

Sexual Consent: Associations Between the Internal Consent
and the Likelihood to Express External Consent
Behavior

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Sexual consent is a very current and understudied phenomenon. The definitions of sexual consent vary from “the freely given verbal or non-verbal communication of a feeling of willingness”, to an internal state of willingness, as behavior someone else interprets as willingness and as an act of explicitly agreeing to something within a sexual context. An ongoing law reform in Finland aims to improve individuals’ sexual self-determination by defining rape as an act of involuntary sexual intercourse. This implies that the presence of sexual consent will be noted in the legal definition of rape in the criminal code of Finland. According to the proposal, agreeing to sexual intercourse is not considered voluntary if an individual has not expressed ones consent verbally, behaviorally or in some other way. To the best of my knowledge, no empirical studies on the psychological and behavioral correlates of sexual consent have been carried out in Finland despite the present legislative situation. Therefore, sexual consent was now investigated in the Finnish context and defined with consideration to both external and internal aspects of consent in this study. Empirical data on individuals’ internal (willingness to engage in sexual behavior) and external consent (communication of consent) related to their most recent sexual encounter was gathered with an online questionnaire. The questionnaire was distributed on an internet forum (vauva.fi) and via email lists reaching Finnish and Swedish speaking university students around Finland. The collected sample included 381 participants, and confirmatory factor analyses (CFA) and structural regression (SR) models were used to study the associations between internal consent and the likelihood to express external consent behavior. In this study, internal consent feelings predicted nonverbal behavior and borderline pressure. Nonverbal behavior appeared as the most common way to communicate sexual consent, whereas feelings of safety and want were the most strongly agreed feelings. Individuals experiencing more internal consent, were more likely to report nonverbal behavior and borderline pressure. According to this study, it is not recommendable that verbally communicated consent would be the only criteria for sexual consent. Taking psychological and behavioral research into account when working on reforms and legislation is important.

Keywords: sexual consent, law reform, rape, ICS, ECS

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Introduction

At the moment, there is an ongoing reform in Finland of the law relating to sexual offences. The reform is important, extensive, and historical. Hence, the reform has received considerable amount of media attention. The need for legislative changes in criminal law has been stated by the parliament and therefore a working committee of experts has been set to evaluate and make legislative preparations. The parliament has debated that the importance of sexual consent needs to be strengthened and the punishments for offences should comply more with international obligations (Oikeusministeriö, 2019). Based on this, the reformed legislation considering rape will be based on sexual consent if the proposal becomes valid in its handed form.

To the best of my knowledge, no empirical studies on the psychological and behavioral correlates of sexual consent have been carried out in Finland despite the present legislative situation. Therefore, this thesis aimed to investigate sexual consent and provide scientific information of associations between the internal consent and the likelihood to express external consent behavior.

Current Finnish Law of Sexual Consent

The current Finnish criminal law defines rape as an act of forcing someone to sexual intercourse through (the threat of) violence, or engaging in sexual activity with someone who is defenseless (The Criminal Code of Finland, 2014/509, sections 1 & 2). According to current law, situations do not account as rape even if the sexual activity proceeds following a verbal statement of non-consent, i.e., a "no". The current law demands violent acts or inability to defense oneself.

In 2018, a citizens' initiative requesting a consent-based law proceeded to the plenary session of Parliament to be discussed. The #MeToo movement was storming at the moment and drew public attention towards the victims of sexual violence. After the initiative request, the Ministry of Justice has worked on a reformation of the criminal law concerning sex crimes, emphasizing the importance of consent in sexual interactions. Finland has also ratified the Istanbul convention, which is a human rights treaty of the Council of Europe (The European Commission and the Council of Europe, n.d.). The convention aims to prevent and combat domestic violence and violence against women.

It refers to the necessity of voluntarily given consent in the context of sex and therefore increased the need for legislative changes (CETS No.210; Sops 53/2015).

The Ministry of Justice handed their legislative proposal to the parliament on 17th of February 2022 and the law based on the proposal is due to become valid on 1st of January 2023. The purpose is to reinforce individuals' sexual self-determination (Oikeusministeriö, 2022).

The handed proposal stands for a consent-based definition of rape in the criminal law. In the proposal, rape is defined as sexual intercourse with someone who does not agree to it voluntarily. The attendance is not seen voluntary if the individual has not verbally, behaviorally or in other way expressed one's consent. The lack of consent also stands in situations, where one is punished or unable due to circumstances form or express consent including situations involving violence, state of fear or abuse of authority. The proposal expands the variety of commitments considered as rape, improves the actualization of criminal responsibility and the position of crime victims (Oikeusministeriö, 2022).

