desire can override a woman's refusal, a common belief in patriarchal understandings of consent (Speer, 2005). It also reflects the minimization of SV in certain contexts, such as intoxication and sexual behaviour that does not involve overt violence like pressure, coercion or manipulation. These societal ideas of what "real" SV looks like fail to recognize its complexities and overlook forms of SV that falls outside these preconceived ideas (Benoit & Ronis, 2022;

Gqola, 2015; Whisnant, 2021). These discourses contribute to a broader societal failure to fully recognize and address the different ways in which SV can occur, particularly when consent is ignored or minimized in favor of male sexual desires or motivations.

Much like with the discussions of alcohol and consent, “arousal” functions in a similar way here – as a contextual and mitigating factor.

4.2.3. Consent as nonverbal and based in an ethics of care

Nonverbal and verbal behaviours are both essential components of how participants communicate consent (Mark & Vowels, 2020; Setty, 2023). While previous discussions on consent have primarily focused on verbal communication, nonverbal behaviours emerged as a variation in the construction of consent. Participant responses revealed a spectrum of behaviours ranging from explicit verbal communication to implicit nonverbal cues. These nonverbal cues used to express non-consent that participants reported on are consistent with Mark & Vowels (2020) stance that people are more likely to rely on nonverbal cues to express non-consent.

When participants were asked to describe how they perceive consent, their responses emphasised nonverbal cues, with a combination of verbal check in’s as cues that can be read to infer willingness or discomfort.

> **Extract 12:**
> P02: I would say i-action. So when you guys are doing something you can tell if you care about the person, you can tell when they are not in the mood. For example, when, the, I would say when the leg, oh when the girl is not opening her legs, I don't know if that's even a thing, but even by the reaction the person is having when you guys are doing what you are doing. You're supposed to check on the person *ba* (if) are you okay? Why are you quiet? Why am I the one doing the work and you are not doing anything? Like/ that's also something that people, that sexual partners to look, should look into.

> **Extract 13:**
> P01: Sometimes people can’t say: “I don’t want this,” but you can tell by their actions, and you guys are used to doing this. You can tell that they down for this or is not in the mood because they usually react, they won’t react that way when they are not happy or they don’t want to do what’s happening.

The focus on body language reflects the understanding that consent is not only verbal but can also be read from nonverbal cues like body language and silence. P01 touches on the dynamics of nonverbal during sexual interactions such as body language, facial expressions and reactions and how these communicate physical or emotional states that might not be verbalized. This interpretation of consent is shaped by broader social norms about how we understand actions and

reactions, like the image of the partner not opening her legs, which may be interpreted in line with societal assumptions about consent and submission.

In both of the extracts, the participants emphasise interpreting non-verbal cues as indicators of consent, particularly through body language, such as noticing whether a partner is actively engaging in the encounter. - Phrases like “You can tell when they are not in the mood”, or “you can tell that they down for this” assume that consent or its absence can be deduced from physical behaviour, without explicit verbal confirmation. This reinforces the idea that consent can be read from a person’s behaviour. Additionally, participants mention that paying attention to the nonverbal cues signals care and connection. For example, “You can tell if you care about the person” in Extract 12 suggests that attentiveness to nonverbal behaviour is linked to emotional intimacy. This also implies a portrayal of perpetrators of SV as selfish and uncaring when they ignore nonverbal cues,

This construction of consent suggests that nonverbal cues such as body language can be sufficient to determine consent. However, this risks overlooking the need for clear verbal communication, especially within existing sexual relationships or in situations where coercion may undermine freely given consent. The presence of nonverbal cues, such as body language and physical gestures, can implicitly signal consent or the lack thereof, as reflected in statements like “you can tell by their actions and you guys are used to doing this”. This perspective assumes that when there is an emotional connection, nonverbal cues will be easily recognized and understood. This can make certain situations involving the negotiation of consent invisible, whereas these cues can also be ambiguous, leading to situations where one person thinks they have received consent based on a partner’s body language, while consent might not have been given. This assumption may also make situations where power dynamics exist and one feels they cannot say no due to fear of consequences or guilt seem as though consent is freely given, yet these might mask coercive or forced situations.

The previous constructions of consent highlighted the importance of clear communication especially through verbal and nonverbal cues, reflective of affirmative consent. Building on the affirmative model of consent, Dougherty (2018) stated that the process of obtaining affirmative consent requires more than verbal acknowledgement. It requires individuals to engage in a reflective process, striving to form accurate beliefs about the moral permissibility of their actions

(Dougherty, 2018). This model of consent is mirrored in these discussions, where participants speak to the sense of duty to act ethically, as well as the importance of emotional attentiveness and mutual regard in sexual interactions.

Extract 14:
P02: You're supposed to check on the person *ba* (that) 'are you okay? Why are you quiet? Why am I the one doing the work and you are not doing anything?' Like/ that's also something that people, that sexual partners to look, should look into.

Extract 15:
P03: …Like you shouldn't have to manipulate a person into having sex with you. It should be, "do you want to?", yes or no, it shouldn't be, "okay, if you don't, your marks are going to look like this, if you don't, you'll have to walk home by yourself". There shouldn't be any punishment to it.

Extract 16:
P04: Having to say yes or no and it's also something about respecting what someone says, 'cause like Naya said she was tired, but Hloni didn't respect that, he forced her.

This construction of consent as linked to an ethics of care and respect suggests that sexual responsibility is not only about checking for consent but also for care and ensuring mutual comfort and satisfaction. This construction implies that if one approaches relationships with empathy, care and respect, then one will automatically seek consent and be able to recognize nonverbal cures. This perspective highlights that consent is not just about legal or formal agreements but is tied to a moral obligation to care for the other person involved in the sexual interaction. It suggests that ethics of care is an important part of sexual interactions. The extract highlights the importance of empathy and mutual care in sexual relationships and reflects awareness that sexual discomfort can be communicated nonverbally. Participants expressed that mutual respect and care where both partners prioritise each other's emotional and physical comfort, are essential to the consent process.

Extract 17:
P01: For me, it's Tony, Tony shouldn't, when he convinced uLibo, and uLibo didn't agree, that's where he went wrong yena. He even used his power. He could have done better than that. I feel like he is the one that, *nguye obewrongo* (he was wrong) *kule* (in this) situation because even uLibo didn't even when, uLibo didn't agree because she's not thinking about the marks...So maybe she just thought ba: let it just happen here, let me just get this over and done with and go home tomorrow.

P01 demonstrates an understanding of power imbalances and emphasises the responsibility of the individual who holds more power. He critiques Tony's manipulative use of personal consequences, positioning his actions as unethical and wrong. This highlights how power imbalances can lead to acquiescence rather than genuine consent (Pugh & Becker, 2018). The extract frames Libo as passive, suggesting that, due to the pressure she felt, she "let it just happen," fearing the consequences of refusing.

By emphasising respect and care, participants align themselves with progressive values that are increasingly prioritized in contemporary discussions about consent (Dougherty, 2018; Featherstone et al., 2024; Hirsch et al., 2019). Such values may be shaped by the desire to conform to societal expectations around what is considered ethically and morally right, particularly regarding gender and sexuality (Dougherty, 2018). This perspective could therefore also potentially also reflect participants positioning themselves as behaving in socially desirable ways or wanting to appear morally correct.

The emphasis on respect and care challenge traditional gendered sexual scripts that often portray men as aggressive pursuers of sex and women as passive gatekeepers (Gavey, 2019). This type of perspective positions both men and women as active participants in sexual encounters. This shift offers an alternative construction of consent by promoting equality, and an ongoing process of negotiation, moving away from heteronormative scripts that were based on gendered assumptions, towards fluidity in gender roles and more relational and respectful sexual interactions.

