



Sexual Consent: An Examination of Differences in a South African Sample

Stephen D. Whitney¹ · Ronél Koch² · Lynette M. Renner³ · Maureen Etoh¹ · Tenzin Phenthok¹ · Sydney Breedlove¹ · Shannise Luebbering-Jones¹

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Abstract

The process of sexual consent is nuanced and deeply influenced by the culture in which it occurs. This comparative case, qualitative study explores the conceptualization of sexual consent in culturally diverse South Africa, aiming to understand university students' experiences with sexual consent. The interviews consisted of three parts. First, participants read three vignettes and provided their interpretation of whether sexual consent was given. In the second part, participants described a personal recent sexual encounter and elaborated about the communication, interpretation, and conceptualization of sexual consent during the encounter by responding to a semi-structured interview protocol. The third part of the interview consisted of asking participants for their personal definition of sexual consent and rape. The main themes that emerged from the data included strong traditional gender stereotypes, the importance of obtaining consent before an encounter, and a nuanced, complex understanding of sexual consent in cross-cultural communication. Limitation and future directions are discussed.

Keywords Sexual consent · South Africa · Cultural differences

✉ Stephen D. Whitney
whitneyst@missouri.edu

¹ College of Education & Human Development, University of Missouri, Columbia, USA

² Department of Educational Psychology, Faculty of Education, University of Western Cape, Cape Town, South Africa

³ School of Social Work, University of Minnesota, Saint Paul, MN, United States

Introduction

Sexual assault, rape, and sexual abuse are subject to varying definitions across different jurisdictions, as are the criteria for consent. Nonetheless, three fundamental principles generally characterize sexual consent: affirmative consent, which involves clear verbal or physical signals indicating agreement; freely given consent, which is agreement made without coercion, violence, or threats; and the capacity to consent, which refers to the legal and mental ability to provide consent (Cantor et al., 2019; RAINN 2025).

Scholars have conceptualized consent as the "freely given verbal or nonverbal communication of willingness to engage in sexual activity" (Hickman & Meuhlenhard, 1999, p. 259) and as "an internal state of willingness, as an act of explicitly agreeing to something, and as behavior that someone else interprets as willingness" (Meuhlenard et al., 2016, p. 462). These frameworks underscore that affirmative consent encompasses both verbal and nonverbal signals reflecting internal willingness, explicit agreement, and behavioral interpretation between partners.

While the principle of "yes means yes" is widely accepted, debates surrounding affirmative consent often center on ambiguous communication, such as whether silence indicates consent or which nonverbal cues signal willingness, misinterpretations of behavior between partners, and practical implementation challenges, including the frequency with which consent should be reaffirmed during sexual encounters (Beres, 2010; Farris et al., 2008).

Understanding sexual consent is crucial, as nonconsensual sexual activity violates student conduct policies at colleges and universities, state laws, and federal statutes. U.S. colleges have prioritized affirmative consent education, with nearly 800 institutions adopting related policies (Riemer et al., 2022). Despite these institutional expectations, as of September 2023, only 38 states and the District of Columbia mandated some form of sexual education (Lee & Flynn, 2025).

Article 36 of the Council of Europe Convention, known as the Istanbul Convention, mandates that "Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances" (Council of Europe, 2014). Several European countries have adopted legislation based on this consent framework. While South Africa has not signed the Istanbul Convention they have a similar law (Domestic Violence Act of 1998). The World Health Organization (2025) defines sex education as addressing the cognitive, emotional, social, interactive, and physical aspects of sexuality. Nonetheless, sex education curricula exhibit significant variability across the European Union, with content largely determined by local authorities and individual schools, resulting in minimal national standardization (Bruckmayer, Picken, & Janta, 2020). A survey of sex education practices across schools in South Africa concluded that the curriculum provided teens with an insufficient knowledge base for healthy sexual behaviors (Ngabaza et al., 2019). Although the curriculum included knowledge of reproductive anatomy, contraception, and sexually transmitted diseases, it did not include questions regarding sexual consent.

Despite the legal implications of failing to establish affirmative consent, the communication and interpretation of sexual consent remain intricate and nuanced, relying on understandings that may appear clear to some but ambiguous to others. Factors

such as culture, gender, and age significantly influence the expression and interpretation of verbal and nonverbal communication, further complicating the definition of sexual consent.