Sexual Consent

The legal regulation of sex in the Western countries has encountered vast changes during the past century, including the wider decriminalization of sexual offences. In the perspective of criminal law, consent is drawing the line between a crime and socially undesirable actions (Roffee, 2015). In order to develop an appropriate legal regulation, sexual consent and sexual behavior should be adequately conceptualized. This has proven a difficult task. Where is the demarcation between rape and consensual sex?

The complex questions related to sexual consent are easy to ask, but difficult to answer: whether a "yes" under circumstances where "no" was not perceived as an option is considered consent or does an absence of "no" mean consent? Can a "yes" expressed under threat be interpreted as a "yes"? (Popova, 2019a).

Sexual consent is an understudied phenomenon that lacks a consistent scientific definition. It has, for example, been defined as "the freely given verbal or non-verbal communication of a feeling of willingness" (Hickman & Muehlenhard, 1999, p. 259), as an internal state of willingness, as behavior someone else interprets as willingness, and as an act of explicitly agreeing to something within a sexual context (Muehlenhard, Humphreys, Jozkowski, & Peterson, 2016).

Previous Research

When it comes to the difficulty of conceptualization, research shows that even laypeople conceptualize consent in varying ways, ranging from “not resisting” to ongoing negotiation and verbal expression (Humphreys, 2004). This variety may lead to legal problematics of judging whether the situation in question has been consensual or not. The issue of subjectivity becomes present in ideally an objective legal judgement.

Previous research indicates that verbal expressions are often stated as the most effective way to communicate consent (Kitzinger & Frith, 1999). However, this does not necessarily mean that people would verbally communicate their consent. According to studies conducted in the US, young adults often avoid communicating sexual consent verbally. This is because they find it embarrassing, socially awkward, and that it would “ruin the mood” (e.g., Humphreys & Herold, 2003; Humphreys, 2007). Similar results have been obtained among English female high school and university students, as verbal expressions of non-consent have appeared problematic. In a study by Kitzinger and Frith (1999), the subjects stated that they find a direct “no” to be an easy and effective way of communicating non-consent. At the same time, they found saying “no” as socially awkward and that they rather try to soften their refusals. If the sexual consent is not expressed by words, how is it then interpreted?

Jozkowski and colleagues (2014) have developed two measures which can be used to study internal consent behavior (willingness to engage in sexual behavior) and external consent behavior (communication of consent) in order to define and measure sexual consent. Based on their findings, internal and external consent are two distinct phenomena demonstrating the need for two individual measures of consent. Internal feelings are aligned with external behavioral indicators, and the association between those can be surveyed.

Research also indicates that women are more likely to engage in passive behaviors when consenting to sex than men (Jozkowski et al., 2014). Relationship status has also been found to affect how consent is communicated. Furthermore, single men and women are more likely to use direct nonverbal refusal cues than individuals in relationships (Marcantonio et al., 2018). When it comes to internal consent, research indicates that individuals engaging in sex with a familiar, long-term partner feel more safe, comfortable, willing and ready to engage in sex than individuals who are single (Jozkowski et al., 2014).

In their study Willis and colleagues (2019) created a model proposing that women's internal consent feelings predict their consent communication cues. They hypothesized that higher internal consent would be related to more active consent communication, whereas low internal consent would be associated with the communication of more passive consent cues. They also hypothesized the consent cues the women perceive their partner to have communicated would predict the women's internal consent (Willis, et al., 2019). Their results showed that women's passive consent cues are not necessarily associated with their internal feelings. This indicates that "doing nothing" is not a good indicator of women's consent or willingness to engage in sex. They also found that women's nonverbal cues best reflected their internal feelings, as nonverbal cues correlated strongly with internal consent feelings. Associations between internal feelings and verbal cues were weak, and the passive consent communication cue did not correlate with any of the internal consent feelings. Higher partner's perceived nonverbal or no response cues and active consent communication cues were also related to women's internal feelings. Partner's use of verbal cues was not associated with women's internal feelings, except a significant correlation between partner's use of verbal cues and women's higher physical response (Willis, et al., 2019).

In the present study, sexual consent is investigated in the Finnish context and sexual consent is defined with consideration to both external and internal aspects of consent. According to Muehlenhard (1995/1996 as cited in Jozkowski & Wiersma 2015), consent refers to both behavioral indicators and internal feelings associated with willingness to engage in sexual activity. Muehlenhard's conceptualization highlights that consent should not be understood solely by its external expression but also with consideration to the internal experience (Muehlenhard 1995/1996 as cited in Jozkowski, Sanders, Peterson, Dennis, & Reece, 2014).