Participant responses in the extracts above reflect that consent isn't just about saying 'yes' but also about showing consideration for the other person's autonomy and wellbeing. These participants' responses reflect an ethical discourse about consent that foregrounds autonomy and agency. P04 speaks against manipulation in negotiating consent but shifts towards an ethical position that is based on honesty and fairness. This ethical discourse is reflected in the phrases participants used which reflect values such as empathy, respecting of boundaries and feelings and the moral responsibility to care. These ideas reflect progressive masculinity and challenge traditional gender roles, promoting an understanding of sexual consent, where empathy, respect, and clear communication replace traditional dynamics.

In summary, participants presented a multifaceted understanding of sexual consent. Initially, they constructed consent as clear, explicit and verbal permission that is mutually agreed upon, which aligns with and focusses on legalistic discourse. Legalistic constructions of consent require explicit verbal agreement and emphasise the idea that consent is voluntary and mutually agreed upon (Cossins, 2019; Mark & Vowels, 2020; Shumlich & Fisher, 2018). This view also carries the implication of implicit power imbalances reflective of traditional gender roles. In this framework, consent functions as a gatekeeping mechanism for sexual activity, with the emphasis placed on seeking consent to avoid violence (Benoit & Ronis, 2022; Gavey, 2019; Jozkowski & Peterson,

2013) .

In conjunction with the legalistic construction, an additional construction of consent emerged in relation to the notion of diminished responsibility. This view presents an exception to the legalistic understanding of consent, justifying a lack of consent based on the notion of natural sexuality. This construction implies that sex can happen without intentionality, particularly in intoxicated contexts and contexts characterized by 'irresistible' male sexual arousal (Abbey, 2015; Benoit & Ronis, 2022; Murray et al., 2023). This suggests that individuals are not always responsible for their actions in certain sexual contexts. This normalization of the drunken interaction and male sexual arousal removes accountability, framing such situations as inevitable event (Abbey, 2015; Hirsch et al., 2019).

Lastly, there was an alternative construction of consent based on an ethics of care and empathy. This perspective allows for more diverse methods of communicating consent (or lack thereof) and expands the consent negotiation process beyond the traditional gendered gatekeeping model. It suggests that mutual respect and care, where both partners prioritise each other's emotional and physical comfort, are essential to the consent process. While implicitly constructing perpetrators as lacking an orientation towards care and empathy, this perspective highlights the relational dynamics between participants in sexual encounters.

4.3. Constructions of Roles and Responsibilities

Constructions of consent are not neutral, they are rather shaped by broader societal frameworks, including legal, educational, cultural, and gendered discourses (Jewkes & Abrahams, 2002; Tallie, 2020; Vandervort, 2018). Using Willig's approach to FDA, outlined in Chapter 3, this section of the analysis explores and discusses the way participants construct the attribution of roles and responsibilities in sexual consent communication, addressing the second research question. This is done by considering the functions of the discursive constructions, while addressing positioning through examining the subject positions made available within the context. In this section, participants were asked whose responsibility it is to ensure that sexual interactions are consensual, and they gave various responses to this line of questioning. The roles and responsibilities constructed by the men university students were strongly influenced by traditional social constructions of heterosexual masculinity and included the 'initiator as responsible', 'shared responsibility', 'responsibility of men' and, 'women's victimhood'.

4.3.1. Traditional Heterosexual Masculinity

The participants constructed the person who takes the first step in a sexual interaction as the one who bears the responsibility of seeking consent before proceeding. The responsibility to seek consent places the burden of taking action, whether it is asking for permission, checking for readiness, or negotiating boundaries, on the initiator. This creates a power dynamic where the initiator has more agency in the sexual interaction. The initiator's power is temporary as their power is in starting the sexual encounter and seeking consent, while the power to grant or deny consent lies with the recipient. This construction, however, reinforces traditional gender roles that position men as the active initiators of sexual activity and women passive recipients and gatekeepers of sex (Gavey, 2005). This is evident in the responses below.

Extract 18:
P01:…and since Hloni is the one that is initiating everything, like the kissing, he is the one that started it, so he should be the one that asks for the, for what he wants because he's the one that leans for u, uNaya. And the one that wants it first should first ask ba: 'can we do this?'

Extract 19:
P02: Ummm, I think uTony, because ummm, I, I, both of them I think, cause uTony, ummm, had the responsibility to stop because uLibo was not keen on having sex. She didn't mind doing everything but the sex part she didn't want so uTony was supposed to abide by the will of uLibo…

P01 constructs Hloni as the initiator of the sexual interaction, positioning him as responsible for taking the lead. By emphasizing that Hloni is the one who started the interaction, the participant implies that the initiator has agency and is responsible and is obligated to ensure consent is given. This extract reflects a gendered expectation, where men are often seen as responsible for initiating sexual interactions, rooted in traditional gender norms that position men as the active party in relationships and sexual encounters(Gavey, 2019; Speer, 2005). This aligns with heteronormative views where men are expected to be assertive, while women are expected to passively respond to the man's initiation (Gavey, 2019).

The phrase "he should be the one that asks for what he wants" places onus on the initiator constructing men as bearing the primary responsibility for initiating sexual activity as well as obtaining consent. This reflects traditional sexual scripts that align with heteronormative assumptions where men pursue women and men's desires must be explicitly stated (Gavey, 2019; Speer, 2005; Willis, 2020). It reflects and reinforces a traditional, heteronormative power dynamic in which women are positioned as gatekeepers of sexual access and men as the ones responsible

for seeking permission. However, such a view disregards the possibility of shared agency or mutual responsibility in sexual negotiations. This view assumes one-sided responsibility thereby disregarding the idea that both parties should actively contribute to the negotiation of consent and boundaries. It also suggests a limited view of consent that ignores ongoing consent and mutual responsibility as it rather positions one party, often the man, as the only person who bears responsibility of securing consent, reinforcing traditional gender roles (Jozkowski et al., 2018; Whisnant, 2021).

On the other hand, P02 constructs Tony as the one who holds responsibility in the situation where boundaries were not being respected, positioning him as the one whose actions should reflect the respecting of consent and stopping when boundaries are set. Considering Tony's position as a tutor, P02 stating that "so uTony was supposed to abide by the will of uLibo" reflects the reinforcement of a progressive script of masculinity, where Tony is held responsible for respecting Libo's boundaries and sexual agency. This challenges traditional gender roles where women are expected to be passive recipients and men are entitled to initiate and pursue sexual encounters.

Both, extract 18 and 19 construct the man as responsible for seeking because they are the initiators of sexual intimacy. This suggests a traditional construction of masculinity in sexual interactions, where men are positioned as both the initiators and controllers of sexuality (Gavey, 2019). Additionally, the man is constructed as the one responsible for stopping when this is necessary (Extract 19) and this introduces an important layer of accountability. This implies that masculinity is not only about being the initiator but also about having the agency and responsibility to ensure that consent is maintained throughout the sexual interaction. In this sense, it positions men as responsible for not just initiating but also halting the activity if consent is withdrawn or not fully established. The responsibility of men to initiate and stop reflects an evolving understanding of masculinity where traditional understandings of men's dominance and control are balanced with a responsibility to respect boundaries. While still endorsing gender roles where men are often seen as initiators and the active party, and women are perceived as more passive, it introduces responsibility of men to maintain respect and consent.

Extract 20:
P01: …I feel like it's selfish of him, he is not thinking of uBulelwa or what uBulelwa might be going through. Because, for me, I believe when you are having sexual intercourse- it's not about you only. It's two parties, there has to be consent by the right and there has to be consent by the left. Both parties <u>have</u> to agree to what's happening. I feel like uSamkelo was selfish because as much as he was enjoying, he didn't think *ba* (that) was Bulelwa enjoying- was this- is this- is Bulelwa okay with what's happening?

Linked to the positioning of men as sexual initiators (and therefore responsible for actively seeking consent in a manner that respects boundaries), is a related obligation to consider the wishes of one's sexual partner. In Extract 20 above, -the participant constructs Samkelo as someone who did not consider Bulelwa's feelings and experience, positioning him as selfish. This positions Samkelo (man) as responsible for ensuring consent and for being mindful of his and his partner's desires, while Bulelwa (woman) is implied to be someone whose consent should have been sought and considered.