Even within a single culture, subcultures can shape the consent process. As noted by Shumich and Fisher (2018), no behavior universally signifies consent for sexual activity. In specific contexts, such as BDSM practices, consensual scenarios may involve partners verbally indicating refusal, indicating that verbal affirmation or denial alone cannot serve as a comprehensive indicator of consent. The expression and interpretation of consent may vary based on the type of sexual activity (Hall, 1998), gender (Hickman & Meuhlenhard, 1999; Hust et al., 2017; Jozkowski et al., 2014, 2017), and age (Cullen et al., 2023; Edwards et al., 2024; Graf & Johnson, 2020; Righi et al., 2021). Whittington (2021) argues that the binary conception of sexual consent—as simply "yes" or "no"—should be expanded to recognize a spectrum ranging from refusal to varying degrees of agreement with different levels of desire and enthusiasm. This perspective potentially increases the risk of miscommunication, particularly given cultural variations in verbal and nonverbal communication (see also Marcantonio et al., 2018).

A shared cultural context is essential when analyzing sexual consent. When individuals possess common cultural frameworks for communication, consent is more likely to be achieved without confusion or misunderstanding. Conversely, individuals from diverse cultural backgrounds may misinterpret each other's verbal and nonverbal signals due to cultural differences. Barna's (1994) framework on barriers to cross-cultural communication offers a theoretical perspective for examining sexual consent. Barna identifies six obstacles to intercultural communication: assumptions of similarity, contextual differences in language usage, misinterpretations of nonverbal cues, stereotypes and preconceptions, biased evaluation of communicative intent, and anxiety about potential miscommunication.

Recent research has investigated how culture influences the understanding and experiences of sexual consent (Bindesbøl et al., 2020; Dyachenko, 2023; Lewis et al., 2022; Linander et al., 2021; Waling & Moor, 2024). Dyachenko (2023) conducted interviews with young adults in St. Petersburg, Russia, identifying four themes: reliance on traditional sexual scripts, acknowledgment of affirmative consent, persistence in response to initial refusals, and the infrequency of direct consent requests. Bindesbøl et al. (2020) found through focus groups with Danish youth that sexual consent is distinguished from coercion through care for one's partner, contextualized by relationship type. Lewis et al. (2022) interviewed heterosexual Vietnamese college students and identified heteronormative dynamics in which men freely pursued sex while women risked reputational damage by consenting. Both genders could describe consent cues, yet women's refusals were often dismissed, and sexual coercion was normalized. Linander et al. (2021) interviewed Swedish adults about freely given consent within relationships, with most participants recognizing power dynamics and coercive elements, including pressure related to refusing a partner and expectations of sexual activity in committed heterosexual relationships.

While several studies have addressed the communication, interpretation, and conceptualization of consent, the cultural context of sexual consent remains underexplored. Understanding how consent is communicated and interpreted between

partners and the internal, external, and cultural factors influencing these processes is critical for determining what constitutes consent and for whom it is intended. Different cultures possess distinct verbal and nonverbal communication nuances that affect clear and unambiguous consent. These cultural communication differences may be most pronounced when individuals from different cultures engage in sexual activities. To our knowledge, no published studies have examined sexual consent within the many and varied cultures of South Africa.

To address these literature gaps, this study examines the definitions and processes of sexual consent among South African college-aged men and women. South African culture offers a unique context for studying sexual consent, as the country has 12 official languages and 38 recognized languages. The country also includes 32 different ethnic groups making it a truly multi-cultural nation (CIA, 2026).

Method

We used a comparative case study research design (do Amaral, 2022) to examine consent communication. A comparative case study offers the flexibility to uncover unique insights into individual experiences, while also providing a structured approach to exploring the core and contextual aspects of those experiences. This method serves as an effective tool for examining concepts aimed at understanding both the similarities and potential differences across a range of individuals' experiences.

The interviews consisted of three separate sections that were developed before data collection representing the study's goals. First, we asked participants about three scenarios we developed to represent (1) a fully consensual sexual encounter, (2) an ambiguous sexual encounter and (3) a nonconsensual sexual encounter (please see appendix A). Second, we asked respondents to recall a sexual encounter they experienced within the last year.

These questions assess *how* individuals interpret their partners' expressions of consent or non-consent to sexual activities; *difficulties* that individuals face when interpreting a partner's expressions of consent; *how* individuals express consent or non-consent to sexual activities; *differences* in how consent occurs in the individuals' lived experiences compared to consent training; *difficulties* that individuals face when expressing consent to a partner; *ways in which* individuals conceptualize consent communication. Finally, we asked participants for their definition of sexual consent and rape. We anticipate that cultural influences will be implicitly present within the data. In addition to the three sections above we also collected demographic data during the interviews detailing participant age, gender, race/ethnicity, and sexual orientation.