Research question

The current law reform and upcoming legislative changes will reformulate the legal considerations of human sexual behavior from a consent point of view. Therefore, it is important to study this aspect and intend to discover how sexual consent is expressed behaviorally, and how is it related to internal feelings.

This thesis aimed to investigate the associations between the internal sexual consent and the likelihood to express external sexual consent behavior. Based on previous research we hypothesize that the association between internal consent and verbal

communication will be weaker than the association between internal consent and nonverbal communication.

Method

Participants

The data was collected with an online questionnaire. Participants were recruited online via an add distributed on a popular internet forum (vauva.fi) and via a University of Turku press release. Additionally, the questionnaire was distributed via email lists reaching Finnish and Swedish speaking university students around Finland. After confirming their age and sexual experience status, participants aged 16 years or older that had had at least one sexual experience during the last 12 months were asked to fill out an electronic questionnaire including 35 questions. The invitation included information about the anonymity, estimated time consumption of 15 minutes to fill in the questionnaire, and the requirements for attendance considering age and sexual experience. Participants could choose whether to complete the questionnaire in Finnish or in Swedish.

The participants were informed about the purpose of the study before proceeding to the survey. It was also explained that participation is anonymous, voluntary and that they have the possibility to discontinue the questionnaire at any point. The collected data and participation in the study were completely anonymous as no information that would enable the identification of specific participants was collected. The participants were also informed that the anonymous data will be made publicly available following the publication of the study.

The collected sample included 381 participants. Due to missing data two participants were excluded (N = 379). Most of the participants identified as female (n = 292, 77.0%), and the rest as male (n = 72, 19.0%), other (n = 12, 3.2%) or did not want to answer (n = 4, 1.1%).

The average age of the participants was 28.49 years (SD = 8.7, range 19-71). Most of the participants identified themselves as heterosexual (n = 273, 71.7%) and the rest as homosexual (n = 14, 3.7%), bisexual (n = 65, 17.1%), pansexual (n = 17, 4.5%), asexual (n = 2, 0.5%) and other (n = 8, 2.1%). Most participants were in a relationship and living together (n = 137, 36.1%) or in a relationship but not living together (n = 94, 24.8%). The rest reported being single (n = 83, 21.9%), married (n = 57, 15.0%), or reported their relationship status as "other" (n = 8, 2.1%). Most participants reported one long term sexual partner (n = 275, 72.6%) or both long term and occasional sex partners

(n = 50, 13.2%). Rest of the participants were having many long term sex partners (n = 20, 5%), one occasional (n = 17, 4.5%) or many occasional sex partners (n = 17, 4.5%).

As the legal age of sexual consent in Finland is 16, participants aged 16 years or older were targeted in the data collection (The Criminal Code of Finland, 2011/540, sections 6 & 7). The Ethics Committee evaluated the ethicality of the research plan and other risks related to the research, and on 21 October 2020 gave their assent to the research.

Procedure

The questionnaire began with providing participants information about the survey and asking them to provide their consent to participate. After providing informed consent, participants were asked to report their age, education status, gender and sexual orientation. The questionnaire then proceeded to questions about relationship status and sexual activity. After that followed two questions of consent not including personal experience. The last part of the form probed the participants' last sexual activity and included 1) questions related to personal experience, 2) an instrument measuring alcohol intoxication, and 3) instruments measuring internal and external consent (Jozkowski, Sanders, Peterson, Dennis, & Reece, 2014). Out from these measures, the ones described below were included in the present thesis. Before the data collection, the questionnaire was piloted.

Measures

Internal Consent Scale

To measure internal feelings of sexual consent, the Internal Consent Scale was administered (ICS; Jozkowski, Sanders, et al., 2014). The ICS consists of five factors including 25 items in total presented in Table 1. In the original validation study by Jozkowski and colleagues (2014) the ICS manifested great internal consistency ($\alpha = .95$), and all standardized factor loadings exceeded .90.

Before the ICS items were administered, the participants were presented with the following information: "People can experience different feelings related to their willingness and consent to engage in sexual activity. Please respond to the following questions by indicating the extent to which you agree or disagree that you experienced the feeling in question during your last sexual activity." Participants then gave their

answers by evaluating their experience on every item on a four-point Likert-like scale from “Strongly disagree” to “Strongly agree”.

Table 1.

The items in the ICS.

