A culture of consent - but to what extent?

A qualitative interview study in Sweden on how the legislators' ambitions to create a consent culture could be achieved and manifested in practice.

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Abstract

In May 2018, the Swedish Parliament voted in favor of a Sexual Offense legislation based on voluntariness and the new law came into force on the first of July. In the proposal to change the legislation, the government claimed that a new consent culture must be established. The purpose of the amendments is not only to achieve legal effects but also to achieve societal effects, in terms of influencing society's perceptions and behaviors linked to consent, to reduce the widespread problem of sexual offenses in society. The question of how law can regulate values in society is far from simple, and this thesis has aimed to examine how the legislators' ambitions to create a consent culture could be achieved and manifested in practice. The intention was to explore how to reach a mutual understanding about consent and how the current culture around consent is experienced in people's everyday lives. A qualitative method has been utilized, and the study has a bottom-up approach by conducting interviews with students in Sweden. Theoretically, I have used the theoretical framework of Jürgen Habermas and his theory of communicative action together with the concepts of system and lifeworld. The results confirmed previous research statements that consent is a complex concept. People have different ways of interpreting consent in sexual encounters, which can be linked to how one is socialized and the cultural structures that underlie this. The analysis pointed out how consent is not yet something self-evident in terms of communicating this. The results show tendencies towards how it could be difficult to fully achieve mutual understanding about consent. However, there is potential that legislation together with education on consent might contribute to establishing and manifesting a consent culture in practice. The challenge ahead lies in how consent should not only be an awareness but also be the basis for sexual interaction between people.

Keywords: Consent, Consent Culture, Changing Norms and Culture, Communicative Action, Lifeworld and System, Legislation, Swedish Sexual Offense law

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1. Introduction

The social movement of #MeToo shook about Sweden in 2017. The movement allowed women to share their stories and experiences about sexual harassment on social media and to empower the debate with their own experiences (Pollack, 2019:188). #MeToo received immediate attention in Sweden and was a confirmation of the extent of sexual abuse in society (Pollack, 2019:186). In recent years, legal cases where mostly men have been acquitted of rape have been debated. Many verdicts have therefore generated public reactions and debate on social media regarding the discussion of legal reforms to strengthen societal norms concerning sexuality (Holmström, Plantin & Elmerstig, 2020:1).

We are constantly reminded of numbers and statistics concerning how widespread sexual offenses are in society, which includes everything from sexual abuse, violence, and rape to offensive sexual comments (Brottsförebyggande rådet, 2021). This is still a major societal problem and it cannot be ignored. Historically, Sweden has topped the reporting statistics in Europe regarding sexual offenses such as rape. From the year 1970 until 2007, the number of reported rapes in Sweden increased tenfold (Leijonhufvud, 2008:32-33). The Swedish National Council for Crime Prevention presents statistics on self-reported exposure to sexual offenses every year. There is no denying that in 2020 was 25,000 sexual offenses reported, of which 9,580 were classified as rape. Of the self-reported rapes in 2020, 8690 were rape against women while 674 were rape against men. However, it is also a fact that many sexual offenses are not reported and that the number of unreported cases is high (Brottsförebyggande rådet, 2021). Previous research demonstrates how one-third of women in Sweden do not feel comfortable on the streets alone at night, some women even avoid going out too late due to the fear of being exposed to some form of sexual violence (Brännström et al. 2020:1). It is therefore evident that today's society is characterized by structures and norms that allow and enable sexual offenses such as rape to take place.

2. Problem formulation

In 2017, the proposal to change the Swedish Sexual Offense law was put forward. In the proposal, it was stated that: "Sexual offenses are increasing in Sweden and younger women are the most vulnerable. At the same time, too few of these crimes are reported. To reverse the negative development, both new legislation and changes in attitudes are needed" (Regeringskansliet, 2019). The Government claimed that a new consent culture must be established. A consent culture covers that sex should be based on mutual voluntariness and that sexual harassment is not something normalized (Utbildningsdepartementet, 2021). The extensive debate about consent in society and research also includes what consent is and how it should be defined. In consideration of both the scientific and legal understanding of consent, it could be defined as: "an agreement to participate in sexual activity" (Beres, 2014:374). Culture, on the other hand, can be defined as socially transmitted patterns of living, which include behavior and actions as well as the norms and values that govern people's way of being (Cotterrell, 1992:23). In this study, a consent culture refers to people's way of being and interacting with each other in sexual encounters. Sexual encounters refer to everything from any minor sexual interaction to completed sexual intercourse.

In May 2018, the Swedish Parliament voted in favor of a Sexual Offense legislation based on voluntariness. After several changes in the law, years of debate, and investigation, the new Sexual Offense law came into force on the first of July in 2018. The new law that is also referred to as *the consent law* in media, emphasizes that the limit for a criminal act is drawn on whether participation in sexual activity is voluntary or not. It states that voluntariness has to be expressed through words, action, or other means (Prop. 2017/18:77). This means that it is no longer required that violence or threats have been involved, or that the victim has been in a particularly vulnerable position. The law provided a normative function that would be more in line with the general perception of sexual integrity and self-determination. The purpose was to: "Clarify that every human being has an unconditional right to personal and sexual integrity and sexual self-determination" (Brottsförebyggande rådet, 2020:14).

Leaving aside the legal effects of the changes in the law, I want to highlight the social effects that are intended with a consent-based legislation. One intention of the law is that people's values will be affected to such an extent that a consent culture could be established. One reason behind

influencing attitudes and changing values in society is to prevent someone from committing unwanted acts such as sexual activities against someone's will (Brottsförebyggande rådet, 2020:92). A consent culture would need to be an established norm in society, which requires a shift in how people engage and act with others. Hence, the work outside the judiciary is essential, such as running campaigns and promoting consent by disseminating information and knowledge. In order to achieve and reach a consent culture, the Crime Victim Compensation and Support Authority (henceforth CVCSA) was commissioned by the government to disseminate information about the new law (Regeringskansliet n.d.). CVCSA created the campaign and website "of free will" starting in 2018, which aimed at young people between the ages of 18-25 (Brottsoffermyndigheten, n.d.). In connection with the campaign, a Sifo-survey was conducted to create an understanding of what women and men at these ages think about the law and consent. The survey showed that men and women at younger ages had different attitudes towards the law and a different view of what consent is. What emerged from the survey was a difference in how men and women interpret signals in relation to sexual activities. A majority of the respondents did not believe that the legislation would affect their own behavior (Dahlin, 2018).

In 2020, the Swedish National Council for Crime Prevention carried out an investigation of the amendments to the Swedish Sexual Offense law in 2018. The report was named "The new consent law in practice". This is the most comprehensive evaluation that has been done since the law was implemented. Through that investigation, it is possible to state that the amendments have generated visible effects in terms of increased prosecutions and convictions for rape (Brottsförebyggande rådet, 2020). However, as the intention of the law also is to bring about cultural change, it is not enough that the convictions have increased. In that sense, no later than 23 September 2021, the Ministry of Justice issued a press release stating: *"We have a consent law, but now we must also establish a consent culture and influence attitudes in-depth"* (Justitiedepartementet, 2021). This indicates that we do not yet have a consent culture in society and CVCSA has once again been commissioned to continue its efforts to disseminate information (Justitiedepartementet, 2021).

One potential challenge legislators could face when new laws are enacted or amended is that the societal changes one intends to achieve do not turn out as desired. How law can reshape or

regulate values in society is far from simple. The issue with legislation is to what extent it can be used as an instrument to influence people's everyday life (Cotterrell, 1992:45). Legislation can function as a tool to promote change in society, however, it is important to highlight that legal reforms involve a long-term process in consideration of changing attitudes and perceptions, in which the political and legal aspects only constitute one side of changing culture (Cotterrell, 1992:61). This study will not examine the legislation but rather address the connection between law and society. For that reason, four years after the amendments in the law, I intend to explore how the legislators' ambitions to create a consent culture could be achieved and manifested in practice. The intention is to explore how behaviors and expectations are constructed by norms and values that people bring into sexual encounters. This approach to consent enables me to explore what conditions are needed to create a consent culture (Popova, 2019:11-12).

3. Aim

The aim of this thesis is through a qualitative approach, conducting interviews with students in Sweden, to examine how the legislators' ambitions to create a consent culture could be achieved and manifested in practice. The intention is to explore how to reach a mutual understanding about consent and how the current culture around consent is experienced in people's everyday lives. This will be done by exploring how students perceive behaviors and expectations in relation to consent in sexual encounters, and what norms and values shape their understanding. Therefore, I will adapt a system and lifeworld perspective from Jürgen Habermas. Based on his concepts of system and lifeworld, I understand the legislator's intention to establish a consent culture as an expression of the system's ambition to influence the lifeworld. In that sense, I want to look at the process between system and lifeworld and how these relate to each other by interviewing students about their lifeworld.

3.1 Research questions

The study aims to answer following research questions:

    (1) How is consent interpreted and experienced in everyday life?

(2) How do the interpretations and experiences of consent correspond with the legislator's intention to change the culture?

(3) How could a consent culture manifest in practice and what obstacles are there to establishing a consent culture?

4. Outline

The study is outlined as follows: first, the background of the study will be presented, where the history of the Swedish Sexual Offense law, a consent culture, and law as a tool to change attitudes and behavior will be in focus. In the following section, previous research is presented together with the knowledge gap this study aims to fill. The next section describes the theoretical framework, which is based on Jürgen Habermas and his theory of communicative action, with focus on the concepts of system and lifeworld. Thereafter, the study's method and approach will be presented, together with a description of sampling, the analysis process, and methodological considerations. In the results and analysis section, the collected empirical data will be presented and analyzed. The section is divided into four different themes and is analyzed through the theoretical framework. Lastly, the final discussions and conclusions will be introduced, where a summary of the study's conclusions and answers to the study's research questions will be prominent. In conclusion, suggestions for future research will be presented.

5. Background

This section provides the background information necessary for the entirety of this study. First, an overview of the Swedish Sexual offense law is provided. Further, the amendments to the law are stated. Finally, a consent culture is defined and in relation to this, how to use the law as a tool to change public attitudes and behavior is described. The ban on corporal punishment in Sweden provides an example of this.

5.1 Historical overview of the Swedish Sexual Offense Legislation

In the last decade, many changes have been made to the Swedish Penal Code, chapter 6, on sexual offenses. Sexual offense is referred to as a collective term for the crimes of rape, aggravated rape, rape of a child, sexual abuse, sexual exploitation, sexual harassment, purchase of sexual services, and more (Polismyndigheten, 2021). The Penal Code has been changed: 1984, 1998, 2005, 2013 and 2018 was the latest amendment. In 1984, a reform was made with extensive changes to the Swedish Penal Code chapter 6. The crime of rape was made gender-neutral and rape could also include homosexual abuse. The language was also made gender-neutral and in line with the women's reform, it was also illegal to purchase sexual services. This was an important part of the work towards an equal society where both men and women should have the right to equal obligations and opportunities (Prop. 2017/18:77).

In 1998, the Sexual Offenses Committee (Ju 1998:03) was appointed to reconsider whether the requirements for violence, threats, or helplessness could be replaced by a consent model. The investigation concluded that in sexual situations with threats and violence involved, victims' usual reaction is to shield themselves or get into a state of freezing. Despite this knowledge, the requirement that threats and violence have to be used was retained. The reasons for maintaining the requirements were based on the fact that the victims could be subjected to more violations in a trial and that the burden of proof would be placed on the suspect who would risk evidence that the victim had said yes (Leijonhufvud, 2008:26-27).

In 2005, a comprehensive reform of the Penal Code was made. The penalty scales for what includes sexual offenses under the Swedish Penal Code did not interact and the demarcation between different offenses was questioned. The purpose of the 2005 reform was to "further strengthen and clarify every human being's absolute right to personal and sexual integrity and sexual self-determination, and to highlight and strengthen the protection of children and young people from being subjected to sexual abuse in various ways" (Prop. 2017/18:77). The reform entailed that the crime of rape was extended on several points. For example, the term "sexual intercourse" was replaced by "sexual act" against the background that intercourse was considered to relate to voluntary and reciprocal sexual intercourse. Concerning the requirement of threat or violence, the requirement was established as to whether the perpetrator forced a sexual act either by assault, force, or threat (Prop. 2017/18:77).