A variation on the positioning of men as bearing the responsibility for ensuring consent, involves constructions of paternalistic and protective masculinity in the face of the high prevalence of sexual violence in the country. This reinforces the traditional gender scripts that men are responsible of protecting and taking care of women, and the women have to be protected and cared for by men.

> **Extract 21:**
> P04: I feel like they should both ask for permission, but for me it's mostly uhm, Thato's responsibility because in the country that we live in, rape, there's a lot of rape cases, and especially women like to be, females like to be the ones that experience this a lot, sadly. And uYolanda was extremely drunk and uThato was drunk.
>
> **Extract 22:**
> P02: ...he wasn't extremely drunk, uYolanda was extremely drunk so uThato, to a certain extent, he knew everything what was going on, he ha uhmmm, he could have said uhmm that: 'no man, we can't do this, You are too drunk. Maybe next time but not today, maybe when we are both sober but not in whatever state you're in, not now - we can't have this'

The above extracts suggest a gendered assumption that men, as the initiators of sexual activity, are responsible for ensuring that women are not taken advantage of, particularly when intoxicated. This positions the woman (Yolanda) as passive and more vulnerable to sexual assault. Such a perspective reinforces traditional views where men are seen as protectors of women, while women are seen as fragile and in need of a man's protection (Gavey, 2019; Mikkola, 2024). This construction of paternalistic duty suggests that men must intervene to safeguard the vulnerable women from sexual exploitation. Additionally this perspective reflects broader societal anxieties around SV, where men are often framed as the primary perpetrators, and women as the passive, vulnerable victims (Gavey, 2019; Schwark & Bohner, 2019; WHO, 2021). As a result, this dynamic reduces women's sexual agency and reinforces patriarchal gender relationships, where men take control over women's sexuality for their own protection. Furthermore it perpetuates rape myths, especially the idea that SV often occurs in situations where women are drunk (Abbey, 2015). The idea that it is the responsibility of men to ensure consent is obtained, thus positioning them as

protectors (Gavey, 2019).

Although the idea of placing the responsibility for decision-making on the less intoxicated party seems reasonable, it ultimately reinforces harmful gender stereotypes. This reasoning implies that men are more rational and capable of making decisions, especially in sexual situations, and therefore should be the ones making choices for women. This perspective ignores women's ability to make their own decisions and instead constructs men as the "protectors" who dictate what is best for women.

Participants' comments reflect and reinforce the expectation that men should bear greater responsibility for consent. These responses highlight how participants navigate the complex intersection of gender, intoxication, and consent, often placing more responsibility on men, even when both parties are intoxicated. The assumption that men, even in intoxicated states, are expected to maintain the role of the "sober" or rational party aligns with traditional gendered expectations, where men are often positioned as the assertive, dominant figures in sexual negotiations (Jewkes et al., 2010; Lankster, 2019; Rerick et al., 2020). This reproduces traditional constructions of masculinity and femininity where men are required to make the decisions because their notions of masculinity demand it, while women are seen as unable to do so themselves.

4.3.2. Shared responsibility

In contrast to the construction of the initiator as responsible, a second, alternative construction of responsibility emerged in the study. This construction emphasises shared responsibility in the negotiation of sexual consent. Participants expressed the understanding that both parties involved are responsible for obtaining consent, emphasizing equal roles in communication.

Extract 23
P03: All parties, and the best way to do it is not this, like you shouldn't, shouldn't have to manipulate a person into having sex with you, It should just be, 'do you want to? Yes or no, it shouldn't be, 'okay but if you don't, your marks are going to look like this, if you don't --you'll have to home walk by yourself' There shouldn't be any punishment to it.

Extract 24
P03: I think, anyone who is involved, both of them

Extract 25
P02: I think it's shared responsibility, not always about the woman so sometimes the guy might not be down for - I think it's a shared responsibility. So, whoever is not down for sexual interaction has to voice out that: 'I'm not down'.

The participants place responsibility on all parties involved for seeking consent, positioning both

individuals as having equal responsibility to negotiate and ensure consent. This perspective aligns with the broader discourse of affirmative consent where clear, enthusiastic, and ongoing consent must be obtained from all parties involved in a sexual interaction (Dougherty, 2018; Featherstone et al., 2024). This also represents a shift from traditional gender role expectations and challenges normative heterosexual power dynamics such as those where the man is expected to actively pursue and initiate sexual activity and the woman is expected to be passive and only respond reluctantly to such advances (Gavey, 2019; Speer, 2005). This shift also aligns with contemporary feminist frameworks that place importance on concepts like enthusiastic and affirmative consent (Turchik et al., 2016; Whisnant, 2021).

In addition, P02 positions both men and women as having equal agency and responsibility in communicating and negotiating consent. He goes on to state that it's "not always about the woman", implying that in traditional gendered discourses, women are often constructed as the party that is expected to grant or decline consent (Speer, 2005). P02 highlights that explicitly communicating lack of desire is important for both parties, not just one. While this extract emphasises shared responsibility in sexual consent, the phrase "whoever is not down for sexual interaction has to voice out that: 'I'm not down'" introduces a contradiction. Although the idea of shared responsibility suggests that both parties should actively communicate and negotiate consent, this statement places the burden of refusal solely on the person who does not wish to engage. This phrasing unintentionally reinforces the idea that it is the responsibility of the person denying consent to make their disinterest in sexual activity clear.

This tension highlights the contrast between idealized, abstract understandings of consent and the often gendered practices in which consent is communicated. By placing emphasis on shared responsibility, P02's perspective suggests that both parties, regardless of gender, are equally responsible for communicating desire and ensuring consent, thereby creating a more egalitarian framework for understanding sexual interactions. This shift challenges the traditional discourse, opening up the roles in negotiation to anyone involved, rather than restricting them to gendered positions. Ultimately, this shift acknowledges women's desire and agency, while also recognising that men can also be victimised.

In summary, participants' responses to questions regarding responsibility for seeking consent reflected varying themes, including those influenced by traditional constructions of heterosexual

masculinity (such as placing the responsibility on men/ the initiators of sexual activity), as well as more gender equitable constructions on shared/mutual responsibility. The shift towards mutual responsibility, prioritising women's sexual agency and boundaries, opens up the possibility for different roles in the consent negotiation process. This aligns with an evolving understanding of consent, where both parties are seen as responsible for communicating and negotiating consent, rather than it being only the woman's responsibility to grant or deny consent (Dougherty, 2018; Gomez Duque, 2021).

Despite such a shift, participants sometimes justified sexual actions that ignored questions of consent based on intoxication and sexual desires, in the process reducing the importance of the other party's consent and boundaries. This is reflective of the legal challenge of defining consent when intoxication is involved, as intoxication affects an individual's ability to give valid consent (Archard, 2019; Cook & Messman-Moore, 2018). This reflects broader societal discourses where women's consent and boundaries are often undermined, particularly when a man's sexual desire or intoxication are perceived as more important (Smith & Skinner, 2017).

Participants reproduced traditional gendered narratives that minimize SV in certain situations, such as when men are positioned as unable to control their sexual impulses or when manipulation or coercion are present. Consequently, such narratives contribute to the misrepresentation of what constitutes "real" SV (Littleton et al., 2018; Orchowski et al., 2022; Whisnant, 2021). These constructions reflect a broader societal failure to fully recognize and address the different ways in which SV can occur, particularly when consent is ignored or minimized in favour of male sexual desires or motivations. Legal frameworks that fail to address the full spectrum of SV, including non-violent forms of coercion, may contribute to this misrepresentation, making it more difficult to prosecute cases of sexual violence that do not involve overt force or violence (Benoit & Ronis, 2022; Fischel, 2019; Vandervort, 2018; Willis, 2020).