South African Sample Demographics

South African culture presents an interesting context to examine sexual consent as the country has 11 official languages and consists of a diverse range of ethnic and racial groups. Additionally, the legacy of apartheid continues to shape South Africa's

s racial dynamics, directly influencing cultural interactions, including those related to sexual consent.

Participants were asked to identify demographic information about themselves and about the sexual partner described throughout their interview. It should be noted that the information collected about partners may be somewhat less accurate given that the information is second-hand in nature. All questions pertaining to demographics were asked in an open-ended manner, allowing the participants full autonomy to describe their demographic affiliation with as much detail and flexibility as possible.

Of the 20 participants in the South African sample, six or 30% self-described their gender as male and fourteen or 70% self-described their gender as female. Participants were also asked to describe the gender of the sexual partner they discussed in their interviews. In the sample, the ratio of participants to partners was 1:1, meaning all participants discussed dyadic sexual interactions as part of the sexual encounter they described during the interviews. Of these 20 partners, participants identified 75% of partners as male and 25% of partners as female.

Demographic information collected from participants also included sexual orientation information for both participants and their partners. With regards to sexual orientation, 15% of participants (all female) described their own sexual orientation as bisexual, one female participant described their sexual orientation as queer, one male participant described their sexual orientation as homosexual, whereas the remaining 75% of participants identified their sexual orientation as heterosexual. Apart from one male-male sexual encounter, all of the remaining participants discussed male-female sexual encounters during their interviews, regardless of self-described sexual orientation.

In terms of race/ethnicity, 52% were African, 48% were Coloured, representative of the population from which they were selected. There were no White or Indian participants in the study. With regard to cultural background the first language of participants, seven of the 11 official languages in South Africa were represented, with eight participants being English, four Xhosa, three Afrikaans, three Sotho, one Zulu, one Ndebele, and one Tsonga.

At the time of the interviews, all participants were registered students at the University of the Western Cape, in Cape Town South Africa. Out of the 9 provinces in the country, the majority (12 participants (57%)) of the students were from the Western Cape, three from Gauteng, two from the Eastern Cape, one from Limpopo, one from Mpumalanga, one from Free State and one from Northern Cape.

Concerning sexual beliefs, and sexual behavior, the majority if not all of the cultural groups in South Africa are quite conservative on a cultural and institutional level although in general in the South African culture, male dominance is prevalent, especially within the cultural groups that form part of this study, it is often found that households are female led. Specifically apartheid policies led to the breakdown of black African families as many fathers were forced to leave their wives and children in rural areas to seek work in urban centers (Ramatsetse & Ross, 2023). In addition, to displacement of males, factors like parental deaths from HIV/AIDS, violence and poverty contribute to what is referred to by some as a “fatherless generation” Freeks, 2022; Ramatsetse & Ross, 2023). Grandmothers are often responsible to raise young children with fathers often being absent (Grobler & Ross, 2012). Often maternal

grandmothers become primary caregivers for their grandchildren. They typically assume this role out of concern for their children's well-being, especially in cases of unplanned or out of wedlock births (Grobler & Ross, 2012). Despite this, gender roles follow traditional patterns, with dating typically being male dominated and women generally submissive to male expectations.

However, over time this is changing and women get more active initiating intimate sexual relationships and even being the ones to start a sexual encounter.

Although sexual attitudes are driven by traditionalism, young people in South Africa are more open minded, forming honest healthy intimate relationships where all genders can initiate a sexual encounter realizing that sexual consent is a prerequisite.

Data Collection

The participants included in the sample are young adults living within a large city in the south coast of South Africa. This research was approved by the second author's university's ethics committee at the University of the Western Cape (Reference No. HS21/5/16). Before data collection, the research team met virtually to discuss interview techniques, methodology, rapport building, and strategies for handling sensitive conversations with participants.

Our sample consists of young adults aged 19 to 30. Participants of this age allowed an exploration of potential differences in conceptualizations and communication methods through the lens of age, and sexual experience level. All prospective participants were subject to one exclusion criterion: they could not be *younger* than age 19. This exclusion criterion was implemented to help certify that all participants were discussing sexual encounters that occurred after they were legal adults. The legal age of adulthood in South Africa is 18; because participants were asked to describe a sexual encounter that had occurred within the previous year, the exclusion criterion restricted participants from disclosing sexual encounters that occurred prior to the legal age of adulthood.