Madeleine Leijonhufvud, a professor in criminal law, was commissioned in 2008 by the Swedish Green Party to investigate the legal construction of rape as a crime in the Swedish legislation after the revision in 2005. The focus was on examining whether the law should include a model based on consent that could replace the requirement of violence and threats to be convicted (Leijonhufvud 2008:5). Leijonhufvud's (2008) investigation was directed at if the legal protection included protection for sexual integrity and self-determination in the legislation and how the Swedish legislation corresponded with international involvements such as the Swedish commitment to the European Convention (Leijonhufvud, 2008:87). Further, it also covered how well the legislation corresponded to the social perception of sexuality and sexual protection. The results indicated that the revision of the law in 2005 did not reflect protection of sexual integrity in line with how individuals in society perceive it (Leijonhufvud 2008:65). Therefore, Lejonhufvuds (2008:9) concluding suggestion after the investigation was to make amendments to the Swedish Sexual Offense law, where it should be illegal to perform sexual acts without voluntariness.

In 2013, further changes were made to the law. However, the evaluation of the implementation of the 2005 reform showed that the protection of sexual integrity and sexual self-determination had to a certain extent been strengthened. Despite this, the evaluation showed shortcomings in the legislation and its application. The 2013 revisions extended the application possibilities for the crime of rape even more. The concept of *"helpless state"* changed to *"particularly vulnerable situation"* which means that victims are in a particularly vulnerable situation in regard to intoxication or being asleep (Prop. 2017/18:77).

On the 28th of August 2014, the Swedish government decided to commission a special investigator to investigate and review rape crimes. The commission included reviewing how rape crimes had been interpreted and applied in court but also examined the need to introduce a consent-based regulatory model for rape crimes. That same year, on the 13th of November, a committee was appointed to the inquiry. The committee was named the 2014 Sexual Offense Committee and entitled the inquiry "A stronger protection of sexual integrity" (Prop. 2017/18:77). The investigation pointed at a need for a new legislation where stronger criminal law protection should be prominent. The inquiry pointed out that situations, where people have participated in sexual acts without violence, coercion, or exploitation of a person being in a

particularly vulnerable situation, should be taken into account (SOU 2016:60). This investigation led up to the latest amendments that were implemented in 2018.

5.2 The 2018 amendment in the Swedish Sexual Offense Legislation

The amendments of the law concern consent, which in the law is specified through voluntariness. Voluntariness refers to a person that has expressed voluntariness to participate in sexual activities through words, action, or other means. The Sexual Offense legislation specifies that a person is not participating voluntarily in the following situations:

1. their participation is a result of assault, other violence or a threat of a criminal act, a threat to bring a prosecution against or report another person for an offense, or a threat to give detrimental information about another person;

2. the perpetrator improperly exploits the fact that the person is in a particularly vulnerable situation due to unconsciousness, sleep, grave fear, the influence of alcohol or drugs, illness, bodily injury, mental disturbance or otherwise in view of the circumstances; or

3. the perpetrator induces the person to participate by seriously abusing the person's position of dependence on the perpetrator (SFS 2018:618, 6 chapter. 1 §).

5.3 A Consent Culture

The consent-based legislation clarifies that sex without verbal or physical consent is a crime, people who want sex need to make sure that the other person also wants to (Holmström, Plantin & Elmerstig, 2020:342). This study will be based on the definition of a consent culture, as people's ways of being and interacting with each other in sexual encounters. The ideal is that a consent culture should permeate everyday life and situations or interaction within it, and not only cover sexual intercourse between two people in a bedroom. This would include interactions with friends, family, and even strangers (Popova, 2019:154). An organization that has promoted a consent culture in Sweden is Fatta, which puts effort into contributing to the societal change that a consent culture entails. The organization promotes questions such as teaching consent in schools and the judiciary having knowledge of consent and its meaning (Fatta, n.d.).

The 2014 Sexual Offense Committee claimed that if the proposals are implemented and further followed up by education and information both in schools but also in society as a whole, they assessed that it can lead to changed norms and approaches to sexuality and sexual acts (SOU 2016:60). As a result, the government has now decided to improve the quality of sexual education in schools by making curriculum changes in the teaching of sexuality, consent, and relationships. The changes emphasize that teaching must contribute to strengthening students' ability to make independent and conscious choices. The changes in the curriculum are also because the school has an important role in contributing to the promotion of a consent culture. Young people should have the opportunity to develop a critical approach to how sexuality and relationships are portrayed through, for example, pornography. These changes will be applied from the autumn term of 2022 in primary schools, upper secondary schools, and adult education (Utbildningsdepartementet, 2021).

5.4 Law as a tool to change behavior and attitudes

Leijonhufvud (2008) argued in her investigation that legislation based on consent means that all people take a risk of committing a serious criminal act if sex is performed without consent. This indicates that all people must take responsibility for their actions and respect all people's sexual integrity and self-determination. This is central to creating a new norm formation in society, especially in consideration of younger people's sexual habits and young men's attitudes towards women (Leijonhufvud, 2008:64). The primary purpose of legislative changes is therefore to influence people's behavior. By criminalizing certain acts and implementing sanctions linked to those, the purpose is to get people to refrain from acts such as sexual activities without consent. However, the purpose of the legislation is also to be norm-setting by influencing people's attitudes towards behaviors that are not desirable (Leijonhufvud, 2008:64). How legislation defines rape and consent, might have a significant impact on how people view sexual situations. Therefore, the legal definitions are important for attitudes against what constitutes rape but also to the values people connect with consent (Popova, 2019:32).

Legislation functions not only to codify already existing customs and morals, it also functions to modify existing behavior and values in society. Law can operate as social control, and legal sanctions are used to reduce deviance and maintain social stability in society. Law can also

operate as a reflection of existing morals and norms, and as a potential social force that can influence people's behavior and beliefs. As an instrument to change public attitudes and behavior, the law involves two interrelated processes: institutionalization and internalization of patterns of behavior. By the former, it means the establishment of a norm with provisions for its enforcement, by the latter means the incorporation of the value or values implicit in the law (Evan, 1965:286). Legislation can affect behavior only through the institutionalization process, however, if that process is successful, it can facilitate the internalization of beliefs and attitudes as well.

Evan (1965) presents the function of the law as a hypothetical continuum, regarding possible resistance to enactments of new laws. When there is likely to be no resistance to the law, as the agreement between law and existing norms would already exist, one could question the need for the law. On the other hand, when there is likely to be high resistance to the law, one could expect the law to be ineffective, as nobody would act on it (Evan, 1965:287). If the law is enacted without any noticeable resistance, and if the law is between the two extreme situations mentioned above, the legal system gets involved in both an educational and controlling mission. If the educational mission is not successful, people will be forced to follow the law while not believing in it. This means that the internalization of values will not be successful either (Evan, 1965:287). The educational function is thus necessary to change forced compliance into something voluntary, the purpose is to both institutionalize new patterns of behavior and to internalize attitudes regarding the behavior (Evan, 1965:288).

5.4.1 The ban on corporal punishment in Sweden

In 1979, the prohibition against corporal punishment was implemented in Sweden (Becker, 2018:253; Leviner, 2013:156). The reform was considered a legal success as research has indicated that the lawmaker's intention with the reform has shown to be successful (Leviner, 2013:156). The purpose of the prohibition was to prevent violence against children but also had similar intentions as is now with the Sexual Offense law, to change attitudes in society and appear educational to the public (Becker, 2018:259). In order to achieve the purpose of changing attitudes about child-rearing by force, the dissemination of general knowledge and increased awareness of the law were important. What was done was not only to ban corporal punishment

but also to disseminate information to the public through campaigns, which resulted in the ban got quickly known to people (Leviner, 2013:157).

It is important to point out that the process to achieve the success of the reform was long. It included both debates and information work and the legislation underwent gradual changes that more and more reflected focus on children's right to protection from violence. When the Swedish parliament voted through the proposal for a new reform it was only the beginning of a long-term process of achieving changed attitudes in society. For the law to have the outcome it was intended for, an extensive campaign was created to inform the public about the law and its function. The campaign was named "Can You Bring Up Children Successfully without Smacking and Spanking?" (Becker, 2018:259). Various approaches were used to provide parents with advice and support through child and maternity care centers (Becker, 2018:259).

Already two years after the implementation of the law, results showed through the campaigns that more than 90 percent of families in Sweden had some form of knowledge about the law (Leviner, 2013:157). Studies demonstrated after the implementation of the ban, how the actual use of corporal punishment had decreased, which was confirmed by both parents and children who got to share their opinions and experiences. From a study in 2011, 92 percent of parents answered how it was wrong to beat a child in contrast to the tolerance of corporal punishment a few decades ago, this is a significant change in attitudes (Leviner, 2013:157). In line with the law and as time went on, these behaviors could be reduced with the emergence of new insights and experiences about raising children. Attitudes about and views on child-rearing gradually changed (Leviner, 2013:157).

The case of prohibiting corporal punishment in Sweden has shown positive outcomes but it is also a demonstration of the challenges and the long-term process of changing attitudes and behaviors in society. In combination with legislation, support, and information to families it has proven to be a successful way of changing attitudes but also to decrease the use of corporal punishment (Becker; 2018:256; Leijonhufvud, 2008:65; Leviner, 2013:159). Research suggests that combining legal reforms and public education has been proven to lay the ground for changes in both attitudes and actions (Becker, 2018:263).

6. Literature review

This section describes previous research on sexual exposure, culture, and consent. In order to grasp the topic and the scientific field in which it is situated, conducting a literature review is important to identify the main concepts and themes regarding the topic (Creswell & Creswell, 2018:30). The literature review was first conducted to understand what has been done in the field in relation to the new Sexual Offense law in Sweden. After that, the literature review got narrowed down to focus on consent and culture. The literature review is structured into themes based on relevant findings that are presented below.

The database "LubSearch" from Lund University has been used to search for literature in relation to consent. The advanced search tool was used and the criteria selected were "peer-reviewed". The search has involved articles and searches in both English and Swedish. The selected keywords was "Legislation" "Norms", "Culture", "Consent", "Sexual consent", "Consent of culture", "Consent culture", "Sexual violence", "Sweden", "Swedish". To combine keywords the words "and", "or", was used. The most relevant articles were used to access other articles using the snowball effect. As both the legislation and consent have been examined in different manners by different researchers, the literature review is not limited to a particular discipline; the aim has been to collect relevant articles independently of the discipline (Banakar, 2019:9).

6.1 Sexual exposure in a Swedish context

Sweden is internationally seen as a leader in gender equality (Brännström et al. 2020:1). Still, sexual violence against women is an extensive societal problem in Sweden but also worldwide. Mellgren & Ivert (2019:521) shows in a study how worrying about being exposed to sexual violence is a widespread problem that affects everyday life, particularly for women. Statistics both in Sweden and internationally demonstrated that women are overrepresented as victims regarding sexual offenses. As emerged from a survey conducted by the European Union, Sweden together with Denmark were two out of 28 countries where most women had reporting being exposed to sexual harassment (Mellgren & Ivert, 2019:513). In another study on university student's experiences of sexual harassment in Sweden by Mellgren, Andersson & Ivert (2018) they found that one out of four women who participated in the study had been exposed to sexual harassment in public spaces and that these types of actions had become an normalised part in

many students lives. Further, Mellgren & Ivert (2019:523) raise the issue that not enough attention is given to the fact that fear of crime is often connected to the fear of sexual offenses. Young women between the ages of 16-24 in Sweden had concerned about becoming a victim of sexual offenses and 40 percent of the women in their study had been worried about such vulnerability.

6.1.1 Rape culture

Within the feminist theories, a rape culture implies a connection between sexual offenses and culture in societies. This means that people live with a fear of either being subjected to sexual violence or being raped. A rape culture could be defined as a set of social beliefs which creates an environment that normalizes sexual violence and rape. Rape cultures are characterized by attitudes such as *"victim-blaming"*, "slut-shaming", and "normalizing sexual violence". For instance, blaming the victim for being too drunk or lightly dressed, accusing a person who has multiple sex partners, or that sexual violence against women is tolerated and the behavior is being excused (O'Neal, 2019; Popova, 2019:25). The rape culture encourages attitudes and an environment where saying yes to sex is easier than saying no (Popova, 2019:21). In line with this, rape myths are also social beliefs about sexual violence that enable justifying such behavior. Rape myths such as what rape is, who is a victim, and what behaviors are appropriate, lay the ground for a rape culture (Popova, 2019:23). These myths exist due to both cultural and historical grounds related to gender roles and patriarchal structures. These myths involve that men can be sexually provoked, that the perpetrator is always a stranger and that rape needs to be violent (O'Neal, 2019).