4.4. Discourses about Sexual Consent

Participants' descriptions of behaviours that signify consent do not exist in isolation, they are shaped by larger discourses around sexuality, gender and law (Pugh & Becker, 2018; Vandervort, 2018). These behaviours reveal how power and societal norms shape the understandings and constructions of consent. This section of the analysis addresses the third research question by exploring the discursive constructions participants drew on to construct their understandings of

consent. The broader discourses participants drew from were identified as a legalistic discourse; a discourse of traditional gender roles; a discourse of diminished responsibility; a discourse of ethics of empathy; and an alternative discourse on mutuality.

4.4.1. <u>Legalistic Discourse</u>

Participants conceptualized consent as a mutual agreement requiring explicit verbal permission. They emphasised that consent must be affirmative, meaning, an active, voluntary, and conscious decision mutually agreed upon by all parties involved. This understanding aligns with legal definitions of sexual violence, which emphasise the necessity of clear, affirmative consent (Cossins, 2019; Dougherty, 2018).

Participants strongly associated consent with verbal permission, framing it as a straightforward "yes" or "no" response. Legal definitions also require that individuals possess the mental capacity to give valid consent (Cossins, 2019; Hickman & Muehlenhard, 1999; Mark & Vowels, 2020). While participants acknowledged this requirement, their responses revealed inconsistencies when discussing situations involving intoxication. Although they recognized that consent must be given consciously, they demonstrated uncertainty when both parties were intoxicated, describing these situations as ambiguous and unintentional. This shift in perception often resulted in a removal of responsibility, with participants positioning actions as beyond their control—expressed in statements such as "it just happened."

This theme highlights how institutional values shape the discourse around consent, influencing how individuals are taught to conceptualize it and how these teachings manifest in discussion. Participants primarily constructed consent as a form of explicit, verbal, and affirmative permission, ideally given in a sober state. This aligns with established legal frameworks on consent (Cossins, 2019; Dougherty, 2018; Mark & Vowels, 2020; Muehlenhard et al., 2016). However, their responses also reveal tensions between legal definitions and lived experiences, particularly in scenarios involving intoxication, where traditional legal frameworks may not fully capture the complexities of mutual impairment and perceived ambiguity.

In addition to how the participants constructed consent in the data, participants also revealed the crucial role consent education plays in shaping attitudes and behaviours around sexual activity and respect in social contexts, particularly in institutions of higher education.

Extract 26:
P01: Umm honestly, I don't know, okay, I feel like when you are about to have, okanye let me say, after I started attending Rhodes, they taught us ba you have to ask before you do anything. You have to literally ask ba, 'can I do this?'…

P01's response came after being asked whether the interaction in the vignette was consensual. The participant directly referenced being taught to ask before engaging in any sexual activity, highlighting a shift towards active communication and moving away from nonverbal cues. This response is consistent with constructions identified earlier in the chapter and reflects the influence of traditional legal and educational frameworks of consent, which prioritise clear, affirmative communication (Cossins, 2019; Mark & Vowels, 2020). The emphasis on verbal consent positions sexual interaction as requiring explicit agreement, reinforcing the idea that consent must be actively communicated rather than assumed.

Consent education places communication at the forefront of sexual activity, aiming to reduce misunderstandings and violations while creating safer campus environments (Boonzaier et al., 2019; Featherstone et al., 2024). Both education and legal frameworks play a critical role in shaping societal understandings of consent (Turchik et al., 2016). This study demonstrates that participants' conceptualizations of consent are significantly influenced by institutional discourses, particularly those embedded in legal and educational contexts.

For instance, when defining consent in the first vignette, P01 directly references consent education at Rhodes University, noting that one must "ask before engaging in any sexual activity". This response reflects a key point of focus of modern consent education, which advocates for explicit, active communication about sexual boundaries (Beres et al., 2013; Featherstone et al., 2024; Vandervort, 2018). It marks a shift away from prior assumptions about implied consent or reliance non-verbal cues, instead emphasising the importance of clarity and mutual agreement.

As highlighted in the earlier sections of this chapter, participants consistently framed consent in terms of mutual agreement, explicit verbal communication and respect, aligning with both legal definitions and institutional policies on sexual violence prevention (Cossins, 2019; Gouws, 2018; Krige, 2021; Muehlenhard et al., 2016). The language used to construct the concept of consent in this study reflects dominant legal and social understandings of sexual rights, emphasizing the necessity of affirmative consent. Participants' responses suggest some internalization of these principles, reinforcing that this should be the normative standard for sexual interactions. This, in

turn, highlights the significant influence educational institutions have on students' perceptions and behaviours.

However, it is important to consider whether this shift is driven solely by genuine belief or is, at least in part, a response to institutional norms and expectations. The discourse surrounding affirmative consent, which emphasises clarity and mutual respect, aligns closely with legal frameworks and educational guidelines. Yet, the influence of social desirability should not be overlooked. The men participants, may express adherence to these norms not necessarily because they have fully internalized them, but because they recognize the institutional preference for affirmative consent discourse.

The emphasis on explicit verbal permission within legalistic discourse is reflected not only in participants' responses but also in institutional interventions and educational approaches to consent (Boonzaier et al., 2019; Krige, 2021; Scott & Graves, 2017). Institutional messaging, shaped by legal requirements, reinforces consent as a verbal contract rather than an ongoing negotiation embedded in social and relational contexts (Beare & Boonzaier, 2020; Boonzaier et al., 2019). This framing has significant implications because it does not necessarily challenge traditional constructions of heterosexuality, gender, and power dynamics in sexual interactions. Moreover, the legalistic approach may contribute to perceptions of social desirability, where participants articulate consent in idealized, formalized terms that align with institutional expectations, rather than in ways that fully capture the complexities of lived experiences.

By positioning consent within this legalistic framework, HEIs adopt an approach that is clear and enforceable but may also be limited in addressing the complexities of real-world sexual encounters. While participants' responses largely echoed this framework, their discussions of intoxication and ambiguity suggest that legal definitions alone may not always provide sufficient guidance for navigating consent in practice. This highlights the need for institutional approaches to move beyond a purely legalistic model and engage more deeply with the relational, gendered, and contextual dimensions of consent.

4.4.2. <u>Discourse of Traditional Gender Roles</u>

Participant constructions of consent were significantly influenced by societal norms and

expectations surrounding gender roles. These traditional roles often position men as active initiators and women as passive gatekeepers or recipients, framing how individuals interpret and understand consent and reflecting the broader cultural context from which participants draw their understandings (Gavey, 2005; Speer, 2005).

The transactional, explicit, "yes or no" framework of consent that emerged in the participants' discussions, inadvertently reflects a gendered script. This script positions men as entitled to seek or ask for sex, while women are expected to provide clear verbal consent or refusal. Such dynamics reinforce and perpetuate an unequal power imbalance, where women may be expected to constantly assert their boundaries verbally, while men may not face the same level of scrutiny (Gavey, 2005; Rerick et al., 2020). The emphasis on explicit verbal consent may overlook the complexities of coercion and power dynamics, particularly in gendered contexts, where nonverbal resistance or subtle forms of refusal are often not adequately recognized (Gomez Duque, 2021; Hirsch et al., 2019).

Furthermore, gendered roles and expectations tend to position women as passive or reluctant in sexual encounters, subjecting their responses to scrutiny, while simultaneously minimizing their capacity for sexual desire and agency (Gavey, 2019; Humphreys, 2007; Rerick et al., 2020). This results in the assumption that women must explicitly express refusal in a manner that aligns with traditional scripts of sexual agency. For instance, when P01 in Extract 04 states, "just point it out and say 'I don't want to do this'", echoes a societal expectation that women, as gatekeepers, must clearly articulate refusal. This reinforces a cultural narrative in which women are expected to assertively and clearly say "no", to assert their boundaries, rather than focusing on mutual and affirmative sexual interactions. However, this narrative fails to account for more subtle or non-verbal forms of resistance, which women may employ when feeling uncomfortable, coerced, or unable to verbalise their refusal in sexual situations (Hirsch et al., 2019).