Participants in the South African sample were recruited through a university wide communication email. Additionally, snowball sampling was utilized to further recruit participants from within the university community. The target age-range for participants remained 19 to 30. Participants were provided with an online shopping voucher to the value of R150 ZAR as an incentive for their participation.

Interviews

Our interview process began with a concise overview, introducing both the study and the type of information we aimed to gather. Before commencing, we invited participants to voice any concerns or questions about the process. Prioritizing participant comfort, we carefully gauged their readiness before exploring topics related to sexual experiences and consent. We initiated the conversation by asking what motivated their participation, which served a dual purpose: identifying their specific interests and establishing rapport.

We emphasized that our questions were designed to understand consent processes, not to pass judgment on sexual preferences or experiences. This explicit statement

fostered a more welcoming atmosphere, encouraging participants to share openly. Participants were assured they could use language they felt comfortable with, free from the need for overly clinical or prescriptive terms. We also informed them that if any clarification was needed, we would ask directly.

The interview questions commenced following this introduction. The interviews consisted of three parts, in part one, participants were asked if three separate scenarios were consensual nor non-consensual (please see appendix A), in part two, participants were asked to describe a sexual encounter they experienced within the last year using the following prompt:

“Please describe the events leading up to a sexual encounter you have experienced within the last 12 months. A sexual encounter can be anything from kissing, making out, or groping and beyond. Be as explicit and detailed as you are comfortable. All of the responses and information recorded will be kept completely confidential. You may ask the interviewer to stop at any time.”

and in the final part of the interview, participants were asked to define consent and rape in their own words. After the interview, interviewers summarized the descriptions to ensure accuracy and completeness of the information. Interviewers took notes without interrupting during the interview.

Interviewers employed probing questions to elicit more comprehensive responses. For instance, when participants mentioned interpreting consent, they were asked to elaborate on how they reached that interpretation. This included questions about: specific cues indicating consent, how these cues aligned with consensual behavior, the reasoning behind inferring consent from these behaviors, and past experiences that may have influenced these interpretations.

This in-depth probing allowed for more precise data collection regarding participants' conceptualizations of consent, their interactions, and their experiences. At the conclusion of each interview, participants were debriefed, thanked, and asked to share interviewer contact information with potential study candidates, in line with snowball sampling methodology.

Participants were also contacted a week after the interview to enquire whether they are perhaps in need of emotional or other assistance due to any negative consequences experienced as a result of the interview process. No participants indicated such a need.

Theoretical Framework, Sensitizing Concepts, and Reflexivity

Author 1 is a cis-gendered, heterosexual American male, father to both a girl and a boy and understands the great importance of understanding sexual consent for all genders. Author 2 is a white, cis- gendered, heterosexual South African female, existing in the #MeToo era. Author 3 is a cis- gendered, heterosexual African female university lecturer who are often in contact with students who experience gender-based violence. She takes the issue of sexual assault very seriously. Author 4 is a Tibetan female, cis- gendered, heterosexual who grew up in a small town in India, and coming from a country where rape cases and abuses are alarmingly prevalent, she under-

stands the critical importance of addressing sexual consent and its role in combating gender-based violence. Author 5 and 6 are both cis-gendered, heterosexual American females. They both approach the issue of sexual assault with the utmost concern.

Our research team collectively ensured an approach of empathic neutrality throughout data collection and analysis. This concept, as described by Patton (2002), involves maintaining a non-judgmental stance while simultaneously conveying understanding and empathy to participants. This approach not only aids in building rapport during data collection but also enhances the overall quality of the research process.

In addition to employing empathic neutrality, we have committed to transparency regarding our personal views, beliefs, stances, and potential biases in our writing. Throughout the research process, we remained vigilant about our own reflections and experiences that might influence our perspective. When we identified instances where our impartiality might be compromised during data analysis, we took the following steps; first, re-examined any data that may have been collected or analyzed with potential bias, second, collaboratively developed codes within our three-author team. These measures were implemented to maintain the integrity and balance of our research, ensuring its robustness and reliability.

An important aspect to consider when discussing sexual consent is the cultural context in which it occurs. When individuals share a mutual understanding of how their culture communicates—both verbally and non-verbally—consent is more likely to be clear and free from confusion. However, when people come from different cultural backgrounds, they may interpret verbal and non-verbal cues through the lens of their own culture, leading to misunderstandings. To explore this issue, we draw on Barna's (1994) framework on the challenges of cross-cultural communication. Barna (1994) identifies six "stumbling blocks" that can hinder intercultural communication: assumptions of similarity, differences in language structure, misinterpretations of non-verbal signals, reliance on stereotypes, biased evaluations of communicative intent, and the tension that arises from the fear of miscommunication.