Despite the widespread problem of sexual violence and rape in Swedish society, research demonstrates that the propensity to report such crimes has been low. This might be based on that both rape myths and victim blaming are two aspects that have characterized society mainly through media reporting but also based on the mistrust that both the legal system and the police have instilled (Leijonhufvud, 2008:38). Before the Sexual Offense law was amended in 2018, the law still reflected that the victims bear the responsibility and needed to resist strongly in situations of vulnerability, to protect their sexual integrity and self-determination (Leijonhufvud, 2008:76). It was often stated in connection with rape reports that victims were met with mistrust

from the police during the report or interrogation. This is based on the fact that the police have conveyed an attitude that suggests that proving rape could be difficult and that the cases will probably be closed (Leijonhufvud, 2008:38). The propensity to report rape is characterized by both social and cultural factors but also by the treatment one receives from the police or the judiciary (Leijonhufvud, 2008:45).

6.2 Consent

In the field of legal research, there is extensive research on consent that covers the pros and cons of the legislation, how such legislation should be designed, and the outcome of the legislation after its implementation (Gunnarsson, 2020:25). This study does not have a legal direction, and will therefore include research beyond the legal field. A prominent researcher on consent is the sociologist Melanie Beres, who, amongst others, emphasizes that there has been a lack of clarity in how consent has been defined in research (Gunnarsson, 2020:25). It can be stated that the concept of consent has various definitions in relation to sexual encounters. In consideration of previous research, it can thus be described as "being an agreement to engage in sexual activity" (Beres, 2007; Holmström, Plantin & Elmerstig, 2020; Gunnarson, 2020; Muehlenhard et al. 2016).

In previous research, consent is explained as something that historically has been taken for granted and assumed to be common sense (Beres, 2007:93; Johansson, 2018:312). Further, consent is linked to and influenced by the cultural context. The context could affect how people are socialized and understand consent (Johansson, 2018:319). Dominating research on sexual consent also demonstrates how young people tend to be influenced by sexual scripts, which could be defined as guidelines for how to behave in sexual encounters. Sexual scripts can be described as a form of social construction, as sexual behavior is something socially learned. The concept was first introduced by the sociologists Gagnon & Simon, who highlighted an understanding of sexuality as something cultural and social rather than biological (Holmström, Plantin & Elmerstig, 2020:345). Empirical research is vital to enhance the understanding of consent and especially in relation to reducing sexual violence (Beres, 2007:94). As Johansson (2018) emphasizes, "sexual consent, its social implications, and how it is understood in context is under- researched and under-theorized" (Johansson, 2018:312).

6.2.1 Interpreting and communicating consent

In addition to how consent can be defined, there are also discussions about how it should be interpreted and communicated. Research shows how communicating consent is somewhat complex, as it is tied to different contexts. In the U.S. context, several survey studies have been conducted with students in order to create some form of understanding of how consent is communicated. The results are not unexpected in showing that consent can be interpreted and experienced differently depending on the person and situation (Glace & Kaufman, 2020; Miller, 2020; Righi et al. 2021).

Emily Setty (2021) investigated young people in England's interpretations of sexual consent. The findings indicated that young people's sexual cultures differed and that traditional gender norms and sexual scripts influenced their attitudes against sexual consent. This study touched on the importance of communication. Since there are complexities in interpreting and understanding consent, the participants felt that clear communication of consent or non-consent was important (Setty, 2021:338). However, it is evident that consent tends to be communicated through body language and non verbally, rather than through direct communication (Setty, 2021:332). The overall findings imply that the participants in the study had awareness and reflections of consent, the understanding of consent was thus dependent on the context. However, it emerged that unwanted sex can be linked to masculine and feminine norms (Setty, 2021:342), and that women are often blamed for non-consensual sex due to not expressing clear communication of non-consent or for being misleading through acting and behaving (Setty, 2021:332).

A study conducted in Canada, showed in contrast to Settys (2021) study, that having a conversation about consent was only reported by 39% of the participants. The majority believed that there are situations where consent is not important or required. Even if some people did understand the importance of communicating consent in sexual situations, some attitudes and behaviors that could be connected to sexual violence still emerged (Palermo et al. 2022:261-262). For example, the participants did not perceive various behaviors as coercive or violent, such as men had convinced women to have sex even if she said no (Palermo et al. 2022:263).

6.2.2 The importance of education and knowledge

In the U.S context, several college campuses have incorporated affirmative consent policies to prevent sexual assaults. The policies require that people who want to engage in sexual activties need to obtain a voluntary "yes" from the partner before performing the act (Miller, 2020:173). Miller (2020) found in her study that the students were generally positive toward an affirmative policy. However, affirmative consent policies could be something difficult to adjust to as expressions of consent, such as asking for a yes, were experienced to be awkward and did not correspond with social norms in sexual situations. Even though the study found support for the policy, some results indicated doubts about its efficacy. One reason for this was that such policies might go against traditional sexual scripts to behave in sexual situations. It might not be enough with an affirmative consent policy to change sexual behavior, instead, cultural changes in how to behave in sexual situations might be necessary (Miller, 2020:180).

As was evident from the case of corporal punishment, Miller (2020:174) also touches upon the fact that policies or legislation that intend to change rooted behavior could be difficult to enforce and it is a long process that can be met with resistance. Miller (2020) demonstrated that education is an important tool for changing attitudes regarding consent, as the people who had received education regarding sexual assault and consent, had a more positive approach towards the policy. In similarity, Palermo et al.'s (2022) study showed that students still hold problematic attitudes to consent in sexual situations. Therefore, education on consent and sexual violence is important to provide individuals with knowledge of giving and obtaining consent in interactions with other people, both in relationships but also in situations of intoxication (Palermo et al. 2022:263-264). Another study that examined sexual knowledge and attitudes against sexual behavior pointed out that knowledge about sex matters for how one would accept negative social norms from the surrounding. The more sexual knowledge one has mattered for the acceptance of rape myths (Aronowitz et al. 2012:179). Even if knowledge and information are not enough to generate changed behavior, studies emphasise that sexual knowledge is important to change negative social norms (Aronowitz et al. 2012:179; Svensson et al. 2019:76).

6.3 Consent in a Swedish context

Regarding consent in a Swedish context, there were mostly two articles found that are of relevance. These studies investigated how consent is experienced and resounded. Through these studies, consent could be described as "an agreement to engage in sexual activity" and "when both are into it" (Linander et al. 2021; Holmström, Plantin & Elmerstig, 2020). Linander et al. (2021) carried out a study to analyse how sexual consent was experienced and understood by adults in Sweden in relation to the concepts of power and subjectivity. Holmström, Plantin & Elmerstig (2020) carried out a similar study but with a focus on young peoples reasoning on sexual consent in Sweden. The study investigated how sexual consent and negotiations were understood by young people, with a focus on norms and gender in connection to sexuality (Holmström, Plantin & Elmerstig, 2020:1). What emerged from both studies was the description of consent as an interactional process in sexual encounters. If one has been making out with someone and then agrees to go home with the person, it is described as a process, starting at the time two people approach each other. In that sense, consent is understood as an interactional process, "where one thing leads to another". This usually happens without any form of communication about the expectations of the interaction (Holmström, Plantin & Elmerstig, 2020:349). Instead of asking straight out for consent, it is a process of performing actions such as going to bed early or going to bed and cuddling (Linander et al. 2021:119).

6.3.1 Challenging a sexual script

A recurring theme in previous research is the difficulty of challenging traditional sexual scripts of how to behave (Holmström, Plantin & Elmerstig, 2020:352). Holmström, Plantain & Elmerstig (2020) showed through their study that the participants argued that following someone home after a night out could be an indication of wanting sex and that this is something most people would agree on. However, most of the participants acknowledged that such perceptions of consent are wrong, their own reasoning showed how the option to say no to sex in such situations could be difficult. "Considering a 'No' is associated with negative feelings, since saying 'No' at that point is seen as going against a mutually assumed script" (Holmström, Plantin & Elmerstig, 2020:349). Therefore, challenging an assumed script in sexual encounters increases the risk of experiencing social consequences such as awkwardness, which relates to "feelings of

vulnerability in relation to expectations in casual sexual encounters" (Holmström, Plantin & Elmerstig, 2020:349). The participants in the study stressed the fact that the other person might experience disappointment, rejection, or even become angry or aggressive. Linander et al. (2021) demonstrate the difficulties of interpreting consent from another perspective. They argue that when threats or violence are involved in sexual situations, it complicates the interpretation of consent. This is explained as that behavior and actions could be based on coercion that is socially produced rather than interpersonal for the individuals in question. For example, young people tend to have sex because that is the "normal thing" to do at a certain age (Linander et al. 2021:111), which indicates that one acts based on what is expected in the situation and that these underlying expectations are difficult to challenge.

The difficulties of challenging sexual scripts could be related to the possibilities of expressing "No" could be limited. The participants showed that consent is often assumed in sexual situations until non-consent is phrased (Holmström, Plantin & Elmerstig, 2020:350). Even though it was a common perception among the participants that a sexual situation between two people is a mutual process, that consent is necessary and that a expressed "No" had to be respected, they also expressed contradictory expectations and norms. This illustrates the complexity of interpreting consent in sexual encounters. Linander et al. (2021) highlights similar patterns in their study, that choosing to consent to sex even though you might not want to, but also vice versa, that you sometimes say no to sex even though you want to, is because of the social consequences that can arise from the actions (Linander et al. 2021:117).

6.3.2 Grey-zone experiences

What emerged from previous studies was the situation of "grey-zone experiences". This refers to situations that in some sense are problematic without violence being used. A "grey-zone" situation could for example be "sex on the wrong premises", when people consent to sex even if they felt unsure about the desire of wanting sex (Christianson, 2015:778; Linander et al. 2021:113). In the same manner, young men and women tend to respond differently to how coercion is understood in relation to sexual encounters (Holmström, Plantin & Elmerstig, 2020:2). The process of consent can be difficult when people have different views on what is

socially accepted and what is not. Especially when the boundary between consent and non-consent is not mutually between people (Linander et al. 2021:117).

A common pattern was also when participants were in long-term relationships they often agreed to sex even if their partner had been nagging, pressured, or repeatedly asking for it. However, this is not always experienced as abuse (Linander et al. 2021:114-115). What also emerged from the study by Linander et al. (2021:120) was sex as taboo and the participants emphasised on communication as an important tool for social change in relation to this. If the taboo would be broken, communication in terms of personal preferences and clear communicated consent or rejection were important. At the same time, Holmström, Plantin & Elmerstig (2020) illustrates how saying no to someone can also feel embarrassing, it was described as a "mood-killer". It also turned out that sexual consent negotiations were usually communicated nonverbal, through body language or other gestures (Holmström, Plantin & Elmerstig, 2020:8).

In summary, both Holmström, Plantain & Elmerstig (2020) and Linander et al. (2021) showed that the young people and the adult's reasoning on consent could be in line with the new Swedish Offense law definition of consent. This is in terms of how the focus should be on how consent is expressed rather than how non-consent is expressed. The participants in Holmström, Plantain & Elmerstig's (2020) study supported the aim of the new law, in the sense of understanding consent as an interactional process, where both parties involved have to express consent and agree on what will happen in the sexual situation. At the same time as the new Sexual Offense law has been noticed among young people, the issue of how the awareness of sexual consent is practiced in everyday social situations is still unanswered (Holmström, Plantin & Elmerstig, 2020:13).

6.4 The knowledge gap and position of this study in previous research

Consent is somewhat topical, both in the general debate and in terms of legislation. However, research shows that consent and sexual situations are more complex than the legal interpretation of it. The understanding of consent needs to be expanded into different contexts and subjective experiences are important for understanding the culture in society. Through this literature review, I have been able to identify a need for a greater understanding of consent and the values and norms people carry into sexual encounters, not least in a Swedish context and from a socio-legal perspective.

Consent in a Swedish context has mainly covered how people understand and interpret consent and how it is communicated. This has mostly been presented from a perspective of gender or power. The findings from the studies are of importance for this study, as I have found a gap in the literature by moving away from analyzing consent from a gender or power perspective and approaching it from a system and lifeworld perspective. In the same manner, it could also be a limitation to have a quantitative approach in research on consent, regarding being able to explore the cultural and social factors in the complexity of human interaction, especially regarding sexual encounters. In that respect, I agree with Beres (2007) who believes that qualitative research is important in terms of consent, in order to capture the context. Accordingly, there is a lack of research regarding how legislation can affect people's norms and values around consent. As previous research demonstrated how consent can be interpreted differently by people, I intend to fill a knowledge gap by providing empirical material on how people can reach a mutual understanding of consent and thus how a consent culture could be established. Therefore, this study contributes to the societal discussion about consent, at the same time as it contributes additional knowledge about how legislation can affect norms and values in society.