Factor	Items						
Physical Response n, %	Rapid heartbeat 139, 36.7	Flushed 50, 13.2	Eager 203, 53.6	Heated 217, 57.3	Lustful 223, 58.8	Erect/ vaginally lubricated 258, 68.1	
Safety/ Comfort n, %	Secure 284, 74.9	Protected 272, 71.8	Safe 300, 79.2	Respected 292, 77.0	Certain 251, 66.2	Comfortable 250, 66.0	In control 215, 56.7
Arousal n, %	Aroused 248, 65.4	Turned on 214, 56.5	Interested 229, 60.4				
Consent/ Want n, %	Consented to 312, 82.3	Agreed to 291, 76.8	Wanted 275, 72.6	Consensual 273, 72.0	Desired 241, 63.6		
Readiness n, %	Ready 271, 71.5	Sure 250, 66.0	Willing 268, 70.7	Aware of my surrounds 258, 68.1			

Note. Reported n and % values represent the amount of how many participants answered “Strongly agree” based on their last sexual activity. N = 379.

External Consent Scale

To assess the communication of sexual consent the External Consent Scale was administered (ECS; Jozkowski, Sanders, et al., 2014). The ECS consists of five factors and 18 items presented in Table 2. In the original validation study by Jozkowski and colleagues the ECS manifested great internal consistency ($\alpha = .84$), and factor loadings varying between .55 and .80.

Before the ECS items were administered, the participants were presented with the following text: “People communicate their desire and consent to sexual activity in different ways. How did you express your consent to sex in your last sexual activity? (you can choose multiple options)”. The ECS items were all presented after each other without subheadings. As individuals selected all items that applied, responses were coded as binary (0 = did not select the item, 1 = selected the item).

Table 2.

<i>The items in the ECS.</i>		n	%
Nonverbal Behavior	I increased physical contact between myself and my partner.	305	80.5
	I engaged in some level of sexual activity such as kissing or ‘‘foreplay.’’	316	83.4
	I touched my partner, showed him/her what I wanted through touch or increasing physical contact between myself and the other person.	306	80.7
	I used non-verbal cues such as body language, signals, flirting.	212	55.9
	I removed mine and/or my partner’s clothing.	206	54.4
Passive Behavior	I did not resist my partner’s attempts for sexual activity.	283	74.7
	I did not say no or push my partner away.	273	72.0
	I let the sexual activity progress to the point of intercourse.	292	77.0
	I reciprocated my partner’s advances.	320	84.4
Communicative/ Initiator	I initiated sexual behavior and checked to see if it was reciprocated.	191	50.4
	I used verbal cues such as communicating my interest in sexual behavior or asking if he/she wanted to have sex with me.	176	46.4
	I indirectly communicated/IMPLIED my interest in sex (i.e. talked about getting a condom)	103	27.2
Borderline Pressure	I took my partner somewhere private.	87	23.0
	I shut or closed the door.	51	13.5
	I just kept moving forward in sexual behaviors/actions unless my partner stopped me.	119	31.4
No Response Signals	It just happened.	62	16.4
	I did not say anything.	29	7.7
	I did not do anything: it was clear from my actions or from looking at me that I was willing to engage in sexual activity/sexual intercourse.	100	26.4

Note. Reported n and % values represent the amount of how many participants selected the item. N = 379.

Analysis

All analyses were conducted in R (R Core Team, 2018). The ltm (Rizopoulos, 2006) and psych (Revelle, 2022) packages were used to explore the data, and the lavaan (Rosseel, 2012) package was used to conduct confirmatory factor analyses (CFA) and structural regression (SR) models.

Following the recommendations by Anderson and Gerbing (1988), a two-step technique was conducted. The first step was to examine the measurement model with CFA in order to test whether the observed variables loaded on their respective factors. As a second step, structural regression models (SR) were conducted to discover the associations between internal consent and the likelihood to express external consent behavior. P-values $< .001$ were considered statistically significant.

The fit of the CFA and SR models were assessed with multiple fit indices in accordance with the suggestions by Hu and Bentler (1999). These fit indices were the comparative fit index (CFI), the root mean-square error of approximation (RMSEA) and the standardized root mean residual (SRMR). The criteria for good model fit were $> .95$ for CFI and TLI, $< .06$ for RMSEA, and $< .08$ for SRMR (Hu & Bentler, 1999). The Cronbach's alpha coefficient was used to evaluate the reliability of factors including three items or less. A Cronbach's alpha value of $> .70$ was considered good. In the SR model the higher order factor of the ICS was the predictor of selected items in the ECS.