The implications of these gendered narratives often reach the context of SV cases. When consent is framed exclusively through the lens of clear verbal refusal from women, this narrative undermines the complexity of power dynamics, particularly when factors like coercion, intoxication, or emotional manipulation come into play (Gomez Duque, 2021). The pressure for women to verbally resist in the context of sexual advances can lead to misunderstandings or victim-blaming, where a lack of verbal "no" is erroneously interpreted as consent, despite non-verbal cues or resistance. This misinterpretation perpetuates harmful stereotypes about women's sexual

agency, further marginalizing victims who do not fit the expected role of the woman who "says no clearly."

> **Extract 27:**
> P01: …for me it's mostly ummm, Thato's responsibility because in the country that we live in, rape, there's a lot of rape cases, and especially women like to be, females like to be the ones that experience this a lot, sadly. And uYolanda also was extremely drunk and uThato was drunk

In this extract, P01's response reflects traditional gendered narratives and heteronormative role expectations. The statement that "it's mostly Thato's responsibility" aligns broader societal discourses about gender roles and sexual responsibility. In discussions surrounding SV and consent, men are often portrayed as assertive initiators who bear more responsibility, especially in situations where intoxication is involved, while the woman is positioned as the passive recipient of sexual advances. This construction reinforces a paternalistic view of masculinity in contrast to an assumed vulnerable femininity, wherein men's sexual agency is normalized while women are primarily constructed as passive subjects who must either provide or deny consent (Speer, 2005). Consequently, this dynamic might lead to men carrying an undue burden to manage their behaviour, especially in SV case where intoxication is involved (Gavey, 2019; Speer, 2005). In such situations, legal and societal perspectives may disproportionately focus on male responsibility, even when both parties were intoxicated, reinforcing an unbalanced narrative of consent.

Heteronormativity, the belief that heterosexual relationships are the default or natural form of relationships (Mikkola, 2024), was implicitly present in participants' constructions of consent. The assumption of heterosexual dynamics and gendered roles in sexual encounters shaped participants' views on consent, reinforcing traditional notions of masculinity and femininity. For example, in Extract 11, P02 reveals assumptions about gender and heterosexual relationships in their statement, "when the girl is not opening her legs". This phrasing reinforces the traditional power dynamic in which women are often positioned as the gatekeepers of consent, while men are responsible for initiating sexual activity and taking the lead in encounters. It also reflects broader societal norms that define men as active agents and women as passive recipients, framing women's role as one of either giving or withholding consent through their physical actions.

Additionally, the positioning of Bulelwa as the one who should take action by "spreading her legs," as stated by P02, reflects the idea that women's bodies are positioned as passive objects in sexual

interactions. This framing implies that women's consent is either implicit through physical participation or non-verbal, rather than being clearly communicated and respected in its own right. Such constructions align with traditional gender roles that minimize women's sexual agency and treat their consent as implicit rather than explicit.

The participants in this study largely reproduced heteronormative role expectations for men and women in negotiating consent, reinforcing a paternalistic version of masculinity in contrast to an assumed vulnerable femininity. These gendered constructions leave little room for women's sexual agency or desire, positioning women primarily as gatekeepers of consent, often in ways that obscure the complexity of power dynamics and coercion in sexual interactions.

4.4.3. Discourse of Diminished Responsibility

Legalistic constructions of SV (and by extension, consent) are primarily defined by intentionality, where consent is either explicitly given or withdrawn. However, in contrast to the legal constructions, participants in this study offered justifications for a lack of consent based on mitigating factors such as intoxication and overpowering sexual desire. Participants illustrated how intoxication and sexual motivation can be used to rationalize men's behaviour. The justification that a man's arousal or intoxication led him to disregard a woman's boundaries reflects a broader cultural narrative in which male sexual desire is seen as an uncontrollable force. The use of phrases such as "sexually motivated" and "turned on" constructs male desire as an overpowering impulse that diminishes personal accountability in cases of SV.

Male sexual entitlement refers to the cultural belief that men have a right to sexual access, often regardless of the woman's wishes or consent (Hill & Fischer, 2001). This belief is embedded in societal discourses on sexual relationships, wherein men's sexual desire is frequently constructed as a biological imperative, sometimes framing it as uncontrollable or beyond conscious regulation (Hill & Fischer, 2001).

Extract 28
P02:..we can say *ukuthi* (that) we understand ummm his motivation for doing whatever he's doing because they, he was like sexually motivated so, like okay it's your first time, maybe if you were doing it for the third time, or for the second time, then I'd be like, then I have to open a case.

In this extract, P02 justifies Samkelo's actions by attributing them to sexual motivation, implying that male sexual desire can mitigate responsibility for non-consensual behaviour. The suggestion

that his actions might be excusable because it was his "first time" reinforces the notion that male sexual motivation—particularly in the context of intoxication—can override considerations of consent. The suggestion is that Samkelo's actions were driven by his emotional and sexual state, which, in turn, reduced his responsibility for respecting Bulelwa's boundaries. The phrase "controlled by his emotions" implies that when aroused, men are unable to regulate their actions, reinforcing the problematic notion that sexual desire can justify violations of consent.

More broadly, participants' use of phrases such as: "sexually motivated", "he was turned on", "he would like throw away i-instruction", "controlled by his emotions", portray men's sexual desire as a powerful and uncontrollable force, that cannot be easily suppressed. This framing not only normalizes the minimization of men's responsibility in sexual encounters but also aligns with traditional gendered narratives that depict men as biologically driven to pursue sex, regardless of consent (Rerick et al., 2020).

These constructions reinforce societal norms that support male entitlement to sex, particularly when desire is framed as instinctual and beyond rational control. The discourse of diminished responsibility, driven by arousal or intoxication, creates exceptions to legalistic understandings of SV, which emphasise intentionality and the clear withdrawal of consent. By framing men's sexual desire as an overwhelming instinctual force, participants' construction suggest that men may be excused from seeking consent, particularly when intoxicated or sexually aroused. The legalistic frameworks surrounding SV emphasise intentionality and clear consent, but participants' constructions of consent often rely on and highlight mitigating factors such as intoxication and overwhelming sexual desire. Such perspectives reinforce normative constructions of male sexuality which frame it as uncontrollable and provide justification for situations where consent is not explicitly sought or obtained. These mitigating factors reinforce traditional gender roles and the cultural narrative of male sexual entitlement. By positioning male desire as a powerful force that can override or diminish the need for consent, these discourses further complicate the legal and social understanding of what constitutes SV. This further weakens the recognition of SV and accountability.

4.4.4. Discourse of Ethics and Empathy

A discourse of ethics and empathy emerged in earlier sections of this chapter, constructing the process of negotiating sexual intimacy within an ideal framework of emotional intimacy. This emerging framework allows for understanding both nonverbal communication and coercive

circumstances. This perspective also implicitly constructs the perpetrators of SV by framing them in the context of a lack of emotional intimacy and communication failures.

P02's suggestion in Extract 11 to "check in" with their partners, asking, "Are you okay?" is to be noted. This informal yet crucial question and highlights how individuals have internalised practices for ensuring consent and regulating sexual encounters. It reflects an awareness of societal expectations surrounding what constitutes consensual sexual behaviour. In this context, consent is not viewed as a mere individual right but as a socially negotiated concept, shaped by both legal and cultural norms. The act of checking in functions not only as a personal act of ensuring mutual agreement but also as a reflection of broader societal norms that govern how sexual interactions should unfold.

Despite prevalent heteronormative views discussed earlier in this subsection, some participants' perspectives challenge traditional norms. Their responses suggest a shift toward recognizing mutual sexual autonomy and emphasise the importance of empathy and respect in consent negotiation. Instead of adhering to the gendered script of men as active initiators and women as passive recipients, these participants seem to advocate for a more egalitarian approach to sexual encounters, in which both parties share responsibility for consent and communication.

The participants' emphasis on mutual respect and emotional well-being in their construction of consent highlights a move away from traditional sexual scripts. These discussions reflect a new form of knowledge that centers on empathy and care in sexual decision-making. This emerging knowledge challenges the heteronormative framework by reconceptualizing consent as a shared responsibility between both parties (evident in previous subsection), focusing on individual autonomy, and clear, affirmative communication.