7. Theoretical framework

The following section presents the study's theoretical framework which is the starting point in the analysis. The section explains the meaning of Jürgen Habermas's theory of communicative action and its different positions, above all the concepts of system and lifeworld are explained. To understand the interpretation of consent in everyday life, Jürgen Habermas's theory of communicative action is used as a framework for further insights into the concept of consent. It allows me to approach the relation between how the law defines consent and how it operates in the students' everyday life. His theory is applicable to understanding how the process between system and lifeworld functions and affects human action (Deflem, 2013:78), which allows me to understand how the students' interpretations and experiences of consent corresponds with the intention to create a consent culture. Habermas seeks to go beyond the objective view and description of society and individual actions, which is what I intend to do as well by examining subjective descriptions and interpretations of consent. To see how the adoption towards a consent

culture proceeds, I need to know something about people's social conditions in their lifeworld. Using this theory contributes new knowledge on how people can reach a mutual understanding of consent, as the complexity lies in how people can interpret it differently. Therefore, utilizing the concepts of system and lifeworld provides a novel insight into the research on consent, how a consent culture could manifest in practice, and what obstacles there are.

7.1 Communicative action

Jürgen Habermas is a German philosopher and sociologist. His works have contributed to combining philosophy and sociology to develop a theory of societies in modern and late-modern times, while also having a critical attitude towards the challenges societies face (Deflem, 2013:75). Habermas has developed a "two-level" theory about modern societies; he intends to integrate both the action-theoretical and system-theoretical perspectives of sociology of law. Habermas's theory of communicative action allows me to approach the study of law in society rather than law and society, as his theory contributes to the study of the former (Deflem, 2013:79). Habermas brings up and differentiates between two concepts of rationality. On the one hand is cognitive-instrumental rationality: that is oriented at the successful realization of certain goals. On the other hand, communicative rationalization is oriented towards interactions between actors to reach mutual understanding. Furthermore, Habermas means that interactions between people are symbolically mediated by using language (Deflem, 2013:79).

Through his theory, Habermas tries to encompass the concept of system and lifeworld (Carlsson, 1998:65). He divides human actions into two forms: goal-oriented action or understanding-oriented action. The division of these is based on the societal perception of the system and lifeworld. The lifeworld is a context for communicative action, while systems are a context for goal-oriented action (Gytz Olesen & Møller Pedersen, 2000:183). For my analysis, the starting point is the concepts of system and lifeworld that together create communicative action.

7.1.1 Lifeworld
Habermas describes the lifeworld as the "whole of cultural values, social norms and socialization patterns that often is unquestioned among actors and that, in fact, enables interactions to take

place" (Deflem, 2013:80). The lifeworld can be described as people's everyday lives which are maintained through communication. The intention is that people can achieve a mutual understanding of the world, which is what Habermas calls the communicative action (Carlsson, 1998:65). Communicative action should therefore be understood on the basis that people do not perform actions due to egocentric intentions, but through the intention to achieve common understanding (Habermas, 1996:99). Communicative action, therefore, intends to achieve a mutual understanding that entails interaction, solidarity, meaning, and identity for people. The social integration that is necessary for people to function together in the lifeworld is achieved through consensus building. The lifeworld is therefore fundamental for people's processes of understanding. This means that individuals may also meet other people's understanding and lifeworlds and must thus renegotiate their own understanding (Habermas, 1987:120).

The lifeworld itself should not be understood as a system and it cannot be limited to one area, the lifeworld is best understood by looking at the concepts of resource and horizon. "It is the linguistic, social and cultural resources we use and the linguistic, social and cultural horizon we move within when we act in an understanding-oriented way" (Gytz Olesen & Møller Pedersen, 2000:184). The lifeworld can be seen as contextual, containing interpretive patterns for communicative action, which means that language and culture are the foundation of the lifeworld (Gytz Olesen & Møller Pedersen, 2000:184). The lifeworld encompasses the larger context of meaning that makes it possible for actions to be understood. It is covered by the horizon of experiences and knowledge that people possess and from which their actions are structured. The lifeworld is therefore a socially created horizon of understanding, from which people interpret the world. However, the lifeworld can be expanded by gaining new experiences and knowledge, which enables people to understand more and act in different ways. The lifeworld is something that can be actively shaped and reshaped (Habermas, 1987:135)..

The less people act by consensus, the less they can also rely on common situational awareness between themselves and other people. Instead situations become dependent on the individual's own interpretive abilities. In situations that are not sufficiently normatively integrated, in the sense that they have been created through traditions and guaranteed by consensus, people need to try to reach some form of overlap between their different interpretations in common situations

(Habermas, 1996:104). Furthermore, Habermas speaks of communicative rationality. Communication is something that is oriented towards both the subjective, social, and objective world, in that communication always has the purpose of creating understanding with someone about something. Habermas, therefore, believes that a person's claims can be judged to be correct or valid in relation to three rationality criteria: truthfulness, correctness, and truth. These criteria may or may not be accepted by a listener but it is in this process that communicative rationality develops. Rationality is then based on whether mutual understanding can be achieved or not (Carlsson, 1998:55). Communicative reason can then function as a tool for changing people's lifeworlds. If a person's lifeworld is reason-oriented, there is an openness to new knowledge and reflection (Habermas, 1987:135).

The communicative action thus works in the way that it helps people to transfer and renew cultural knowledge in order to be able to coordinate the actions in the lifeworld and it is through this that social integration and solidarity can be established in society and people's lifeworld. Habermas therefore believes that the process of cultural reproduction, social integration and socialization are the structural components of the lifeworld that can be transmitted to: culture, society and person (Habermas, 1987:137-138). Culture is the knowledge that people in their communication use for interpretation to reach a common understanding about something in the world. Society refers to the legitimate orders, where people regulate their memberships in social groups to reach solidarity. Personality is the competence that makes people capable of acting and speaking and by participating in the process of reaching understanding but also to claim their own identity in a group (Habermas, 1987:138). Culture is an important factor in society as it supplies society with values. When the values are institutionalized, individuals can be involved in the process of reaching mutual understanding and also correspond to normed expectations of how to act and behave in certain situations (Habermas, 1987:140).

7.1.2 System

According to Habermas, it is important to point out that society does not only consist of the lifeworld, society is organized and shaped by systems as well. Habermas argues that modern society has become differentiated. Unlike traditional society, modern society consists of various

subsystems that have important societal functions. Examples of such systems can be the legal system and the educational system (Gytz Olesen & Møller Pedersen, 2000:185-186).

In contrast to the lifeworld, a system is characterized by instrumental action with a focus on goal orientation. Such actions must be rational, which means that the action is rational when it has the effect of living up to what was expected of it, which according to Habermas is referred to as instrumental rationality. This also means that the system includes other actions than the communicative one that takes place in the lifeworld. The systems are governed by a different type of rationality and not a mutual understanding through communication (Gytz Olesen & Møller Pedersen, 2000:186). Instrumental action can also include actions that are directed at other people in interactions, this is called strategic action. This means that the actor who performs an act assumes that people in the environment act on the same premises as himself. Through the goals that people have, they try to relate to and influence others' decisions. Both instrumental and strategic action can be likened to egocentric actions, with the help of linguistic means one can instrumentalize a certain behavior for one's own gain (Engdahl & Larsson, 2011:45).

The most common systems are the market (the economic) and the state (the political). The actions in these systems are governed by money and power, which is called steering media. The rationality of systems can thus be beneficial, as it can be used to question practices that are taken for granted in the lifeworld (Habermas, 1996:100). The political system creates the opportunity to achieve collective goals through political power. The legal system is the system that maintains basic norms and thereby creates the conditions for coordination and solidarity in society. The education system, such as the school, characterizes individuals with values in order for basic norms to be followed (Engdahl & Larsson, 2011:260). Power is therefore the steering medium used in politics and power is often manifested through legislation. The legal system, in turn, is obliged to comply with obligations to create and maintain coordination of actions. The political and the legal system can take the help of education systems, such as schools, to influence people's actions and behavior (Engdahl & Larsson, 2011:261).

7.1.3 The legal system

Habermas refers to the law as an institutionalization of norms where the legislation is a political function and that political authority is in some sense; legal-rational. An important function of law is its intimate connection with morality. Even if the basis for systems is the instrumental criteria of efficiency, laws also need moral justification and support (Deflem, 2013:81). Both legal and moral norms function to resolve problems in the lifeworld, such as social integration. What separates them is the level of formalization and institutionalization. Moral norms are embedded in the lifeworld, however, they are not characterized by coercive power as legal norms. Therefore, to guarantee the authority of legal norms, legislation is associated with the political system, which ensures the enforcement of law and that administration is effective (Deflem, 2013:84).

Legislation has an important role in establishing procedures that can ensure legal norms coexistence in societies of plurality. Legislation needs to guarantee that norms coordinate social action and secure integration in the lifeworld. In that sense, the legal institutions are part of the societal components of the lifeworld (Deflem, 2013:85). Legal norms can also become moralized by people in the lifeworld (Habermas, 1987:365). As law as a system operates based on instrumental efficiency, regardless of how well intentioned a law is, it still to some extent encourages people to relate instrumentally rather than communicatively to each other by acting as law followers (Deflem, 2013:84).

7.1.4 The relationship between system and lifeworld

According to Habermas, one should strive for a society where there is a balance between systems and the lifeworld, in the way that communicative action needs to be guaranteed while systems need to be maintained. For the law to achieve the purpose of changing the culture, this is dependent on people's communicative actions in the lifeworld. The relationship between these two can therefore be considered complementary, even if their functions are different. Over the course of history, these two have undergone changes, and two important concepts for these changes can be summarized in a rationalization of the lifeworld as well as an increase in complexity in the system (Gytz Olesen & Møller Pedersen, 2000:187). The more the lifeworld develops and expands rationality, the systems are also differentiated. As the systems operate

based on money and power as steering media, this affects the lifeworld in a form of "reification of the communicative structures of the lifeworld", which Habermas describes as a colonization of the lifeworld (Gytz Olesen & Møller Pedersen, 2000:187). This means that the steering media such as power and money affect culture, integration, and socialization. People's actions are then influenced in the direction of appearing goal-oriented instead of understanding-oriented. The consequences of this create subjective perceived identity crises and meaninglessness, which threatens the cohesion of society in general (Carlsson, 1998:66-67). The spheres of system and lifeworld need to be understood in relation to each other, through the process of colonization for example. The interaction I am interested in, however, is when the system acts as an intermediary and intervenes in the process of changing people's way of being and interacting in their everyday life.

7.2 Theoretical reflections

For the aim of this study, Habermas' theory becomes important by acting explanatory. My interpretation of the theory includes that the system is related to the legal context consisting of formal documents such as the written law and what is meant by consent in a formal sense. The lifeworld consists of people's everyday life and the norms and values that shape their understanding of consent in interactions with other people. The legal system originates from and has its basis in the lifeworld, in the sense that the system draws support for norms and values from the lifeworld (Anleu, 2009:48). From that point, I understand the legislator's intention to establish a consent culture, as an expression of the system's ambition to influence the lifeworld. The legal system has a formal view and legal language of voluntariness and consent, which makes it important to investigate how people interpret and experience consent in their everyday life. I intend to use Habermas concepts of system and lifeworld, on the one hand, to see how the legislation could have an influence on or strengthen the communicative action in the lifeworld by looking at the relation between system and lifeworld. On the other, I seek to approach peoples' lifeworld and the norms and values within it in order to understand the current culture around consent.

8. Methodology

This qualitative study has a social constructivist approach (Creswell & Creswell, 2018: 8) as I examine subjective descriptions and interpretations of consent. The study has an empirical direction, and therefore semi-structured interviews were chosen as a method to collect data. This section presents a short description of the methodology and method for data collection. After that, the sampling strategy is presented and the analysis process described. Furthermore are ethical considerations, reliability, validity, and reflexivity presented in relation to my study. Methodological discussions and considerations will consistently be shown in the section.

8.1 Qualitative approach

For the aim of this study, a qualitative research approach is utilized. A qualitative research approach together with semi-structured interviews allows me to explore and understand subjective descriptions of the phenomenon and generate in-depth knowledge. It also makes it possible to integrate the context and discover a nuanced and comprehensive understanding of consent in people's everyday life. It is therefore of importance to capture how individuals perceive and interpret their social reality (Bryman, 2011:41). Concerning the qualitative approach, I am conducting a bottom-up study (Banakar, 2019), by conducting interviews to understand how ordinary people experience and interpret consent. It is also of relevance to see how their understanding adapts to their everyday life, where relationships and interactions with other people are shaped. Accordingly, there are some limitations. Conducting interviews with a few people complicates the process of being able to create generalizations of the data material. Therefore, my intention is not to collect material that can be generalized but rather collect material that can give an in-depth understanding of my topic.