Protecting Data & Confidentiality

To ensure maximum participant confidentiality and data protection, all communication between interviewers, prospective participants, and active participants was conducted via encrypted email. Interviews took place on secure Zoom sessions, with participants entering a waiting room before being admitted by the interviewer. Participants were encouraged to join from private, secure locations using private internet connections.

Prior to transcription, all identifying information was removed from the interviews. Any names mentioned were replaced with pseudonyms to protect both the participant and any individuals referenced during the conversation. To further safeguard identities, prospective and active participants were assigned unique participant numbers, known only to the researchers and not shared with anyone else. All associated files and folders were encrypted and identifiable only by these participant numbers.

At the start of each Zoom interview, participants were informed of their option to keep their cameras off for comfort, an option most chose to exercise. They were also

notified that the interviews would be recorded, with audio-only versions saved in encrypted folders on the researchers' password-protected, private computers.

Data Analysis

Our study used a comparative case study research design (do Amaral, 2022) and employed an inductive, iterative, and interpretive process, incorporating constant comparison to identify themes. During the open coding phase, we found that incident-by-incident coding was more effective than traditional line-by-line coding for achieving our study's objectives.

Collaborating researchers provided robust interpretations of participants' meanings, striving to keep summaries as close to the actual data as possible.

As clear patterns emerged from initial codes, we developed more focused codes. Throughout all coding phases, we were attentive to *in vivo* codes—statements or words particular to participants' meanings. Given the personal and intimate nature of sex, such *in vivo* codes were anticipated and became integral to our coding process. These initial codes were then synthesized into the final codes using cluster analysis.

Data analysis was conducted by the authors, who have collaborated on this research study for years. We worked independently to generate codes, then convened via Zoom, in-person meetings, and email to confer about codes and themes. This collaborative approach helped achieve triangulation, strengthening the study's quality and credibility.

Interviews typically lasted 1–2 h, resulting in 10 to 25 pages of transcripts for each interview. During interviews, we logged memos to clarify information and record interviewer interpretations, which informed topics for future interviews.

Following AI transcription using TranscribeMe!, we immediately began initial coding phases. We conducted incident-by-incident coding for each interview, generating tags based on interesting, unique, or case based contextual information from the interviews.

Results

In this study, we aimed to investigate how young adults in South Africa communicate, conceptualize, and interpret sexual consent through the iterative analytical methods of a comparative case study research design. All participants were free to discuss past sexual experiences and no restrictions were made in terms of the sexual encounter as either mutual or coercive.

Scenarios

Scenario 1 was written to represent a consensual interaction between two individuals.

The names used in all three scenarios were unisex names to leave the gender of the initiator and the responder ambiguous. To a large degree the participants did agree that the scenario was consensual between the two individuals. Sixteen of the twenty participants described the interaction and mutually consensual. Five of the partici-

pants spent time trying to identify which individual was male and which was female, all twenty participants assumed the two individuals were heterosexual. When asked why it was important to know which of the two individuals in the scenario was male and which was female all participants indicated that the male is always the initiator and the female is always the responder, and this information helped them to decide if the interaction was consensual or not. This assumption that the male is always the initiator and the female always is the responder was also present in the themes when participants were describing their own sexual experiences. The four participants that did not think the scenario represented a consensual interaction focused on a lack of direct discussion before the interaction about having sex, the lack of verbal consent and the pause and pulling away that was present on the part of Alex, as an indication of a lack of consent.

Scenario two was written to be an ambiguous consensual interaction between two individuals. Five of the participants indicated that they were confused about the consensual nature of the interaction. One participant indicated that it was consensual for Taylor but not for Alex, indicating that participant viewed consent as an individual experience and not a condition of a dyad. One participant, a male, heterosexual, Xhosa native speaker who was 20 years old, said,

When Alex pulled back, she had the power to – she had the choice not to go back and continue making out with him or she could have – you understand? So, for me, definitely, she didn't really give the consent, but on this formation we can say – because there's emotions involved and it's been going on – so I would say yeah they definitely did agree.