4.4.5. *An Alternative Discourse of Mutuality*

An alternative discourse of mutuality in sexual encounters also emerged in participants' discussions, creating a contrast to traditional gendered constructions of consent. In this construction, consent is understood as a shared responsibility, where both partners play an active role in seeking and obtaining consent. Participants emphasised that both men and women possess equal sexual agency, challenging the dominant narratives that position men as initiators and women as passive gatekeepers of sexual activity (Gavey, 2019). While this discourse does not necessarily redefine consent, it introduces greater flexibility in gender roles by explicitly acknowledging

women’s sexual agency. This perspective is reflected in the extract below.

> **Extract 29:**
> P03: Just because they are in a relationship does not mean she is always consenting and he should not expect like to always try, I guess be able to have sex with her regardless of whether she wants it or not. She is also a person he needs to consider that.

This discourse directly challenges the assumption that male sexual entitlement is justified and inherent within relationships. P03 highlights that consent is not automatic in intimate relationships and rejects the idea that a men should assume or expect sexual access simply because they are in a relationship. The response underscores the importance of recognizing the woman’s autonomy, shifting away from the notion that male sexual desire is an uncontrollable force that grants men implicit entitlement to sex. Instead, it promotes a more reciprocal understanding of consent, where both partners' desires and boundaries must be actively considered.

The emergence of mutuality in participants' discussions suggests a growing recognition of women’s sexual agency and a shift away from traditional heterosexual norms that frame men as pursuers and women as reluctant participants in sexual encounters. This discourse disrupts traditional power dynamics by emphasizing that both men and women should engage equally in the negotiation of consent. However, despite this evolving discourse, gendered norms continue to exert influence over how consent is understood and practiced. While some participants advocate for mutual responsibility, the persistence of traditional expectations, where men are expected to initiate sexual activity and women are expected to respond, suggests that entrenched power imbalances remain a significant factor in shaping real-world consent practices.

In summary, the constructions of consent among participants were shaped by a complex interplay of five key discourses: traditional gender roles; legalistic discourses; beliefs about diminished responsibility; the ethics of empathy and care; and mutuality. These influences often resulted in a discursive construction of consent that emphasised clarity through explicit verbal agreements reflective of legalistic values. The participants’ views on consent were frequently grounded in heteronormative frameworks, where male sexual entitlement was assumed, and women were typically positioned as the passive gatekeepers of sexual activity. In these frameworks, sexual negotiation within heterosexual relationships is not always perceived as mutual but instead shaped by expectations of male desire and female resistance.

Gendered constructions of consent serve to reproduce power dynamics that reinforce an unequal framework for understanding sexual interactions. They perpetuate patriarchal ideologies in which men are seen as active agents and women as passive recipients, overlooking the complexities of consent, coercion, and gendered power imbalances (De Vries et al., 2014; Gavey, 2005; Rerick et al., 2020; Speer, 2005). These discourses can have significant consequences for how sexual violence is perceived, negotiated and addressed, both in personal interactions and within legal systems. However, there are alternative discourses emerging challenge these traditional norms, offering perspectives that prioritise mutuality, empathy and care in sexual decision making. While the legal frameworks emphasise clarity and explicit consent, the emergence of mutuality and care suggests a shift towards more balanced and empathetic perspectives.

5. Conclusion

5.1. Summary of Findings

This research sought to explore how first-year men students at a South African university understand and construct sexual consent by using vignettes in dyad interviews. In this section, the researcher will integrate the findings presented within the previous sections of Chapter 4. I integrated how the discursive object, consent, was constructed by the participants; the roles and subject positions they use to construct the negotiation of consent; and the broader discourses participants draw from to make these constructions.

The participants were conversant with the concept of sexual consent. Their constructions of consent were layered and were influenced by an interplay of societal and gendered factors, such as traditional gender roles, heteronormative assumptions and legal and educational influences. The participants' constructions of consent align with legalistic discourses that demand unambiguous, verbal agreements to prevent coercion and ambiguity in sexual encounters.

In this context, the notion of shared responsibility in the negotiation of consent emerged, reflecting the idea that consent negotiation is a joint effort from all parties involved. This positions participants in sexual interactions as responsible and aligns with the emphasis on mutual consent in the affirmative consent model, which has been influenced by legalistic frameworks. However, this model risks oversimplifying the concept of consent, as they don't include nonverbal indications of willingness, which participants which participants reported as part of their constructions of consent.

However, participants' responses also revealed areas of ambiguity, particularly regarding consent in situations involving intoxication. Although many conceptualized consent as a mutual and ongoing process where permission is sought and where the need for active communication is emphasised, the presence of alcohol seems to complicate these perceptions. Intoxication was often seen by the participants as reducing responsibility and altering perceptions of consent, but this view was not applied equally to both genders. Assuming that men are the active initiators and are more rational, while women are positioned as the vulnerable, passive recipients. This creates tension in how consent is understood in contexts where alcohol is present. This tension is also evident in participants' reluctance to label situations as non-consensual. Phrases like "I don't want to say…" reflect a hesitancy to make definitive judgments about consent. This hesitation may stem

from broader societal discourses where consent is often blurred in the face of alcohol consumption. This discourse highlights the potential tension between societal expectations of clear consent and realities of human interactions, where context, mood, and intoxication complicate the clarity of consent.

Despite these ambiguities, participants demonstrated a consistent understanding of consent as mutual, freely given, reversible, and fully informed, echoing knowledge from institutions of learning and legal frameworks. In practical scenarios, their construction of consent seemed to depend more on subjective interpretation, which could be influenced by gendered and societal norms. These conflicting discourses highlight the tension between theoretical understandings of consent and its application in real-life situations.

The gendered nature of constructions of consent present in discussions became more apparent in the language participants used. Their reproduction of traditional constructions of gender often contradicted their initial verbal, mutual conception of consent. For example, male sexual entitlement was sometimes implied, with men portrayed as the active initiators and women as passive recipients, positioning women as the gatekeepers of sexual activity. These discourses, deeply embedded in societal and heteronormative frameworks, reinforce unequal power dynamics that complicate clear understandings of consent, particularly in heterosexual relationships.

Moreover, the findings revealed how societal expectations, often normalised through cultural discourses on masculinity and heterosexuality, can obscure responsibility in sexual interactions. This is particularly evident in situations involving intoxication, where male sexual urges are sometimes framed as uncontrollable, absolving men of responsibility for their actions. This normalization of male entitlement within traditional gender roles complicates the negotiation of consent, reflecting broader societal tensions between evolving views of sexual agency and the persistence of patriarchal norms.

While more progressive discourses that prioritise mutual respect, clear communication, and shared responsibility are emerging, they often clash with the deeply ingrained, traditional notions of male sexual entitlement and female passivity. These competing discourses indicate a shift toward recognizing the importance of mutual consent, but also a broader tension between evolving norms and expectations. As a result, power dynamics continue to shape how consent is understood and practiced, often reinforcing traditional gendered roles in the process.

The findings suggest that while there is a shift towards more progressive understandings of sexual consent, issues of power, coercion, and gender continue to complicate its interpretation and negotiation. Participants' conceptualizations of consent reveal the tension between the need for clear, mutual consent and the persistence of traditional gendered expectations. These conflicting discourses demonstrate the complex nature of sexual consent in present-day society, where societal norms, gendered ideologies, and institutional frameworks all play a role in shaping individuals' understanding of sexual rights and responsibilities.

Notably, there was an emergence of empathy and care as crucial factors in challenging traditional gendered norms around sexual consent and the negotiation thereof. This study provides valuable insights into how young men in South African universities understand and construct sexual consent. By revealing the complex and sometimes contradictory discourses these students draw upon, it highlights both progress in consent education and areas where further intervention is needed.