The choice of a qualitative approach and collecting data through interviews, is linked to my ontological and epistemological positions in this study. This study has a social constructivist approach, which means that I assume that people develop individual interpretations of their experiences of phenomenons. The goal is to start from individuals' opinions about what is being studied. Meaning is therefore created through interaction with other people and through cultural norms that exist in people's lives (Creswell & Creswell, 2018:8). In regard to ontology, people's interpretations and experience are meaningful properties. The epistemological position of me as

a researcher is to generate data by talking and interacting with individuals. To reach this, I have to ask the participants questions and listen to their narratives. The critical aspect is that the knowledge operates as situated and depends on the context, therefore the interviews need to be produced in such a way (Mason, 2018:110). It is important to point out that my descriptions of reality are socially constructed, and the knowledge produced in the interviews is context-bound. I can therefore only present a specific version of the social reality that should not be considered definitive or generalizable (Bryman, 2018:58).

8.1.1 Sampling

In terms of qualitative research, the sampling strategy should correspond with the research questions and the research focus (Bryman, 2018:495). Having that in mind has given me guidance on which individuals to turn to. The sampling strategy is primarily based on convenience sampling. Using a convenience sample can either be based on the availability of people, accessibility, or that a qualitative study does not aim to generalize. The sample does not have to be representative of a population when the purpose is to do an in-depth analysis (Bryman, 2011:433). In order to delimit the sample, certain criteria have been selected. First and foremost the study was limited to men and women between the ages of 18-25. This is due to the Swedish National Council for Crime Prevention statistics on self-reported exposure to sexual offenses that presents every year. Through the statistics it can be stated that the largest group exposed to sexual offenses is in the ages between 20-24 (Brottsförebyggande rådet, 2021). Furthermore, the delimitation is also based on the Crime Victim Compensation Authority's campaign ″of free will″, which was aimed at people between 18-25. To further delimit the sample, the group of students at universities in Sweden have been chosen. Mellgren, Andersson & Ivert (2017) state that young people and especially students are identified as a high-risk group for being exposed to unwanted sexual situations. One demand has also been that the students originate from Sweden and are acting according to the Swedish Sexual Offense law. It was of interest to include both people who are in a relationship and people who are single.

In relation to a convenience sample, a snowball sample has also been used in the study. When I got in touch with people who were relevant to the study, based on the criteria, I received further contacts from them. Snowball samples are common for qualitative studies, as it is important to

reach relevant people (Bryman, 2011:196). To gain useful data, it was important to find people who were willing to talk about consent and were open to a discussion on the subject. Therefore, I found it appropriate to contact people who could consider talking about the topic. Which city or university the participants belong to has not been part of the sampling criteria. I argue that even if the sampling had been based on location, it would still not have been possible to draw general conclusions.

8.1.2 Qualitative interviewing

The chosen method to collect data is by conducting semi-structured interviews. I have conducted eight interviews with four men and four women. All interviews except one were conducted on the online video service "Zoom" and the final interview was conducted face-to-face. Regarding interviews, it can be difficult to know how many participants one needs to interview. I have therefore started from what is called achieving an empirical saturation. I conducted interviews until the answers were recurring in several interviews (Ahrne & Svensson, 2015:42). All interviews lasted 30-60 minutes and took place during the months of February and March. The interviews were conducted in Swedish and have therefore been dependent on my interpretation as well as translation into English to preserve the informant's phrases as they were expressed in the interviews.

The choice of conducting semi-structured interviews is linked to the focus of this study. Instead of exploring an entire area, it can be beneficial to use semi-structured interviews when certain concepts are in focus (Bryman, 2011:416), such as consent and consent culture in this case. Semi-structured interviews were used in order to control the interviews based on capturing the topic, however, it was also important to allow the informants to formulate their answers based on their own interpretation and understanding (Bryman, 2011:415). The interview process has been flexible and has reflected how the informants interpret and perceive the questions.

In order to guide the interviews in desired directions, an interview guide has been designed based on three themes: behaviors, expectations, and values (See Appendix I). An interview guide makes it possible to ask formative questions but also that the interviews contain the flexibility needed (Bryman, 2011:419). Since the purpose of establishing a consent culture is also about changing the culture and norms in society, the lifeworld perspective has been part of constructing

the interview guide. Although I did not have a predetermined theory which will be further elaborated on below, I have entered the study by wanting to interview people about their perceived lifeworld. The intention was to ask how they experience and interpret behaviors, expectations, and values in relation to consent, as previous research indicates that behaviors and expectations are constructed by norms and values that people bring into sexual encounters (Setty, 2021:333).

The main idea was that the themes I set up would follow each other in a natural transition but there was also room to change places in the order of themes. Some questions, for example concerning a consent culture, were formulated more specifically, while other questions were formulated more openly. It was also important for me to spend time formulating the questions, to avoid that they would be perceived as sensitive. To know if the questions were formulated understandably and to see what material they generated, two pilot interviews were conducted. Through these, it was possible to understand which questions needed to be reformulated. It was also of relevance to see the transition of themes and questions during the interviews (Bryman, 2011:422).

8.1.3 Online interviewing

As mentioned above, all interviews except one were conducted through the online video service "Zoom". This was due to several reasons, first, the informants lived in different places in Sweden, and by conducting the interviews on Zoom, the informants were able to choose their own place for the interview. The second reason was due to the fact of the Covid-19 situation in Sweden (Lobe, Morgan & Hoffman 2020:1). As the pandemic was ongoing by the time of the interviews, I considered that to ensure the health and safety restrictions online interviews were most appropriate. Since all my informants were students, everyone had used Zoom before and was comfortable with the platform.

I conducted the interviews via a computer using a camera, which means that online interviews can be compared to an interview that takes place face-to-face (Bryman, 2018:593). The advantages of online interviews were that I as an interviewer could be more flexible with adjustments to questions during the interview. I also saved time and money during the data collection by not having to move within geographical distances (Bryman, 2018:593; Lobe,

Morgan & Hoffman 2020:1). I believe the advantage is that an interview via the internet can be beneficial when the informants are in an environment of their choice and can in a natural way discuss the subject. I noticed that this had a positive effect and I also did not experience any difficulties in creating trust between me and the informants. The disadvantages of online interviews are mainly that there may be technical problems, such as unstable internet connection (Bryman, 2018:593), however, this was not something that affected my interviews. Another challenge is to guarantee the informant's privacy as the interviews were conducted online, which will be further explained under ethical considerations. What I can reflect on in retrospect, was that the interview conducted face to face generated easier transitions between questions and further explanations. Although I do not believe that the interviews conducted via Zoom were remarkably affected, I still noticed a slight difference and have this in mind.

8.2 The analysis process

All interviews were recorded with the participants' consent. To be able to follow up on the answers and be present in the interview, it was important not to have to keep precise notes about what was said (Bryman, 2018:577). The first step in being able to analyze the collected data was therefore to transcribe the recorded interviews. Transcription is an extensive process and one hour interview took me about 6 hours to transcribe. Transcription was an important part as I focused on retaining the informants' words, expressions, and meaning (Bryman, 2018:579). After I listened to the interviews once and twice and they were transcribed, the process of organizing, sorting, and coding the extensive material began.

One of the difficulties with qualitative research is that data collection often generates a great deal of material, such as interview transcripts in my case. Hence, coding is often used in qualitative research as an important part of the analysis (Bryman, 2018:698). To analyze the material, I have used thematic analysis, in order to identify, organize and sort data into patterns of themes. The themes have emerged through careful reading of the interview notes and I have searched for repeated themes as well as similarities and differences. By focusing on meanings in the material, a thematic analysis has been used to make sense of collective meaning and interpretations (Bryman, 2011:528-529). The intention was to identify commonalities in the way a topic is experienced and talked about and to further analyze these commonalities.

I have followed Braun and Clarke's (2012) six steps of doing thematic analysis. Step one involves getting familiarized with the data. I started by reading through the material without any notes and began to notice interesting quotes (Braun & Clarke, 2012:5). Step two was to generate initial codes by starting the systematic analysis of coding. This was done by marking keywords to shape my themes and successively creating a table of initial codes, such as "expressing consent" and "saying no". The third step was to make themes out of the codes by connecting the codes to the research questions and from that put the codes into relevant themes (Braun & Clarke, 2012:6-7). After that, I started reviewing the potential themes by searching for connections between the themes and considering which themes were of value and not. The fifth step was to define and name the themes, to make it clear why every theme is important. In this step, the data was used to make a point rather than summarize the informant's statements (Braun & Clarke, 2012:9). To define the themes, I started to make connections between existing literature but also theoretical concepts such as system and lifeworld (Bryman, 2018:70). The last step was to transfer the themes into a result part and apply the theoretical framework to provide an analysis of the material. Regarding my social constructivist approach, I have used an inductive approach while coding the data, which means that the coding is driven by what arises from the data (Bryman, 2018:50). As I intend to make sense of the informant's view of the world, I did not have a predetermined theory, but through thematization developed a theory that is relevant to use in my case (Creswell & Creswell, 2018:8). This has created a process of taking an empirical step and a theory step in parallel to understand how the data should be analyzed.

8.3 Reliability, validity, and reflexivity

The concept of reliability concerns if the research results can be repeated on other occasions and by other researchers. In consideration of my method, that would mean if the interviewees would give different answers to another person than me (Kvale & Brinkmann, 2017:296). This means that how I interpret the interviews and the interview material affects the study's reliability (Bryman, 2018:352). To ensure the study's reliability, the analysis process was conducted by a six-step thematic analysis, to provide transparency during the process. The intention was to follow the steps and to motivate the considerations and choices. However, a limitation of my study is whether the material has the potential to be generalized to other environments and

situations (Bryman, 2018:352). Unfortunately, this is a pitfall as I do not aim to generalize but rather gain in-depth knowledge of consent and a consent culture and therefore used a limited sample in the study.

The concept of validity can be understood on the basis that one examines what one intends to examine for the research to be valid (Mason, 2018:35). Measuring and operationalization is often related to quantitative methods and in qualitative research validity relates to whether the chosen method can produce the desired results (Kvale & Brinkmann, 2017:296). The study aims to examine how the legislators' ambitions to create a consent culture could be achieved and manifested in practice. The intention is to explore how to reach a mutual understanding about consent and how the current culture around consent is perceived in people's everyday lives. I believed that this required me to talk and interact with people through interviews, which is why using semi-structured interviews was suitable to answer the research questions. Validity also refers to what I will get out from what sources (Mason, 2018:237). Since I am interested in subjective descriptions and interpretations of consent, this required me to talk with ordinary people who originate from Sweden and are acting according to the Swedish Sexual Offense law to receive information.

In terms of reflexivity, I have also taken into account my position and role as an interviewer in the study. I have been aware that my identity may have had an impact on the interviews and the informants' responses. It can also affect the material if the informants give certain answers that they believe are correct but which are not their own interpretation and understanding. To avoid this, I explained both in the information sheet and before the interview that no answer is right or wrong, it is their descriptions that are interesting. Furthermore, it is almost inevitable to conduct a study without some kind of pre-understanding and own view of the subject. I chose this topic because it interests me, and therefore I also have a view of what I believe consent and consent culture is. My own background creates my ability to interpret, and I have taken into account that my own personal and cultural experiences affect how I interpret the material (Creswell & Creswell, 2018:8). For this not to affect the study, I have tried to be as transparent as possible.

8.4 Ethical considerations

When conducting the interviews, it was important to consider the four main requirements of ethical considerations to ensure the protection of the participants (Vetenskapsrådet 2002:5). Regarding informed consent, I informed the participants about their role and conditions of participating in the study. The participants were also informed about the purpose of the study and that their participation is voluntary and that they have the right to withdraw from the interviews at any time. To ensure this, all informants received an information sheet and a consent form to fill in on their email before the interviews (See Appendix II). They were also informed about their role in the study and their rights. In the consent form, they were given the opportunity to agree to participate in the study and that they understood the purpose. They also had to agree to be recorded or not. Regarding confidentiality, the informants got the explanation that all information about them will be handled confidentially (Vetenskapsrådet 2002:12). The collected data was only available to me and my supervisor and the study has been conducted in a manner that guarantees their anonymity. To ensure this, no information has been used that can be linked to their identity. Their names were exchanged in the result and analysis part to letters such as informant A and informant B. A challenge with online interviewing is to guarantee the informant's privacy as the interviews were conducted online. To ensure the informant's rights to privacy, anonymity, and confidentiality I used a password for the informants to enter the meeting which gave me control over who could participate. I also used a waiting room, which means that I had to accept every person who wanted to enter the meeting (Lobe, Morgan & Hoffman 2020:3). In regard to utilization, the data material is only used for the usage of this study and not for any other purpose.