Results

The frequencies of reported "Strongly agree" answers based on last sexual activity in ICS are presented in Table 1, and the frequencies of selections of ECS items are presented in Table 2. In this data, safety/comfort and consent/want feelings were reported more often than physical responses, arousal or readiness. In four out of seven items, over 70% of participants had answered "Strongly agree" in safety/comfort factor. In four out of five items, over 70% of participants had answered "Strongly agree" in consent/want factor. The most agreed item in ICS was "Consented to" and the least agreed "Flushed".

According to this data, the most common way to express external consent was nonverbal behavior as in three out of the five items the selection rate was over 80% in nonverbal behavior factor. Additionally, item "I reciprocated my partner's advances." in passive behavior factor was selected by over 80% of the participants and proved most selected item in ECS. The least selected item was "I did not say anything." in no response signals factor.

Confirmatory Factor Analysis of ICS

The CFA model of the ICS fit the data well, indicating that variables formed five separate factors. The results are presented in Table 3. The modification indices

indicated a residual correlation between the first and second items in ‘Physical’, and therefore was included in the model and improved the fit.

On account of observed fit criteria it was decided to proceed with the original model suggested by Jozkowski et al. (2014) including all five factors: physical response, safety/comfort, arousal, consent/want, and readiness. Based on perceived high correlations between the mentioned factors among the ICS and previous study (Willis, et al., 2019) it was decided to statistically proceed by treating the ICS as a higher order factor in the assessment of the measurement model.

Running the CFA for the ICS treating it as a one higher order factor the overall model fit was good. This model was considered adequate and therefore retained for subsequent analyses.

Table 3.

Goodness of fit Indexes for CFA Models in ICS.

Factor	χ^2	df	CFI	TLI	RMSEA	SRMR
Physical	54.51**	9	.968	.947	.165	.074
Physical	40.19**	8	.989	.979	.103	.041
Modified						
Safety	53.06**	14	.994	.991	.086	.035
Arousal	.000	0	1.000	1.000	.000	.000
Consent	40.81**	5	.991	.983	.138	.052
Readiness	.75	2	1.000	1.001	.000	.009
ICS as Higher	747.37**	265	.973	.969	.069	.070
Order Factor						

Note. * = $p < .05$, ** = $p < .005$

Confirmatory Factor Analysis of ECS

The CFA of the ECS was also performed one factor at a time in order to evaluate the internal consistency of the measure. The results are presented in Table 4. As some of our ECS variables only included three or less items, the Cronbach’s alpha coefficient was also used to evaluate the reliability of ECS items presented in Table 2.

Running the CFA for the Nonverbal Behavior factor and Passive Behavior factors indicated that both models were adequate and met the set criteria even though the RMSEA in the Nonverbal Behavior was slightly high. The items including less than four

indicators were evaluated with the Cronbach's alpha. The values were not convenient as Communicative/Initiator $\alpha = -0.04$, Borderline Pressure $\alpha = 0.477$, and No response signals $\alpha = 0.385$ factors did not meet the set criteria.

The CFA model of the ECS including all factors was not positive definite and hence not empirically identified. The factors were explored separately in order to locate the problem. Attempts to correct this by removing two negative variance items failed to adequately improve model fit.

Components to be included in the SR analysis were based on the analysis of ECS factors. Direct nonverbal behavior factor and the passive behavior factor were treated as whole factors in the analysis. Additionally, a single item was selected from each of the remaining three factors to be included in the SR analysis based on theoretical considerations.

The selection of the item in communicative/initiator behavior factor (*"I used verbal cues such as communicating my interest in sexual behavior or asking if he/she wanted to have sex with me"*) was based on previous research findings that verbal expressions are often stated as the most effective way to communicate consent (Kitzinger & Frith, 1999). The selected item in the borderline pressure factor (*"I just kept moving forward in sexual behaviors/actions unless my partner stopped me"*) was chosen as it was the only item directly related to sexual action, and therefore chosen. The item for the no response signals factor (*"I did not do anything: it was clear from my actions or from looking at me that I was willing to engage in sexual activity/sexual intercourse"*) was included as it most clearly expressed the claim that individual's willingness during sexual activity was not expressed in any way.

Table 4.
Goodness of fit Indexes for CFA Models in ECS.

Factor	χ^2	df	CFI	TLI	RMSEA	SRMR
Nonverbal Behavior	14.79*	5	.984	.969	.072	.056
Passive Behavior	.88	2	1.000	1.000	.000	.0012
ECS as Higher Order Factor	294.51**	125	.983	.979	.060	.121
ECS as Higher Order Factor Modified	211.29**	94	.933	.914	.057	.104

Note. * = $p < .05$, ** = $p < .005$

SEM/Structural Regression Analysis

The model investigating the relationship between for the ICS and the ECS fit the data well, $\chi^2 = 1192.12$, $p < .001$, $df = 576$, $CFI=0.969$, $TLI=0.966$, $RMSEA=0.053$, $SRMR=0.084$.