As universities continue to grapple with issues of sexual violence, these findings can inform more effective policies and educational programs. The demonstration of how traditional gendered scripts about consent operate alongside (and sometimes in contradiction to) more progressive understandings in participants' constructions suggests potentially fruitful avenues of inquiry that may contribute towards reshaping how the concept of consent and the processes of negotiating it can be understood and practised in higher education contexts.

5.2. Limitations and Recommendations for Future Research and Practice

While the study provides valuable insights into the construction of sexual consent and potential avenues for future educational interventions, the small sample size and focus on one university context creates difficulties for potential transferability of the findings. It limits the breadth of perspectives one could capture, potentially missing some diverse viewpoints on sexual consent among university men. It does, however, allow for in-depth exploration of individual perspectives. The small sample size limits the applicability of the findings to the broader population of university men and carries limited ability to compare and contrast different group dynamics and patterns of interaction. Even with these limitations the study does give insight into the topic and due to its exploratory nature, it provides a starting point for further research.

Future research should consider using a larger sample size for more transferable findings. Additionally, longitudinal studies could be performed to examine how these understandings change or evolve over the course of the students' careers in higher education. Furthermore, future research could explore how intersecting identities like sexual orientation can influence understandings of consent among South African students. A further avenue for exploration might also focus on - examining how university staff understand the concept of consent, as they carry great influence over what the institution passes on to students.

The internal conflicts reflected in the data underscore the need for a more nuanced and context-sensitive understanding of consent, which challenges traditional gendered discourses while promoting a more mutual, egalitarian approach to sexual interactions. Future research and education on consent must address these tensions and offer frameworks that account for the complexities of real-world sexual negotiations.

5.2.1. Recommendations for practice

Based on the findings of this study, universities could benefit from engaging students at the individual, group and institutional levels to address issues of consent and gender norms.

At the individual level, interventions focused on challenging personal attitudes towards consent and traditional gender norms using vignettes could be considered. Through the presentation of real-life or hypothetical scenarios to explore complex consent dynamics, vignettes can promote critical reflection and empathy, helping students to better understand the nuances of consent and power.

At the group level, interventions that focus on workshops and/or group discussions that allow students to collaboratively reflect on and question harmful constructions of masculinity could provide useful spaces for engagement with taken-for-granted assumptions regarding gender roles and expectations, particularly with regard to developing healthy relationship practices. Providing spaces that encourage students to co-create knowledge on consent and support the development of healthier and respectful behaviours.

At the institutional level, universities should not only adopt policies that promote consent

education and healthier masculinities, but must also actively implement and support these interventions. Policies must be paired with consistent action and student engagement to be meaningful.

For future work, it would be valuable to pilot and evaluate such programs within university settings, assessing their impact on students' understandings of consent and the social norms attached to it. Given the challenges faced by men students in navigating evolving gender dynamics, such interventions have the potential to foster more sustainable shifts in perspectives and attitudes toward gender equality, sexual consent, and masculinity.

5.3. Reflexivity

I approached the analysis of this data and the conduct of this research with an awareness of my own potential biases. I have chosen to place this section last in order to prevent it from overshadowing the study's findings, especially because my survivor status affected my journey towards getting ethical approval. Prior to my first master's thesis, I held beliefs that perpetrators have a limited understanding of sexual consent, that may potentially lead to misinterpretations and result in sexual violence. I had previously leaned toward making excuses for rape occurring in intimate settings, influenced by my understanding of gendered norms and the possibility that some men might still hold deeply entrenched patriarchal ideological orientations that result in them disregarding the agency of their sexual partners, turning these partners into victims of sexual violence. This subject position is one that I had to pay close attention to during data analysis, especially because the data shows that men do understand sexual consent and encourages the moving away from making excuses for perpetrators.

To address these potential biases, I kept a reflexive journal during the research process and engaged with my co-researcher to challenge my assumptions. I also brought in learning from my previous thesis on the topic where I was regularly challenged on my assumptions. While my lived experience required the careful management of potential biases, it also provided insight into the subtleties of consent discussions and helped inform sensitive engagement with participants.

The challenges I encountered reached beyond personal reflexivity to the institutional level. The current research was almost halted due to feedback encountered during the ethics review process. Reviewer commentary reflected problematic assumptions about survivors of sexual violence,

reproducing constructions of survivors as “grudge-bearing” and suggested that this assumed characteristic would skew the research process. This perspective aligns with well documented misconceptions regarding sexual violence and contributes to rape myths. The surfacing of such assumptions from an ethical review committee has been challenging and concerning.

Moreover, the power dynamics contained within the ethics approval process created another layer of complexity within my research journey. The committee’s response not only reflected problematic assumptions about rape survivors but also generated a form of institutional silencing. As a researcher and student, I found myself navigating an intricate balance between maintaining academic rigor and managing the fear that too critical an analysis might threaten the approval or completion of my thesis. This unpleasant experience has pointed out how institutional power dynamics can subtly shape the production of knowledge, potentially limiting researchers’ ability to fully engage with critical perspectives. The irony of experiencing constraints of this nature while conducting research on power dynamics and consent has not gone unnoticed by me. Consequently, this has further informed my understanding of how institutional power operates in academic spaces.

This type of problematic feedback highlights the need for interventions like those this research is focused on to extend beyond students to include academic staff. The experience has shed light on how institutional power structures can potentially limit the depth and scope of crucial research on sensitive topics, especially when that research might challenge existing institutional discourses or practices.

This research journey has contributed to a lot of personal growth and has further developed my understanding of sexual consent and the factors influencing its construction for certain individuals. This journey has also transformed my understanding of the institutional barriers that can impede research on sensitive topics. There is limited research in the South African context on sexual consent and sexual violence focusing on men from this perspective, this makes one question the role these institutions play in restricting the production of such knowledge.

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7. Appendices

7.1. Appendix A: Ethical Approval

RHODES UNIVERSITY
Where leaders learn

Rhodes University Human Research Ethics Committee
PO Box 94, Makhanda, 6140, South Africa
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23 October 2023

Miss Babalwa Zokoza

Email: g22z6316@campus.ru.ac.za babalwazokoza@gmail.com monkhep@gmail.com

Review Reference: 2023-7052-8111

Dear Miss Babalwa Zokoza

Title: Talking about consent and rape on campus: exploring discourses about sexual violence among first-year men university students.

Researcher: Miss Babalwa Zokoza

Supervisor(s): Mr Werner Bohmke, Miss Palesa Monkhe

This letter confirms that the above research proposal has been reviewed and **APPROVED** by the Rhodes University Human Research Ethics Committee (RU-HREC). Your Approval number is: 2023-7052-8111

Approval has been granted for 1 year. An annual progress report will be required in order to renew approval for an additional period. You will receive an email notifying you when the annual report is due.

Please ensure that the ethical standards committee is notified should any substantive change(s) be made, for whatever reason, during the research process. This includes changes in investigators. Please also ensure that a brief report is submitted to the ethics committee on the completion of the research. The purpose of this report is to indicate whether the research was conducted successfully, if any aspects could not be completed, or if any problems arose that the ethical standards committee should be aware of. If a thesis or dissertation arising from this research is submitted to the library's electronic theses and dissertations (ETD) repository, please notify the committee of the date of submission and/or any reference or cataloguing number allocated.

Sincerely,

Dr Janet Hayward

Chair: Rhodes University Human Research Ethics Committee, RU-HREC

cc: Ethics Coordinator

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7.2. Appendix B: Poster

Are you a male g24 who is interested in talks on consent & sexual violence?

We Are Looking For You!

What are your thoughts about sexual violence? How do you understand sexual consent?

Hello. We are Masters in Counselling Psychology Interns at Rhodes University, supervised and are conducting research on men first-year students' understandings of sexual violence and sexual consent.

Why participate?

1. If you are interested in talking and learning about sexual violence and sexual consent in a space with other students
2. If you would like to find out more about how others think about sexual violence and consent
3. If you would like your thoughts and opinions to assist in developing future awareness and education interventions for students like you.
4. If you would like your inputs to contribute to making campus a safer space for everyone.