Other ethical considerations are in regard to the eventual sensitive topic (Mason, 2018:88). Even though I did not intend to interview people with experiences of sexual offenses, I had to be sensible in conducting the interviews and formulating questions with awareness of the potentially sensitive outcome. To guarantee this, it was important to point out before the interview that the informants did not have to discuss something they were not comfortable with. I also stated in the information sheet that was sent out before the interviews, what the interview was about and what I wanted them to reflect on and discuss during the interviews. In relation to this, it was also important to consider the possible power relationships that could occur between me and the

informants (Mason, 2018:93). Therefore, I put the effort into how I formulated the questions and how I expressed myself during the interviews to respect the relationship between me and the informants.

9. Results and analysis

This section presents the study's empirical material and provides an analysis of the results from the theoretical framework of Jürgen Habermas. The analysis is based on the theory of communicative action with the key concepts of system and lifeworld. Through the thematic analysis four themes emerged: 1) the expression of consent in the lifeworld, 2) a strengthened lifeworld, 3) influencing factors, and 4) an insight into a consent culture. The first theme relates to the first research question about how consent is interpreted and experienced in everyday life and the last part of the theme is also related to the process between the law and the students' everyday life. The second theme answers the second research question about how the interpretations and experiences of consent correspond with the legislator's intention to change the culture. The last two themes reply to the third research question of how a consent culture could manifest in practice and what obstacles there are. The four themes are presented below with a number of related sub-themes.

9.1 The expression of consent in the lifeworld

During the discussion of what consent is and means in everyday life, all informants showed awareness and reflections on consent. In the interviews, consent was described as that everyone who participates in sexual activiteties shows that they want to and one should always have an opportunity to discontinue or say no. Consent is also described as being expressed in different ways for people and there are different views on how consent should be obtained. It is emphasized that some people may express it orally and others may express it more physically and misunderstandings might emerge between people in the process of consent. The result generated two prominent themes regarding the expression of consent: consent as an interactional process and the complexity of consent, which will be explained below.

9.1.1 Consent as an interactional process

In line with previous research, my results indicate that expressing and obtaining consent is described as an interactional process rather than asking straight out (Holmström, Plantin & Elmerstig, 2020:349; Linander et al. 2021:119). The context and individual action is of importance for the expression and interpretation of consent. An example of this that is shown through the interviews is that consent to sexual intercourse can occur gradually in several steps and that one situation leads to another.

The informants described that previous factors play a role in whether one should have sexual intercourse. If there have been situations and interactions between two people during the evening that indicate a will, it can be interpreted as having agreed to and confirmed that some form of sexual intercourse will occur. Informant D explains how there exists a certain condition of "silent truth" in accompanying someone home. If you accompany someone home from the club, the actions might lead up to expectations and it can be difficult to get out of situations where you changed your mind, especially if the other person has interpreted the actions as consent. Informant H describes that:

> I can imagine that if you have danced or kissed each other on the dance floor and received these signals, and then you ask, should we accompany each other home or should we have sex or something, then you get a no, then I can imagine that it can be like this, I can not take this no because we stood 10 minutes ago and kissed on the dance floor. (Informant H)

What several of the informants describe as signals in the process of consent, can be understood in relation to sexual scripts as previous research has described (Holmström, Plantin & Elmerstig, 2020:345). There exist patterns of action, as an indication of underlying expectations of what is to happen later. Actions are backed by norms and scripts on how to behave and the behavior is linked to contexts, such as at the nightclub. The underlying expectations and the norms behind them become apparent if two individuals do not have the same intentions with their actions. It is described in several interviews as just because one person shows interest in kissing in the club, it does not automatically mean that one wants to do other things. If the process of consent is not interpreted similarly, several informants point out that the person who still wants to do things acts from a selfish point of view and that the person only thinks about their own will and not the

other person in question. The informants describe how people who do not accept a no in a sexual situation, either has too much ego or that they interpret it as the other person is playing hard. The expectations and the interpretation of another person "play hard", indicates a hint of the structures that O'Neal (2019) describes that rape myths are within.

When consent takes place in an interactional process, the actions may become egocentric in terms of assuming that the other person acts on the same premises (Engdahl & Larsson, 2011:45). If a person has expectations of what is going to happen and acts on this basis, the mutual communication disappears. As Habermas emphasizes, the less people act with consensus, the situation becomes dependent on their own individual interpretation of it (Habermas, 1996:104). This becomes especially prominent when consent takes place in a process, as it shows that actions and interpretations of how consent should be according to the new legal definition of consent, have not yet become normatively integrated. Instead, such situations could be understood as that people make actions based on their own lifeworld and norms within it, which also demonstrates how two people's lifeworld may not always correspond.

9.1.2 The complexity of consent

One point that the informants agreed on was that it is difficult to use consent in practice. At the same time as consent can be simple, it can also be very complex. It is argued by the informants that there are different ways of understanding consent, but also different ways of interpreting it. Both the simplicity and complexity become apparent when informant H resonates about how to obtain consent:

> I think I go very much on gut feeling and body language. If I kiss someone and they kiss me back, then I take it as consent and that we both want to continue. (Informant H)

According to several informants, consent is about reading the other person's expression and related to what feeling you get at that moment. This process may seem quite simple, but at the same time, it can be difficult to determine if the other person wants to. It is also perceived as more difficult to express consent in words, for example, in the nightclub it is described as more common to show consent through body language and actions. The nightclub is also taken up as an example of the complexity of consent, where it can be perceived incorrectly depending on

how one interprets a situation. Informant H states that a common situation is when you go home with someone from the club, even if the person has said before that no I do not want to have sex, there are often underlying expectations anyway:

> So once you get home then, I have to say again that no I do not want to have sex. I just want us to sleep and if you do not want to sleep with me, you can leave. But I think I have felt that expectation among friends as well, that you often expect that it will be some kind of sexual intercourse, even though you sometimes say no, I do not want it. The expectation is always that you will have it in one way or another. (Informant H)

As previous research indicates, consent is explained as something that historically has been taken for granted and assumed to be common sense (Beres, 2007:93; Johansson, 2018:312). This statement is supported by my informants as well. As informant H describes, there are underlying expectations and assumptions that something sexual should happen if you sleep with someone. It was brought up that communication is a good way to get around situations with different interpretations of consent, by directly asking *do you want this?* While communication is described as important, the answers are also contradictory in the sense that it is mentioned as a mood killer and that it is not obvious how to take the initiative to ask. Communication is therefore described as fundamental but does not seem to be obvious to the informants in sexual encounters. Informant D describes that:

> It feels in a way that for people in our age it is not as common to bring it up in such a direct way that you ask each other what is consent for you or are you in on this or so, it is more that you show in other ways that you are interested. (Informant D)

Informant F makes similar reasoning regarding the question of whether the law may have made any difference in how consent is expressed:

> So, I can not say from my own experience, if you were to go home with someone, for example, that I would just "yes but I agree". It is not like you bring it up. It is probably in the case if you say no I do not want sex for example. But it is not like I have ever gone home with anyone and okay, but do you agree with this? That is not the case. (Informant F)

The quotes above highlight how asking directly about consent is not something that has been part of the context of having sexual intercourse, nor has it been a norm that people follow. As

Johansson (2018) argued, consent can be linked to and influenced by the cultural context in which people are socialized (Johansson, 2018:319). Based on the interviews, it can be interpreted that consent has been something underlying and assumed to be common sense, one does not ask about it but rather notice the other person's reactions and actions. As consent is now something defined by legislation, communication becomes something essential and there is a risk as Setty (2021) illustrates, of doing consent wrong. This emerges through informant E's reasoning about what the new law can contribute to:

> […] then we also said how it would be applied in practice in that both have to say yes, if it should be something you write on or should there be any proof that they want and how it would work, but not much more than that. (Informant E)

Similar reasoning is given by other informants, who are confused about how the law should be applied when it is stated word against word, which means that there are reflections about how consent should be obtained between parties. When asked if the law is something one would like to discuss with friends or a partner, informant A reflects:

> Yes, absolutely, I have discussed similar topics with friends and so. Not specifically the law itself but yes, consent and stuff. Situations and things that can be perceived incorrectly by others and that it is a bit diffuse with what one can be judged to. It gets difficult when there are usually two people involved in the situation, it becomes word against word and difficult to judge. (Informant A)

These confusions relate to the issue of how social norms and mutual understanding can correspond with instrumental rationality of the legal system. As the law defines consent as having to be sure that the other person wants, several informants reason that it would be best to ask straight out to know for sure. However, the informants also believe that it will be difficult to apply this in everyday life situations, as to ask straight out has not been how it usually goes. According to Habermas, law as a system operates through instrumental efficiency, which means that laws to some extent encourages people to relate instrumentally rather than communicatively to each other (Deflem, 2013:84). The quotation and discussions above demonstrate this, as confusion has been created about how best to communicate consent and at the same time, how to follow the law in this regard. The difficulties lie in the fact that people need to expand their horizons of understanding. They have to change their ways of ensuring and communicating consent. It is therefore important to consider the instrumental rationality that the legal system

spreads into the lifeworld. People have to adapt to a new culture regarding consent, with new demands and legal language, which requires a more instrumental understanding of something that for a long time has been taken for granted.

9.2 A strengthened lifeworld

During the interviews, there were discussions about what difference the law may have made to people. Through the interviews, it emerged that it has not been obvious what a crime is and not in sexual situations. The results indicate that the law may have strengthened this aspect for the informants and two prominent themes in the results were: an expanded view of sexual abuse and increased consciousness.

9.2.1 An expanded view of sexual abuse

What was prominent in the interviews is how the informants claim that they have been given an expanded view of what sexual abuse is in regard to the new law. I noticed among several informants that the limit of what one should accept or not in sexual encounters has not been clear to them before. Therefore, the new law have provided guidelines to relate to regarding what one is entitled to and not in sexual encounters. Several informants emphasize that they have seen crime as something indeed serious and that sexual crimes need to involve threats or violence, which is in line with how the law was designed before the changes. For example Informant B states how the law makes it more black or white, if you say no it is a crime. As O'Neal (2019) argues, rape myths cover that rape needs to be violent and that the perpetrator is always a stranger. Therefore, it is possible to interpret that in line with the law defines what consent is and that rape does not have to include violence or threats, it also becomes clearer for the informants to set a limit regarding what to accept or not. These rape myths that sex needs be violent, can to some extent be replaced by the need for consent. As a result of these guidelines to relate to, some informants feel that the legislation has led them to reflect on previously experienced situations. Informant D resonates about the new law:

> But mostly okay, what does this mean, that you have thought about whether you have been in situations where the law could have been applied or not. You have somehow gotten more thoughts and maybe been more critical thanks to the law, partly from

your own experiences but also from friends and stuff. [...] so you can be like, that was not quite okay maybe. (Informant D)

Knowing what is legal and what is not, some informants have realized that certain situations they have been in would not be accepted by today's legislation. As is highlighted by previous research, legislation can function to modify existing behavior and values in society and operate as a potential social force that can influence people's behavior and beliefs (Evan, 1965:286). In this respect, it can be highlighted that the law, by defining what rape is and by clarifying that there does not have to be threats or violence involved, could have the potential to strengthen the rationality of the lifeworld. The legal definition makes it easier for the informants to both reason and reflect more rationally in sexual encounters that are diffuse. It could be an indication that the image of what one is entitled to and not can be strengthened.