The Internal Consent Scale statistically significantly predicted nonverbal behavior ($\beta=.483$, 95% CI [0.374, 0.593], $z=8.647$, $p < .001$) and borderline pressure ($\beta=.228$, 95% CI [0.090, 0.367], $z=3.225$, $p < .001$). Individuals who experienced more internal consent, were more likely to report nonverbal behavior and borderline pressure.

The participants answered to the ICS based on their latest sexual activity. The ICS did not predict statistically significantly passive behavior ($\beta=.0115$, 95% CI [-0.016, 0.245], $z=1.720$, $p=.085$), communicative/initiator behavior ($\beta=.104$, 95% CI [-0.032, 0.240], $z=1.499$, $p=.134$), or no response signals ($\beta=.182$, 95% CI [0.040, 0.323], $z=2.521$, $p=.012$).

Discussion

The aim of this study was to investigate the associations between internal sexual consent and the likelihood to express external sexual consent behavior. The importance of this study is related to the current law reform in Finland, which will conceptualize sexual consent and its presence or absence by law. As discovering the feelings and expressions related to sexual consent in Finnish population the aim was to bring behavioral research findings to the side of legislative discussion.

General Discussion

Based on previous research we hypothesized that the association between internal consent and verbal communication would be weaker than the association between internal consent and nonverbal communication. According to our study, internal consent feelings predicted nonverbal behavior and borderline pressure. Individuals who experienced more internal consent, were more likely to report nonverbal behavior and borderline pressure. The most common way to express external consent was nonverbal behavior. This indicates that non-verbal cues play an important role in sexual consent.

Furthermore, safety/comfort and consent/want feelings were reported more often than physical responses, arousal or readiness. The most agreed item in ICS was "Consented to", which indicates that most participants have strongly agreed their latest sexual activity was consensual. The results of his study correspond with the sexual

consent study conducted by Willis and colleagues (2019). In their study, associations between internal feelings and verbal cues were weak among women. Instead, nonverbal cues best reflected women's internal feelings. The genders were not separated in our study, but the findings are likewise.

The most effective option to express sexual consent would be to say it verbally aloud (Kitzinger & Frith, 1999). Therefore, it is worth noting that both predicted factors in this study, non-verbal and borderline pressure behaviors, do not include verbal communication. Direct verbal communicative behavior was not significantly associated with internal consent behavior in this study.

The legislative proposal states that rape should be defined as an act of involuntary sexual intercourse. According to proposal, agreeing to sexual intercourse is not considered voluntary if an individual has not expressed ones consent verbally, behaviorally or in some other way (Oikeusministeriö, 2022). However, according to this study internal consent fails to predict the verbal expression of consent. Furthermore, behavioral expression is an overly board concept that leaves room for interpretation. Finally, the third description "in some other way" is problematic and will likely be a topic of debate, given the law is passed with this wording. The laws are dispensed in practice, and the practice will show how a definition like "in some other way" will be applied. This kind of legislative sentence leaves a lot to desire in its ambiguousness.

According to this study, there are significant associations between internal consent, nonverbal behavior and borderline pressure. Nonverbal behavior was the most reported way to communicate sexual consent, whereas feelings of safety and want were the most often strongly agreed feelings in the data.

Limitations and Further Research

Sexual consent is an understudied phenomenon, and therefore the research base allowing reflection of these findings to previous studies is very limited. Therefore, presented findings need to be viewed critically. Research settings and approaches to study sexual consent are relatively new and need evaluating and further processing in order to collect good quality data.

The usage of the internal and external consent scales emerged rather difficult. There are not many studies in the field, where these measurements would have been used. Therefore, it is relatively difficult to evaluate and compare their value and usability in this kind of research settings. The formulation of the questionnaire required

the creation of introductions for these measures, and the gathered data must be carefully handled in order to receive the particular information these measurements are meant to collect.

The participants were asked to recall their latest sexual activity. It depends on the participant how long it has passed since the last time, and this can possibly affect the recall of the present behavior and feelings then. It can also be questioned how well last sexual activity is overall recalled even if it was rather recent.

Most studies concerning sexual consent have included rather narrow populations, as participants have mainly been college-aged, white, heterosexual students (Willis, Blunt-Vinti, & Jozkowski, 2019; Muehlenhard, Humphreys, Jozkowski, & Peterson, 2016). According to Willis, Blunt-Vinti, & Jozkowski (2019) there is, therefore, a need for sexual consent research in more varied populations. In my opinion, this is exactly the need for future research. Especially when it comes to forensic psychology or laws based on human behavior like sexual consent. The laws affect the whole population, and therefore representative samples are needed.