This participant believes the interaction is consensual but recognizes that consent was not directly given. He also places the responsibility to stop the interaction on the responder, who is assumed to be female and not on the initiator, the male. Seven of the participants believed the interaction was not consensual, pointing out that there was no direct verbal communication and that Alex's pause was a non-verbal indication of non-consent. Eight of the participants indicated that the interaction was consensual pointing to the fact that there was no direct sign to stop with one participant, an English speaking, heterosexual male who was 21 years old, stating "If one accuses the other that would not hold up in court. No one can accuse someone who took something in that scenario because there was no resistance, no questions." Again, the responsibility for the refusal is placed on the responder, not on the initiator with the added requirement that a refusal must be verbalized. Another participant, a Tsonga speaking, heterosexual male who was 24 years old indicated that Alex's paused because of passion, "yeah sort of an overwhelming experience and also a nice one." Again, no responsibility is placed on the initiator to stop after the pause and communicate with the responder if it is alright to continue, it is assumed that emotion and passion are the reason for the pause. Of the seven participants that thought the scenario was consensual, five were males, with only one males in the sample indicating that it was not consensual.

The third scenario was written as an interaction that was not consensual and the participants largely agreed with only one participant; an English speaking, heterosexual male who was 21 years old saying "so she gave physical and verbal resistance but there was never verbal refusal no, "no this needs to stop" so I think it can also be

dismissed in court." Again, the responsibility is placed on the responder to firmly and verbally state a refusal to continue. The other nineteen participants all indicated that the interaction was non-consensual indicating that Alex's trying to leave was a clear sign of not consenting to the sexual encounter. Most of the participants also thought that Taylor should have been able to understand the non-verbal communication given in the interaction as an indication of not consenting. Here the responsibility for stopping is placed on the initiator and not on the responder.

Themes

During the second part of the interview, participants were asked about their own experiences of sexual consent describing a sexual encounter they had within the last year. Our comparative cases analysis found several consistent themes across participants. The first theme was also present when the participants discussed the scenarios presented during the first part of the interview, namely that males are always the initiator, and the females are always the responders. Within this theme was the assumption that males are always considered an automatic yes to sexual consent. As one participant, a heterosexual English speaking coloured female explained, "I think it's probably based on the assumption that guys are always ready for action. And that it is either the female that puts brakes on it for it not to happen or to allow it to happen." Another participant, a Heterosexual, English speaking, coloured male said, "I've never heard a man give consent. I think it's assumed that he naturally wants it." It is interesting that this finding was present across the majority of the sample given that South Africa is one of the most linguistically and culturally diverse countries with 11 official languages.

The second theme present in the interviews was gaining consent before the dyad is physically in the same space led to the best sexual encounter. Several participants explained that sexual consent was gained over text or through talking before the participants were in physical contact. A Heterosexual, English speaking, coloured male began the process of gaining sexual consent over the phone using WhatsApp. He explained that he wanted to gain consent before they got together because "... the line is very thin between actual consent and non-consent." Another participant, a heterosexual, English speaking, coloured female said.

... we had been talking about doing this, but he definitely initiated it but definitely first asked me if I was comfortable. But it's something we had been discussing for a while now, it wasn't something that was out of the blue or unexpected. We knew.

However, this theme was only present in five of the participants, the majority of the sample had experiences that were developed within an encounter that was not explicitly expected to be sexual. These encounters would start with an invitation to watch a movie or hang out and then begin with kissing and move to fondling. A minority of these encounters then engaged in verbal consent whereas most encounters developed out of non-verbal communications that had to be interpreted as either consent to continue or a lack of consent and this led to some confusion within the encounters. For example, in response to the question of whether they felt pressure to have sex, a Zulu speaking, female, heterosexual, African who was 20 years reported, "yes I did. The fact that I had already went to his bedroom and I was naked on his bed, I felt

like I really took it too far.” She indicated later that she did think the encounter was consensual but it was something that happened over the course of the encounter, “I think it was consensual eventually. Because I eventually wanted it to happen. And he wanted it to happen from the start.” Another participant, a Xhosa speaking, female, heterosexual African who was also 20 years old at the time of the interview described her first time and how she was conflicted during the sexual encounter, “I’m not sure because I was not quite sure throughout the whole process but I just told myself ‘just do it and just go home.’” In response to a follow-up question about whether or not the encounter was non-consensual she stated, “I don’t agree. I think I was just nervous, but nothing happened against my will.” A female, Setho speaking, Queer, African who was 20 years old, reported an encounter that became consensual as well,

I don’t think I responded verbally. I remember there was a little bit of internal conflict, but I was like, ‘well we’re here. So, we might as well.’ The kissing. I think I responded nonverbally as well, but I think when you’re responding to someone’s kissing. I don’t know how to explain it. But yeah. I was also kissing him back.