9.2.2 Increased consciousness

During the discussion about if the law might have had some influence on how people choose to act in sexual encounters, it emerged from informant C that:

> Yes, I think so, not primarily for fear of the law, because we already have a norm that says it is wrong. But above all it has created debate and that maybe when the law came and now that we have a consent law, it is easier for guys for example as it is often about, to take the talk between and say now we have it very concrete here, stop, it is illegal. (Informant C)

From the discussion about if the law may have influenced people's actions, the informants got to discuss what is considered good and bad behaviors in sexual encounters. Something that was noticed in relation to the discussion about bad behavior is that there is not the same support for doing inappropriate things to another person at a club as there may be for bad behavior during sex. This may indicate that demarcations do not become clear in such context and it is described as not being obvious rules or support for consent in club environments. This is highlighted by informant C:

> It is not something I experience that you talk about in the same way. Like yes, of course, we have talked about that consent is very important in sex. But I do not think

that my friends and I have talked very often about disgusting behavior at the club if I am being honest. (Informant C)

When asked if the informants believe that many people share their opinion about what is acceptable behavior and what is not in relation to sexual encounters, informant F reasons that:

I want to believe and say that it is the same for people, that everyone has the same basis or what to say. But obviously, that is not the case, everyone in my vicinity has at some point been touched on, even though you may not want to, at the club for example. (Informant F)

Furthermore, several informants describe situations where someone has touched them or someone they know without permission at a nightclub. Informant F describes how this is perceived as an insult but reasons that it is a person in a group who does it as a funny thing and how the person may not perceive it as insulting, because for that person it is not such a big deal. Furthermore, Informant D reasoned that if a consent culture permeated society, such behaviors as touching someone without permission would fall over to not be accepted. However, there are behaviors, such as doing inappropriate things at a nightclub, that still exist in a "grey-zone", where those who perform such acts somehow justify it. At the same time, it is also pointed out that there is a greater awareness that women are more exposed to such inappropriate behavior in club contexts. It has led to a stronger feeling of helping out if you would see such situations arise.

From these discussions, it is possible to understand that it is more difficult to adjust to other people's lifeworld in a club context with unknown people, rather than in a situation with someone you know. I can see dimensions of the relationship between system and lifeworld, in terms of the system, with a rational basis and view, could transfer this view into the lifeworld. For the law to achieve the purpose of changing the culture, this is dependent on people's communicative actions in the lifeworld. People's lifeworld could thus be strengthened, in the sense that awareness can increase regarding that consent should not only apply during sex but also in other contexts and situations. Habermas means that the rationality of systems can be beneficial, as it can be used to question practices that are taken for granted in the lifeworld (Habermas, 1996:100). The legislation could affect the lifeworld by creating guidelines to be able to question practices that have been taken for granted in relation to both sexual intercourse

and inappropriate behaviors. This demonstrates how the lifeworld can be expanded by new experiences and knowledge and how it is something that can be reshaped (Habermas, 1987:135).

9.3 Influencing factors

The results indicated three factors that may influence people's behavior and understanding of sexual encounters and consent. These factors could affect how people act and may be factors that counteract the establishment of a consent culture. The influencing factors that emerged were: the cultural environment, existing norms, and ignorance.

9.3.1 The cultural environment

A recurring theme in the interviews was the perception that many, especially young people, are influenced by various values and norms which affect their view of behaviors and expectations in sexual encounters. These factors come from various influences, such as the porn industry and social media. Several informants believe that such an industry and media shows a wrong and unrealistic picture of what sex is and how to treat each other in sexual situations. Sex is presented in a way that does not correspond to reality. Informant A claims that:

> I think that many, at least young people are quite porn-damaged. I think that it is pornography that has contributed to that it is very "directly on" when you come home from the club. [...]. Also, with the view of women that the girl should just be there and receive is a very skewed view of it. (Informant A)

It is also mentioned that the porn industry can contribute to expectations of how men and women should behave and that this becomes people's perception of how they are and should be in sexual encounters. Something that is considered to contribute to this is also a so-called "macho culture". Several informants point out that there can be a special atmosphere between boys, where it is considered acceptable to talk disparagingly about women. This is described as making people influence each other to a certain perception of doing things that may not be acceptable. It is also pointed out that the "macho-culture" is easy to pass on to other situations, outside the atmosphere with only boys. By influencing each other to certain perceptions, it is easy for people to justify certain behaviors and that if my friend does something, it is justified for me to do it as well.

What can be stated from the interviews is that the cultural environment, consisting of different values and norms, influence and justify certain behaviors that complicate the striving for a consent culture. The values that shape behaviors can be seen as cultural structures that are transmitted from generations that people are socialized into. It can be interpreted that these norms and structures may affect the conditions for communicative action in a negative way, as it is not a mutual understanding which governs actions, but rather rooted norms and structures. It is one's individual interests that govern their actions and not the societal interest in achieving a mutual understanding of consent.

When asked what needs to be counteracted for consent to become part of everyday life, informant D reasoned:

> Number one is the macho culture. No, but completely unreasonable expectations and demands are placed on boys at a young age. The macho culture is extensive and goes into many different spectrums of social relationships. But also in sexual relationships, there are expectations of guys that they should be proactive and that they should be in a certain way, control and take command. (Informant D)

The informants describe how these norms, where men should usually be the initiators, have been part of structuring sexual situations. This demonstrates how socialization can affect people's lifeworld and be a reason why two people's lifeworlds differ. However, what could contribute to the fact that such behaviors continue, is that it is difficult to speak up in such situations:

> […] if it's a bunch of guys and you start talking a little bad, I do not think there would be many people who would contradict. You might not want to ruin the mood and not seem like a geek or something if it becomes such discussions. (Informant A)

In everyday life, people get knowledge about sexual intercourse and consent through the cultural environment, it could involve the social circle but also what information that is available (Popova, 2019:98). The environment shapes how people tend to think about what actions require consent and what actions might be interpreted as consent. If people are influenced by different resources and move within different horizons (Gytz Olesen & Møller Pedersen, 2000:184), it can be difficult to agree on an understanding of consent and what constitutes good and bad behavior. The resources and the horizon are characterized by people's own experiences and knowledge that structures their actions.

9.3.2 Existing norms

Similar to the studies conducted by Holmström, Plantin & Elmerstig (2020) and Linander et al. (2021), what arose in all interviews was difficulties in saying no in sexual encounters. It is difficult to challenge existing norms and expectations. On the one hand, it is reasoned that it may be based on fear of how the other person will react or act on saying no, especially if you do not know the person in question. Then it can be common to do things even though one may not want to due to the fear of the consequences of saying no. It can also be about not feeling that one can say no in the situation itself and feeling afterward that one might have wanted to say no. What emerges if one knows the person in question is that one may be afraid to ruin the relationship with the person. If there are expectations that something sexual will happen, the informants point to several factors behind the fact that it can be difficult to say no and not do what is expected. Informant D emphasizes the expectations to say yes:

> It is imprinted that it is fun and that you should somehow say yes. You almost agree to things for the sake of it, more than you really want. (Informant D)

One informant also mentions that even if he or she says no and something should happen, as a result of the other person's reaction and actions, the feeling could be that it is not enough support from social structures or belief in the legal system that it would be on one's side:

> It is probably because there is somehow not enough support from structures that makes you feel that it is an easy choice perhaps, that the alternative to agree to it is easier than saying no sometimes. (Informant D)

Challenging expectations and daring to say no, however, consistently appears in the interviews as something needed in order to establish a consent culture. As problematic it is that people take liberties they should not take, it is just as problematic that people do not dare to speak out. Although it is important to work with harmful norms and expectations, is it just as important to work with strengthening young people and especially women to counteract the fear of saying no.

The lifeworld is described as the "whole of cultural values, social norms and socialization patterns that often is unquestioned among actors and that, in fact, enables interactions to take

place" (Deflem, 2013:80). Therefore, it can be interpreted that to challenge expectations and say no, do not comply with already existing and unquestioned norms in the lifeworld. Some of these cultural practices and norms people are socialized into, could be derived from a wider rape-supportive culture, where agreeing to sex is easier than saying no (Popova 2019:21). As Miller (2020) stated, consent policies could be difficult to adjust to as expressions of consent such as asking for a yes, creates social consequences and may not correspond with social norms. The norm of not being expected to say no, can be described as justifying and contributing to an environment of fear of how the other person will react. This demonstrates how dominant norms about sexuality that have been internalized, has a large impact in shaping people's actions and behavior (Popova, 2019:19).

9.3.3 Ignorance

One theme addressed throughout the interviews is ignorance. It is argued that people may perform actions that are not considered acceptable because they do not know which actions are acceptable to perform or not. There is also reasoning about lack of knowledge about the law, and if more people knew what consent is in relation to how the new law defines it, it could have an impact on how one acts with other people. It is also mentioned that how much people know about the law, can be a factor behind changing unwanted behaviors. If people do not know about it, it can be difficult to make a difference. For example, informant F states that:

> I hope it has given people who could have sex with someone who does not want to a reason to think. It sounds sick to say it when I say it out loud, but that it becomes like a threat, that it is easier to be reported. (Informant F)

In line with the ban on corporal punishment that got quickly known for people (Leviner, 2013:157), all informants state that they know that the law exists. However, they claim that they do not know its meaning, which could be an important part that is missing regarding spreading awareness of the law. In relation to this, it emerges that the available information can be perceived as formal and there is a desire for even more normalization around having easily accessible information about the law and consent. For example, informant H state:

> I would start talking about it more if I knew more about it. You know too little about it and therefore you do not talk about it as much. (Informant H)

Furthermore, it is described that people often talk about the law or consent in relation to current rape crimes that are seen in the media. According to the informants, consent is more linked to completed sexual intercourse or talking about it in relation to a case that has occurred. Consent does not seem to be something integrated into ordinary everyday conversations. An obstacle to the achievement of a mutual understanding of consent could thus be knowledge of the law and what consent entails. It can be argued that it could be difficult to fully achieve a mutual understanding of consent, as peoples' lifeworld, together with the knowledge and experiences it consists of could differ. However, there is potential that knowledge together with people's communicative ability can be used as a tool to create awareness and reflection about consent but also expectations and behaviors that are not appreciated.

9.4 An insight into a consent culture

During the last part of the interviews, the informants were asked what they would want a consent culture to look like. A consent culture was described as mutual respect, that everyone knows what consent is, and a widespread norm around consent. Consent should be noticed and talked about in everyday conversations, there should always be an opportunity to say no and a greater responsibility to help each other. Everyone should be involved in the culture. All informants showed awareness of a consent culture, as people's way of being and interacting with each other in sexual encounters. However, the informants were asked if they believe it looks like what they described in Sweden. Most informants believed that there is no such culture existing today, as many unwanted behaviors still occur, but it may be on the way to improvement. Two important components for changing the culture were brought to the attention of all informants. First of all, it was described that the school has the biggest role to play. Consent should be something essential that is taken up at an early age in school and continues at all ages. Almost all informants did mention that they did not hear about consent during their school days. Informant B points out that:

> It is probably very important with the school that you talk about what consent is, even at a young age, such as kindergarten children for example. One does not have to talk about sex maybe because it is probably a little over their head. But if someone is in love with another and kisses the person without asking or something, the teachers should be clear and say that this is not okay. This has to be built on at every age so

that it is imprinted and that it becomes a basic thing, I think that is very important. (Informant A)

Informant B and D resonates in similar manners:

One thing is like bringing it up in school at a young age. If I think back, it is not something we talked about and it is pretty sick when you are the age you are at now and just why did we not talk about it? Not everyone has sexual intercourse, but it could still be good to talk about it early and then continue to bring it up, like in high school and stuff. (Informant B)

If you have received messages from the school, and it is not that school is everything, you might watch porn yourself for example, but if porn shows one thing and the school says another thing, I still think that many people can end up reflecting over it and that I had not wanted that to happen to me, so why should I then expose someone else to it. There is hope, but I would say that school has a very important role to play. (Informant D)

These quotations above, point out how important it is that there exists an interplay between the system and lifeworld. There needs to be an interaction where people take their responsibility in the lifeworld, but also that systems, such as the school, take their responsibility in ensuring that children and young people receive the right information, knowledge, and education. As Evan (1965) pointed out, if a law is enacted with any noticeable resistance, the legal system has both an educational and controlling mission. The purpose of the educational function is thus both to institutionalize new patterns of behavior and to internalize attitudes regarding the behavior (Evan, 1965:288). Since consent is not something that my informants have experienced through the educational system, they have been influenced by other norms and cultures around this. The school as a system, could therefore affect people already at a young age, and then influence people to act in an understanding-oriented way about consent. In order to create a culture where consent is not something taken for granted, but rather a rooted norm about how to behave and act to obtain consent. There is a need for an interplay between the legal system, the educational system, and people's lifeworld to create a consent culture. This could create conditions for young people to be socialized into similar values and counteract both the macho-culture but also the influence of pornography and the values and structures it produces.

The second component the informants believed were important was open communication about consent. The informants describe how it is not common today to talk about consent in a normalized way. It was also mentioned that people must dare to speak out and have discussions with friends if there is a feeling that something is not right, which points out the importance of talking about and reflecting on consent. Communication is important to create a ground where consent means the same for people. Several informants highlight how consent is not yet something self-evident and to achieve this it needs to receive even more attention.