Despite the intention to target underaged participants, due to encountered problems during the data collection process this goal was not reached. Young female heterosexual university students are overrepresented in our sample, despite the rather wide age range between 19 and 71. In the future it would be incredibly important to also include underaged participants and overall reach a more heterogenic sample in order to get representative data in the light of law and the legal age of sexual consent. The wider research settings with a broader variety of behavioral variables are also highly recommended.

Furthermore, it is easily assumed that sexual activity takes place between two individuals. This assumption fails to consider the real-life variety in sexual habits, and therefore should be taken on account in future studies of this topic.

Conclusions

This thesis aimed to investigate sexual consent and associations between the internal consent and the likelihood to express external consent behavior. Confirmatory factor analyses and structural regression models were used to measure the factor structures of internal and external consent in Finnish population. Based on our data, nonverbal behavior is the most common way to communicate sexual consent, whereas feelings of safety and want were the most strongly agreed feelings. In this data, internal

consent feelings were associated with nonverbal behavior and borderline pressure. Individuals who experienced more internal consent, were more likely to report nonverbal behavior and borderline pressure. This thesis aimed to provide scientific information related to sexual consent and made a statement towards the importance and possibility for authorities to utilize scientific information in law reformations and political judgement. According to this study, it is not recommendable that verbally communicated consent would be the only criteria for the presence sexual consent. The importance of taking psychological and behavioral research into account when working on reforms and legislation is emphasized.

References

- CETS No.210 (2011). Council of Europe Convention on preventing and combating violence against women and domestic violence. Article 36. Retrieved 29.4.2020, from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>
- The Criminal Code of Finland, 2011/540. Passed in Helsinki 20.5.2011.
- The Criminal Code of Finland, 2014/509. Passed in Helsinki 27.6.2014.
- The European Commission and the Council of Europe. (n.d.) What is the Istanbul Convention? Retrieved 29.4.2020, from: <https://ec.europa.eu/justice/saynostopvaw/downloads/materials/pdf/istanbul-convention-leaflet-online.pdf>
- Hickman, S.E. & Muehlenhard, C.L. (1999). "By the Semi-Mystical Appearance of a Condom": How Young Women and Men Communicate Sexual Consent in Heterosexual Situations. *The Journal of Sex Research*, 36(3), 258–272.
- Hu, L.T., & Bentler, P. M. (1999). Cutoff criteria for fit indexes in covariance structure analysis: Conventional criteria versus new alternatives. *Structural Equation Modeling: A Multidisciplinary Journal*, 6, 1–55.
- Humphreys, T. (2004). Understanding sexual consent: An empirical investigation of the normative script for young heterosexual adults. In M. Cowling & P. Reynolds (Eds.). *Making sense of sexual consent* (pp. 209–225). Burlington, VT: Ashgate.
- Humphreys, T. (2007). Perceptions of sexual consent: The impact of relationship history and gender. *Journal of Sex Research*, 44, 307–315. <https://doi.org/10.1080/00224490701586706>

- Humphreys, T., & Herold, E. (2003). Should universities and colleges mandate sexual behavior? Student perceptions of Antioch College's consent policy. *Journal of Psychology and Human Sexuality, 15*, 35–51. https://doi.org/10.1300/J056v15n01_04
- Hust, S., Rodgers, K., & Bayly, B. (2017). Scripting Sexual Consent: Internalized Traditional Sexual Scripts and Sexual Consent Expectancies Among College Students. *Family Relations, 66*(1), 197–210. <https://doi.org/10.1111/fare.12230>
- Jackson, D.L., Gillaspay, J.A., & Purc-Stephenson, R. (2009). Reporting practices in confirmatory factor analysis: An overview and some recommendations. *Psychological Methods, 14*, 6–23. <https://doi-org.ezproxy.utu.fi/10.1037/a0014694>
- Jozkowski, K., & Wiersma, J. (2015). Does Drinking Alcohol Prior to Sexual Activity Influence College Students' Consent? *International Journal of Sexual Health, 27*(2), 156–174. <https://doi.org/10.1080/19317611.2014.951505>
- Jozkowski, K., Manning, J., & Hunt, M. (2018). Sexual Consent In and Out of the Bedroom: Disjunctive Views of Heterosexual College Students. *Women's Studies in Communication, 41*(2), 117–139. <https://doi.org/10.1080/07491409.2018.1470121>
- Jozkowski, K., Sanders, S., Peterson, Z., Dennis, B., & Reece, M. (2014). Consenting to Sexual Activity: The Development and Psychometric Assessment of Dual Measures of Consent. *Archives of sexual behavior, 43*. <https://doi.org/10.1007/s10508-013-0225-7>.
- Kitzinger, C., & Frith, H. (1999). Just say no? The use of conversation analysis in developing a feminist perspective on sexual refusal. *Discourse and Society, 10*, 293–316. <https://doi.org/10.1177/0957926599010003002>
- Lofgreen, A.M., Mattson, R.E., Wagner, S.A., Ortiz, E.G., & Johnson, M.D. (2017). Situational and Dispositional Determinants of College Men's Perception of Women's Sexual Desire and Consent to Sex: A Factorial Vignette Analysis. *Journal of Interpersonal Violence, 1-34*. <https://doi.org/10.1177/0886260517738777>
- Marcantonio, T. L., Jozkowski, K. N., & Wen-Juo Lo. (2018). Beyond “Just saying no”: A preliminary evaluation of strategies college students use to refuse sexual activity.