There were also instances of coercive sexual encounters that were non-consensual, one female who was drunk and blacked out and woke up next to a male that she did not remember being with, another where a boyfriend would pressure the female into doing sexual acts that she later regretted and a third where she felt the pressure to have sex or risk losing her boyfriend’s affection. This last participant was an English speaking, female, heterosexual, coloured who was 22 years old and stated, “mine was nonverbal. I didn’t say anything. But like I would pull away at some instances,” when replying to the question about whether she gave consent or not. Then when she was asked if she felt pressure to have sex, she stated, then I did I felt like – because I didn’t want to do it, things were going too wrong. Like he wouldn’t want to be with me anymore because I didn’t want to have sex all the time or I didn’t want to do it that specific time.

Finally, there was also a sense among some of the participants that consent occurs in the heat of the moment, where the passion of the encounter leads to non-verbal consent. This idea was reported by only one of the females in the sample but several of the males indicated this is how they thought consent occurs. The female participant, who was heterosexual, English speaking, coloured and 22 years old simply stated that her consent, “It was non-verbal and definitely just go with the flow.”

In conclusion of the findings for the second part of the interview that focused on the lived experiences of the participants, it was largely assumed that it was the males role to initiate the sexual act and the female to respond, when consent was achieved verbally before the individuals were in physical proximity to each other the encounter was seen as respectful and had the best outcomes, for most of the participants consent was on a continuum from both an enthusiastic yes, to a consent that occurred after the encounter had started and there may have been some initial confusion or conflict but the encounter was reported as consensual to encounters that were clearly coercive and two where consent was clearly not given, and non-verbal consent is considered a responsive action that occurs within the encounter.

Definition of Consent and Rape

Each of the participants were asked at the end of the interview to give their own definition of consent and of rape. Almost all the participants recognized consent as a verbal yes between two individuals. One of the participants stated, “

I think consent is yes. Whether I say it by words, or whether I show it, but you don't have to doubt – if you have to doubt whether or not I want to, then I most probably do not want to. So, to me, consent is yes, a clear yes. Not a yes when I'm drunk, not a yes when I look intoxicated. A clear yes when I'm in my sound mind and you can see that I'm in my sound mind.

This definition of a clear yes and in the majority of the cases a clear verbal yes, was not reflected within their lived experiences of sexual encounters that they described in the second part of the interview. Their lived experiences revealed a much more complex and convoluted path to consent. Rape was defined as non-consensual sex that is a continuation of the sexual act after a verbal no, as one participant indicated, “I would say after someone says no, basically, and you were still trying to go ahead with it.” Several participants also indicated that rape included force, rape is forcefully forcing yourself sexually on someone without their consent. If a person says no and you continue. Even if it's your boyfriend and at first you say no, then they must stop. If they beg you and pursue you and soften you until you let loose, I still think it's rape because you said no.

Discussion

In this study the authors examined the conceptualization of sexual consent within a sample of South African university-aged individuals. The results revealed several themes within the understanding and negotiation of sexual consent within the sample. Participants' comments on the scenarios suggested that refusal should be verbal and that responsibility for either stopping or continuing the sexual encounter rests with the responder, not the initiator. There was also some confusion in the interpretation of the non-verbal behaviors present in the scenarios.

One of the main findings in both the scenarios and in the interviews when the participants described their own experiences with sexual consent is the strong traditional gender roles present within most of the sample. These gender roles described the male as the initiator and an assumption that the male was an automatic and continuous yes to sex and therefore consent did not have to be asked of males in heterosexual encounters. Within their own experiences of sexual consent it was stated that the best outcome was when sexual consent was gained before the participants were in physical contact, this approach was seen as mutually respectful. For encounters when sexual consent was gained during the interaction there was an element of confusion and consent was nuanced. This highlights one of the main findings of the study, the lived experience of the participants rarely matches the stated pre-encounter goal of clear verbal consent communication. The gap between the ideal negotiated goal of discussing and communicating consent before the encounter and the nature of how consent is negotiated in the moment is a gap that needs further research.

There were several encounters that would not be considered consensual given the ‘always freely given’ definition found in Cantor et al. (2019), however the participants reported that they considered the encounter consensual even under circumstances where consent was pressured because of one partner being unsure or nervous or coerced because of fear of how the partner would react to rejection or that it was necessary to consent to keep their partner within the relationship. This finding is similar to Linander et al., (2021) study with Swedish adults. Finally, the definitions that the participants gave concerning sexual consent were consistent with the research literatures conceptualization of consent, but this conceptualization of consent was not present in their own lived experience.