Based on the informants' reflections regarding the fact that consent is not something self-evident or communicated enough, it can be highlighted how the system and lifeworld do not use the same form of communication (Gytz Olesen & Møller Pedersen, 2000:186). There could be a lack of meaningful communication between the legal system and the lifeworld, as the norms and values the law seeks to transform into the lifeworld do not seem to be fully achieved. The prerequisite for achieving this, then, lies in finding strategies to promote this communication so that these norms and values can be transformed in a meaningful way into the lifeworld. This transformation is important, as communicative action is based on common values so that people can make subjective interpretations of different situations. However, consent requires voluntary communication and respect for other people, which cannot only be regulated by law (Popova, 2019:43). This means that there is also a responsibility on the people, who must be open to a changed way of behaving in regard to consent.

10. Conclusion and discussion

This study aimed to examine how the legislators' ambitions to create a consent culture could be achieved and manifested in practice. The intention was to examine how to reach a mutual understanding about consent and how the current culture around consent is experienced in people's everyday lives. The theoretical framework together with semi-structured interviews allowed me to explore the informants' subjective descriptions and interpretations of consent, to understand the process between the concepts of system and lifeworld, and how these relate to each other. Accordingly, this study aimed to answer three research questions which will be presented below.

(1) How is consent interpreted and experienced in everyday life?

To answer the first research question, in line with previous research my results indicated that expressing and obtaining consent is described as an interactional process (Holmström, Plantin & Elmerstig, 2020:349; Linander et al. 2021:119). My results also demonstrate how consent can be simple but also very complex, as consent is described based on gut feeling and the impressions one gets of the other person in question. Misunderstandings can easily arise when two people's different lifeworlds and norms within it are to meet, as consent is usually not something that happens through direct communication between people. The complexity is also shown through the fact that consent has not been something needed to reflect on, it has been something seen as common sense and taken for granted. This has resulted in people agreeing to things for the sake of it, without reflecting on consent and whether the situation is something one wants or not.

The norms and values the informants describe that they and other people seem to have taken into sexual encounters are something they have been socialized into. How sex should be and how to behave in sexual encounters, could be shaped by values and norms from influences such as the porn industry, the macho culture, and cultural expectations. It is expected to have sex if you go home with someone from the nightclub. How consent is interpreted and experienced in everyday life can therefore be linked to what previous research describes as sexual scripts. There are clear expectations and scripts on how to behave, which also shape how consent is interpreted. If one shows interest in the club, it may be an act that indicates something sexual to the other person in question. The informants' stories also show that in sexual encounters where people might not be able to either say no or accept a no, might be characterized by structures that indicate ignorance about consent. It also appears that consent can be interpreted differently, which means that consent can be assumed to be given to one person but not to another. It could therefore be easy to take consent for granted instead of a mutual understanding between people. Based on my results and previous research on consent, it shows tendencies toward how it could be difficult to fully achieve mutual understanding about consent between people.

(2) How do the interpretations and experiences of consent correspond with the legislator's intention to change the culture?

In consideration of the second research question, the informant's understanding of consent is in line with how the law defines it. However, it emerges that the reality is not that simple, and the experience of consent does not seem to correspond with how it should be according to the legislation in all situations. Since consent may have been something unreflected and taken for granted, it could be pointed out that people have to adapt to a new culture regarding consent, with new demands and a legal language to relate to. This requires a more rational understanding of something that for a long time has been taken for granted. Therefore, it can be seen that the intention of how consent should be, may not fully correspond to how it actually is in practice. However, as the informants emphasized that their awareness of what constitutes bad behavior or not in sexual encounters has increased, the law could have a positive impact on people's attitudes and behavior. The interviews show that people can actively re-shape the lifeworld and that this indicates how people could be receptive to change and towards a consent culture. At the same time, consent does not seem to be something self-evident, which is shown by the discussions of how it is difficult to use consent in practice as other norms and cultural structures still influence people's behaviors and actions. This becomes especially prominent when consent takes place in a process. It shows that how consent should be according to the new legal definition of it has not yet become normatively integrated.

The intention to change the culture in society through legislation is also about spreading awareness of the law and increasing knowledge about it. One theme that emerged through the interviews was ignorance, and that people may not talk so much about it as they do not know enough about it. As pointed out earlier, the purpose is not to make any generalization of the material. However, this can still show a small dimension of to what extent the law has been spread and how it has manifested in people's everyday life, since the results indicate that the informants do not communicate about consent or the law in an everyday sense.

> (3) *How could a consent culture manifest in practice and what obstacles are there to establishing a consent culture?*

In regard to the last research question, the legislator intends to influence people toward a common culture around consent and the ambition is that a consent culture could manifest in people's everyday lives. What can be highlighted from this study's results is that people's rights

and obligations to consent according to legislation are not enough. There exist patterns of action and behavior that has to be reconsidered in people's way of being in sexual encounters in order to change the culture. The largest challenge is how communication about consent can become something self-evident and normalized, as people have their own ways of communicating and interpreting it. An established consent culture, therefore, encompasses new ways of thinking and acting in sexual encounters.

As previous research and the example of corporal punishment demonstrate, it cannot be denied that this is a major challenge. As Cotterrell (1992:61) underlines, a potential challenge legislators could face when new laws are enacted or amended is that the societal changes that one intends to achieve do not turn out as desired. It may be too early to be able to draw any conclusions about this, however, it is conceivable to see dimensions of how legislation could function as an instrument to change the view of consent and how it should be. Tendencies are shown through my results, that defining consent by the legislation could create awareness about what one should allow or not. It can also increase the way of reflecting on expectations and unwanted behaviors in sexual encounters. Consequently, it is important to emphasize how legislation is not the only part of this long process and the result shows how legislation cannot alone change people's way of being, people must also be open to changing their way of being and behaving.

How could a consent culture manifest in practice? The possibilities lie in people's willingness to be open to new norms, where consent is part of the communication. At the same time more available information and knowledge are needed, which can contribute to people gradually introducing consent into everyday conversations. The most important part does not seem to be the legislation but rather the educational aspect. As both the informants and previous research point out, the school as an education system needs to be considered an essential part of establishing a consent culture. It can be difficult to change people's way of being in sexual encounters when they have been socialized into a certain point of view of acting and behaving. Consequently, both that legislation provides strengthened rights and obligations of consent and that this ground is further followed up by the educational system could contribute to influencing people's values and norms. It may be possible for people to reevaluate their point of view in line with the legislator's ambition to create a consent culture. On the other hand, there are still some challenges and obstacles. The first is that consent is not yet something self-evident and there are

not enough rules or support for consent in all situations and environments, such as the nightclub. The informants seem to be aware of the law but its meaning does not seem to be as widespread.

The challenges I consider lies in how consent can be conveyed that allows communication to be normalized and taken to a larger context. This would include a wider perspective of consent and not only discussing sex between two people or sexual offenses that receive media attention. Consent should not only be a right or obligation but should be the basis of how people act with each other in sexual encounters. At the same time, it has been proven that combining both legal reforms and public education can lay the ground for changes in both attitudes and actions (Becker, 2018:263), which increases the belief that this could be possible regarding consent as well. All people may not be affected and it will not occur from one day to another. Still, both my results and previous research shows how people have awareness of consent which I consider positive to create a consent culture. The challenge ahead, however, lies in how consent should not only be an awareness but also be the basis for sexual interaction between people.

For a concluding discussion, my results do to some extent confirm previous research about consent and sexual encounters. It confirms how consent is context-bound and its complexity in that people can interpret situations and actions in different ways. Together with my methodological choices and theoretical framework, however, I have been able to contribute to research by exploring whether a consent culture could be established and how people could achieve a mutual understanding of consent. I have also shown tendencies of what the culture looks like today and what opportunities and challenges there are for changing the culture. I entered this study with a social constructivist approach and this study can therefore only present one version of social reality as I have interpreted it. With my limited sample, I cannot draw conclusions that are definitive or generalizable, but the findings in this study can contribute to the discussion about consent and create an understanding of what the culture is today and what the way forward is.

10.1 Future research

In this study, I attempted to show that using legislation to change the culture in society is a long-term process and legislation is only one part of the process. Suggestions for further research

are therefore to investigate and follow up on how the changed sexual education in school affects younger people's behavior and attitudes towards consent. It is also important to examine the awareness of consent at a younger age to see the spread of the understanding of consent. From a theoretical perspective, studies of the relationship between law and society are important in the field, as it was one of the knowledge gaps I discovered. Therefore, there are many opportunities to carry through other socio-legal studies in the field of consent. There is not enough existing research on how legislation can affect people's behaviors and attitudes about consent, and therefore this is an important aspect to further follow up. In regard to the ban on corporal punishment that was considered a legal success, it is also important to investigate if the changes in the Swedish Sexual Offense law could contribute to further knowledge regarding legislation as an educational function.

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Appendix I: Interview guide

Tacka för personens deltagande och upprepa studiens syfte.

Informera om att vissa frågor kan uppfattas som känsliga och man får avbryta eller hoppa över vilken fråga som helst. Informera om samtycke, inspelning, konfidentialitet och anonymitet.

Inledande frågor

Hur gammal är du?

Vad pluggar du?

Hur ser din relationsstatus ut?

Beskriva kort information om lagen.

Kort reflektion om lagen

1) Har du själv haft några funderingar kring lagen? Har du läst om den eller sett om den någonstans?
2) Har lagen varit något du har diskuterat med vänner, familj eller partners? Är det något du skulle vilja diskutera med din partner?

Tema: lagens påverkan på sociala normer (Beteenden)

3) Vad tror du att samtycke betyder i sexuella situationer?
4) Har lagen gjort någon skillnad för hur samtycke uttrycks?
5) Tror du att genom förtydligande av lagen, där det inte längre behövs våld och hot för att dömas för till exempel våldtäkt, har en påverkan på hur människor väljer att agera eller bete sig i sexuella situationer?
6) Varför tror du att personer inte skulle lyssna på eller acceptera ett nej i sexuella situationer?
7) Varför tror du att personer kanske inte skulle våga säga nej i sexuella situationer?

Tema: Sociala normer (Förväntningar)

8) Tror du att det finns förväntningar på hur man ska bete sig i sexuella möten med andra människor?
9) Vad tror du är den generella uppfattningen/förväntningen om ett accepterat beteende i en sexuell situation?
10) Vad tror du är ett oaccepterat beteende i sexuella situationer?
11) Tror du att det finns förväntningar på hur människor borde bete sig i sexuella situationer?

Situationer (Förväntningar)

12) En person vill gärna ha sex en dag, men personens partner säger nej, hur tycker du att personen ska reagera i den här situation?
13) Två personer inleder en sexuell aktivitet, men den ena personen ändrar sig mitt i, vad tror du att reaktionen på detta blir?
14) Det är fest och det är uppenbart att en person närmar sig en annan person, det ser ut att vara oönskat, hur borde människor i omgivningen agera?

Samtyckeskultur (Värderingar)

15) Om jag säger ordet samtyckeskultur, är detta något du hört tidigare?
16) Om du får resonera fritt utifrån dig själv, vad tror du att en samtyckeskultur innebär?
17) Vad skulle du vilja att en samtyckeskultur innebar?
18) Utifrån vad du sagt, hur tror du att detta ser ut i Sverige? Vad är den svenska samtyckeskulturen?
19) Vad tror du är det som krävs för att samtycke ska bli en del av vardagen?
20) Vad tror du behövs motverkas för att samtycke ska bli en del av vardagen?

Är det något mer du vill tillägga?

Tack så mycket för din medverkan!

Appendix II: Consent form

1. Jag har fått studiens syfte skriftligen samt muntligen förklarad för mig och jag har haft möjlighet att ställa frågor om studien.
2. Jag förstår att även om jag samtycker till att delta nu kan jag när som helst dra mig ur eller vägra att svara på någon fråga utan några konsekvenser.
3. Tillgången till intervjumaterialet kommer att vara begränsad till Jessica och hennes handledare Matthias.
4. Jag förstår att min identitet kommer att förbli anonym i resultatet av denna studie. Detta kommer att göras genom att byta namn och dölja alla detaljer i min intervju som kan avslöja min identitet eller identiteten på personer jag pratar om.

Jag förstår villkoren ovan och samtycker till att bli intervjuad.

Jag samtycker till att citeras ärligt om mitt namn inte publiceras och en pseudonym används istället.

Jag samtycker till att forskaren får publicera dokument som innehåller citat av mig

_____ (signature) Place & date_____

☐ Jag samtycker till att intervjun spelas in.

Researcher: Jessica Seitz, Master Student på Rättssociologiska institutionen, Lunds universitet. Email: je4644se-s@student.lu.se

Supervisor: Matthias Baier, Docent och universitetslektor, Rättssociologiska institutionen, Lunds universitet. Email: matthias.baier@soclaw.lu.se