Who can participate?

1. Male 1st-Year Rhodes University students over the age of 18.

What will participation require?

1. Active participation in a group discussion about sexual violence and sexual consent with 6-8 other students 90 minutes.
2. You will be asked to discuss a series of cases describing sexual interaction
3. You will not be forced to share any personal experiences or stories that you do not want to. The questions we will ask you to discuss are based on the cases, not on your experiences. You control what you share with the group.
4. You are free to withdraw from the study at any stage and to request for any information that you would not like to be part of the study to be removed.

Venue: Purple Room (Steve Biko Building)

Interested in participating? Contact us on:

Palesa Monkhe: monkhep@gmail.com OR Babalwa Zokoza: babalwazokoza@gmail.com

This advertisement has been reviewed by the Department of Psychology's Research Project and Ethics Review Committee and approved by the Rhodes University Human Research Ethics Committee. Tracking Number: 2023-7052-8111

7.3. Appendix C: Information Leaflet

Are you a male g24 who is interested in talks on consent & sexual violence?

You Are Invited To Participate In A Research Study!

Researchers: Palesa Monkhe and Babalwa Zokoza

Supervisor: Mr. Bohmke (Psychology Department)

Hello. We are Counselling Psychology Masters Interns at Rhodes University and are conducting research on men first-year students constructions of sexual violence and sexual consent.
We are particularly interested in how men students talk about and make sense of situations involving sexual interactions and the negotiation of consent, as well as why you think sexual violence happens. We want to hear what YOU have to say about this topic.

Participation details:

1. You must be a 1st Year Rhodes University male students (g24)
2. You must be at least 18 years old
3. You must actively participate in a recorded group discussion with 6 to 8 group members, for 90 minutes.
4. You will be presented with a series of cases, describing a scene in which sexual interaction takes place, and will be asked to discuss some questions about these cases
5. You must keep all the discussion held during the focus group confidential, including keeping fellow group members' identities private.
6. You will not be forced to share any personal experiences or stories that you do not want to. The questions we will ask you to discuss are based on the cases, not on participants' experiences. You control what you share with the group.
7. You are free to withdraw from the study at any stage.

Risks for harm involved in participation:

1. Sexual violence is a potentially sensitive topic, and there is some risk that the cases we will discuss might contain details which feel familiar to your own experience, or the experiences of people you know / are close to. This could be embarrassing or even upsetting.
2. Please think carefully about the likelihood of participating in this research leading to you becoming upset before you volunteer. If you think it likely that you will become upset, rather choose not to participate.
3. If at any stage during or after the research you become aware that you are feeling upset about something related to the group discussions, you are encouraged to contact the Researchers directly. Both Researchers are Intern Psychologists at the Student Counselling Centre and can provide you with support and referral information to get assistance.
4. All information shared in the group discussions will be treated as confidential. We will protect your identity as best we can by removing personally identifying information and using fake names to refer to individual participants or their opinions.
5. The discussions will be audio-recorded, with your permission. Access to these recordings and their transcriptions of them will be strictly limited to the Researchers and the project supervisor only. More details about this can be provided on request.

What are the benefits of participation?

- You will learn more about issues of sexual violence and sexual consent
- You will find out how others think about these issues
- Your thoughts and opinions will assist in developing future awareness and education interventions for students like you at Rhodes University. In this way you will be contributing to making campus a safer space for everyone!

Venue: **Purple Room(Steve Biko Building)**

Interested in participating? Contact us on:

Babalwa Zokoza: babalwazokoza@gmail.com OR **Palesa Monkhe:** monkhep@gmail.com

This research has been reviewed by the Psychology Department's Research Projects and Ethics Review Committee (RPERC) and has received approval from the Rhodes University Human Ethics Committee (RU-HREC). The Ethics tracking number for the research is: 2023-7052-8111

7.4. Appendix D: Vignettes

Vignette 1:

Bulelwa and Samkelo have been seeing each other for some time and their relationship has become sexual. One Friday, after dinner at the local restaurant Micasa, Bulelwa agrees to spend the weekend with Samkelo at his place. As their night together draws to a close at Samkelo's, they start making out while undressing each other. Their activity continues to intensify and Bulelwa asks whether Samkelo has a condom. Samkelo complies, puts on a condom, spreads Bulelwa's legs and they continue kissing passionately. After a while, Bulelwa asks Samkelo to stop. Samkelo insists that they continue since he is highly turned on and has already put on a condom. He continues to kiss Bulelwa, pins her down, and moves on to having sex with her. Samkelo does not think any further about it. After all, they are in a relationship and have had sex with each other several times before.

Vignette 2:

Thato and Yolanda broke up a month ago. They are both at a party and are drinking heavily. Yolanda becomes extremely drunk and asks a drunk Thato to walk her home. They both stumble to Yolanda's flat. Once in Yolanda's room, she mumbles something about Thato helping her change into her pyjamas. Thato helps Yolanda remove her clothes. They start kissing and go on to have sex with each other. Yolanda wakes up the next morning, naked and confused, with Thato sleeping next to her. Neither of them can remember precisely what happened the night before.

Vignette 3:

Rita and Brian meet for the first time at a bar and they immediately hit it off. Their conversation continues to flow and Rita suggests that they head over to her place for coffee. Brian drives over to Rita's and they hang out on the couch with Rita's head resting on his chest. They start kissing and touching. Things start getting heavier. Rita gets up and walks over to the doorway to her bedroom, asking Brian if he wants to join her. Brian follows her into her room. Once on the bed,

they start removing each other's clothes while making out. Brian asks Rita if she wants to have sex with him. Rita smiles, nods her head and hands Brian a condom for a drawer next to her bed. They proceed to have sex with each other.

Vignette 4:

Libo is a first-year student who has been struggling to adjust academically. She receives an inbox from one of her course tutors - a postgraduate student, Tony - who confesses his attraction for Libo. Tony suggests that they meet up at the Botanical Gardens to get to know each other better. After spending the afternoon together, Libo accepts Tony's invitation to go over to his flat for a "chill" session. As the night progresses at Tony's, Libo starts flirting with Tony a little bit and starts kissing him. While kissing, Tony reaches for a condom from his pocket. Libo asks that they stop at just kissing. Trying to convince Libo, Tony suggests that he will help improve her marks if she lets him have sex with her. He also hints that, on the other hand, her coursework might suffer if they can't get along. Still hesitant, Libo pushes Tony away. Tony tells Libo to leave if they are not going to have sex. It is quite late at night and Libo is not sure how she will get back to her Res on campus. Libo agrees and they have sex.

Vignette 5:

Naya is a second-year student, known for having hooked up with most of the guys in the rugby team. She attends a party at one of the clubs near campus to celebrate the rugby team's victory. One of her exes, Hloni, buys several drinks for her during the course of the party. After the party, Hloni offers her a lift back to her flat. Before dropping Naya off, Hloni leans in for a kiss and they start making out. As their kissing intensifies, Naya pushes Hloni away, telling him that she is tired and wants to go to sleep. Hloni gets angry, mostly because they have hooked up before, and anyway, everyone knows that Naya gets around. Besides, he has bought her drinks all night and driven her home, so it is reasonable to expect a little something in return. He refuses to unlock the car, aggressively pulls Naya closer and [continues to kiss her. Nay stops resisting Hloni's advances and he moves on to penetrating her with his fingers while insisting that she touch him. After Hloni finishes, he opens the car door and lets Naya out.

7.5. Appendix E – Interview Schedule

(repeat for each vignette):

1. Is what happened okay? What makes it okay / not okay?
2. What do you understand by the term "consent"?
3. Was what happened in the story consensual? Why / why not?
4. What does consent from a sexual partner look like? What sort of details tell us if there was / was not consent?
5. Whose responsibility is it to make sure that sexual interactions are consensual? What do you think is the best way to do this?
6. Do you think the people in the story could have acted differently? Who could have acted differently? What might they have done differently?