Barna’s (1994) work on the stumbling blocks of communication within the context of different cultures provides a theoretical understanding to some of the findings. With the great diversity within South Africa as a country the assumption of similarity in verbal communication and nonverbal communication cannot be assumed individually from within different cultures.

This may be why participants indicated the best outcomes were present when sexual consent was given before the encounter occurred. Cultural communication differences, as outlined by Barna (1994), may have contributed to participants’ confusion about sexual consent. Some described encounters that they initially perceived as pressured, coerced, or uncertain but later considered consensual as the interaction progressed.

Some of the limitations of the study that should be considered concern the sample the study was drawn from. South Africa is a country with one of the largest income gaps in the world presently. This sample is also limited in the fact that no White nor Indian South Africans were included within the participants. Finally, the scenarios were written by the American authors and represent that cultural perspective. While the scenarios did seem to translate as intended where one was written to be consensual, one ambiguous and one non-consensual, there is the possibility that some of the intended context and content of the scenarios did not transfer into the cultural context of the participants. In addition, the scenarios were written to represent three consent encounters, a clear yes to consent, an ambiguous case and a clear case where consent was not given. However, future research would benefit from exploring more ambiguous cases of consent and how individuals think about such cases. Future research might also include a broader range of ages to help understand how age, specifically generational differences, and culture interact to change the concept of sexual consent.

Sexual consent is a nuanced and negotiated communication usually between two individuals. As Barna’s (1994) work illustrates, culture plays an important role in how non-verbal and verbal communication is comprehended. Future research must continue to explore cultural differences in sexual consent communication to bridge the gap between theoretical definitions and lived experiences. By cultivating a comprehensive understanding of the negotiation of consent across various contexts, we can inform policies, educational initiatives, and interventions that foster clearer, more affirmative, and mutually respectful sexual interactions on a global scale.

Appendix A: Scenarios

Scenario 1: Consent

Taylor and Alex are kissing. Alex embraces Taylor and they continue kissing, and Taylor then embraces Alex, too. At first, Taylor's hands are on Alex's back, but as they continue kissing, Taylor's hands begin moving up and down Alex's body. Alex pulls away from the kiss and pauses, then they continue kissing and touching one another until Alex pulls Taylor's shirt up – then Taylor takes off the shirt the rest of the way. Taylor steps back and pauses for a moment before pulling Alex in close and asking if Alex wants to continue making out. Alex nods, and touches Taylor's face and they resume kissing.

Questions: What are your thoughts on this scenario? Was this consensual for Taylor? Was this consensual for Alex? Why/how?

Scenario 2: Ambiguous

Taylor and Alex are kissing. Alex embraces Taylor and they continue kissing, and Taylor then embraces Alex, too. At first, Taylor's hands are on Alex's back, but as they continue kissing, Taylor's hands begin moving up and down Alex's body. Alex pulls away from the kiss and pauses, then they continue kissing and touching one another until Alex takes off Taylor's shirt. Taylor steps back and pauses for a moment before Alex pulls Taylor in close and they continue making out.

Questions: What are your thoughts on this scenario? Was this consensual for Taylor? Was this consensual for Alex? Why/how?

Scenario 3: Not Consent

Taylor and Alex are kissing. Alex embraces Taylor and they continue kissing, and Taylor then embraces Alex, too. At first, Taylor's hands are on Alex's back, but as they continue kissing, Taylor's hands begin moving up and down Alex's body. Alex pulls away from the kiss and pauses, then they continue kissing and touching one another until Alex stops again and makes a comment about how late the time is getting. Taylor leans in and pauses for a moment before pulling Alex close for another kiss, but Alex tries to break Taylor's embrace and step away.

Taylor begins kissing Alex again, and when Alex looks away Taylor proceeds to kiss Alex's neck while Alex tries to pull away and tries to make a comment about needing to leave.

Questions: What are your thoughts on this scenario? Was this consensual for Taylor? Was this consensual for Alex? Why/how?

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Data Availability Interview transcripts are confidential and it would not be ethical to make the transcripts available.

Code Availability No specific code was used.

Declarations

Conflict of interest The authors have no relevant financial or non-financial interests to disclose.

Ethical Approval This study was performed in line with the principles of the Human Subject Review Board of the University of Missouri.

Consent to Participate Informed consent was obtained from all individual participants included in the study.

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