Archives of Sexual Behavior, 47(2), 341-351.

Muehlenhard, C. L. (1995/1996). The complexities of sexual consent. *SIECUS Report*, 24, 4-7.

Muehlenhard, C.L., Humphreys, T.P., Jozkowski, K.N., & Peterson, Z.D. (2016). The Complexities of Sexual Consent Among College Students: A Conceptual and Empirical Review. *The Journal of Sex Research*, 53(4-5), 457-487.
<https://doi.org/10.1080/00224499.2016.1146651>

Oikeusministeriö (2019). Asettamispäätös: Rikoslain 20 luvun kokonaisuusuudistus. VN/1984/201. Retrieved 19.5.2022, from:
https://api.hankeikkuna.fi/asiakirjat/87af2771-594a-480d-89d1-dffccd851af5/b76b654c-0ea7-4a3b-a3d9-4fd885651c93/ASETTAMISPAATOS_20190415083428.pdf

Oikeusministeriö. (2022). Rikoslain uudistaminen vahvistaa seksuaalista itsemääräämisoikeutta. Published: 17.2.2022. Retrieved 24.4.2022 from:
<https://valtioneuvosto.fi/-/1410853/rikoslain-uudistaminen-vahvistaa-seksuaalista-itsemaaraamisoikeutta>

Peterson, Z. D., & Muehlenhard, C. L. (2007). Conceptualizing the “wantedness” of women’s consensual and nonconsensual sexual experiences: Implications for how women label their experiences with rape. *Journal of Sex Research*, 44, 72–88.

Popova, M. (2019a). Introduction. In *Sexual consent* (pp. 1-12). The MIT Press.

Popova, M. (2019b). #metoo – Now what? In *Sexual consent* (pp. 153-179). The MIT Press.

R Core Team (2018). R: A language and environment for statistical computing. R Foundation for Statistical Computing, Vienna, Austria. <https://www.R-project.org/>.

Revelle, W. (2022). psych: Procedures for Psychological, Psychometric, and Personality Research. Northwestern University, Evanston, Illinois. R package version 2.2.5.
<https://CRAN.R-project.org/package=psych>.

- Rizopoulos, D. (2006). ltm: An R package for Latent Variable Modelling and Item Response Theory. *Analyses, Journal of Statistical Software*, 17, 1-25. <https://doi.org/10.18637/jss.v017.i05>
- Roffee, J.A. (2015). When Yes Actually Means Yes. In: *Rape Justice*. Powell, A., Henry, N., Flynn, A. (eds). Palgrave Macmillan, London.
- Sops 53/2015: Istanbulin sopimus. Sopimusteksti Euroopan neuvoston yleissopimus naisiin kohdistuvan väkivallan ja perheväkivallan ehkäisemisestä ja torjumisesta. Valtioneuvoston asetus naisiin kohdistuvan väkivallan ja perheväkivallan ehkäisemisestä ja torjumisesta tehdyn Euroopan neuvoston yleissopimuksen voimaansaattamisesta sekä yleissopimuksen lainsäädännön alaan kuuluvien määräysten voimaansaattamisesta annetun lain voimaantulosta. (2015). Retrieved 29.4.2020, from: <https://www.finlex.fi/fi/sopimukset/sopsteksti/2015/20150053>
- Willis, M., Blunt-Vinti, H., & Jozkowski, K. (2019). Associations between internal and external sexual consent in a diverse national sample of women. *Personality and Individual Differences*, 149, 37–45. <https://doi.org/10.1016/j.paid.2019.05.029>