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Intentionality and responsibility in young people's construction of alcohol intoxicated sexual assault and sexual consent

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Abstract
The aim of this paper is to investigate how notions of intentionality and responsibility influence young people's construction of sexual assault and sexual consent under the influence of alcohol intoxication. Our sample consisted of 20 young Danes between the ages of 19 and 25. We used vignettes in the form of a short written story depicting an alcohol intoxicated heterosexual sexual interaction, each time varying different contextual factors in the story, asking our participants to comment on them. We conducted a thematic analysis within a Critical Discursive Psychological framework and found three themes that we named '(Un-) ambiguous communication of non-consent', 'Levels of intoxication, power and responsibility' and 'Different types of relationships, different expectations around sex'. Central to those themes were discussions around whether the transgression of sexual boundaries was intentional as well as who was responsible for the sexual assault and/or sexual consent. The participants drew on different and contradicting discourses on gender, sexuality and intoxication situationally to construct intentionality and responsibility, something that revealed that their understanding of sexual assault and sexual consent in drinking environments was situational too.

Keywords
alcohol intoxication, qualitative research, sexual assault, sexual consent, vignettes, young people

Introduction
Alcohol intoxication plays a central role in many young people's lives in the Nordic countries (Fjær et al., 2015; Jensen et al., 2019). It is also frequently a part of young people's casual sexual experiences (Wade, 2021). While some research shows how having sex in heavy drinking contexts can be a pleasurable experience for young people (e.g. Pedersen et al., 2017), other research points to various negative experiences in this context, including experiences of sexual assault (Lorenz & Ullman, 2016; Orchowski et al., 2022; Tutenges et al., 2020). Studies show that 29% of sexual assaults in Denmark (Heinskou et al., 2017) and up to 50% of them internationally (Lorenz & Ullman, 2016) happen in relation to alcohol intoxication and that young people have difficulty navigating sex in intoxicated situations (Orchowski et al., 2022). An important question, therefore, becomes how young people understand

sexual assault and sexual consent under the influence of alcohol intoxication if we wish to reduce the number of alcohol intoxicated sexual assaults.

Discussions about sexual assault and sexual consent among the lay public are often centered on notions of 'intentionality' and 'responsibility', i.e., whether a person intentionally committed sexual assault, who is responsible for the assault, and for obtaining consent. For example, in relation to sexual assault, previous research has typically investigated incapacitated sexual assaults through a 'perpetrator tactics framework', that is, based on an understanding that they happen due to the intentional tactics/manipulation of the perpetrator (Stefansen et al., 2021). In those cases, therefore, there is also a clear allocation of responsibility. Other studies show that intentionality influences how people view sexual assaults with 'unintentional sexual assaults' being viewed more positively compared to assaults that happen due to the deliberate tactics of the perpetrator (Kaluza & Conray-Murray, 2021).

However, discussing sexual assault by taking a point of departure in notions of intentionality and responsibility can result in a simplistic (and problematic) understanding of this rather complex issue. Research has pointed toward how a person getting sexually assaulted while intoxicated is at increased risk of getting 'victim blamed', that is, held responsible for getting assaulted due to the rationale that they could have avoided that assault had they abstained from drinking (Maurer, 2016; Dyar et al., 2021; Romero-Sánchez et al., 2018). It is mostly women who get victim blamed (Wegner et al., 2015), which can be due to how women's alcohol consumption is more stigmatized than men's (e.g. Herold & Hunt 2020; de Visser & McDonnell, 2012; Nicholls, 2018; Pennay et al., 2022). This is despite the fact that women are expected to drink to intoxication and to consume alcohol in the pursuit of pleasure, the same way men do (Atkinson & Sumnall, 2019). Another reason can be that young women's sexual practices are judged more negatively compared to men's (Bjønness et al., 2022). Even though young women are expected to be agentic sexually in par with men (Wade, 2021), at the same time, even in a Danish context with relatively liberal sexual norms, young women are expected to not be *too* sexually active as they risk being labelled a 'slut' (Bjønness et al., 2022; Jensen & Hunt, 2020).

Another important concept/theory that has taken hold within research is the miscommunication hypothesis, that is, a widespread belief that sexual assaults are often understood as a result of miscommunication (Beres, 2022; Kitzinger & Frith, 1999; Maryn, 2021; O'Byrne et al., 2006, 2008). This theory also emphasizes intent and responsibility and, therefore, offers a rather simplistic understanding of sexual assault. This is because it becomes a person's individual responsibility to communicate consent clearly, in order for the other person not to misunderstand their signals and (unintentionally) transgress their sexual boundaries. Consequentially, if that person gets sexually assaulted, they risk being viewed as responsible for the assault due to the rationale that they did not communicate non-consent clearly. The miscommunication hypothesis has also been problematized since research shows that young people are actually quite skilled at interpreting sexual signals (Glace et al., 2021; Kitzinger & Frith, 1999) and researchers have, therefore, argued that people might claim miscommunication in order to explain or justify sexual assaults (Beres, 2022; Kitzinger & Frith, 1999; Maryn, 2021; O'Byrne et al., 2006, 2008). For example, alcohol intoxication is sometimes used as an explanation for why the perpetrator committed sexual assault (Wegner et al., 2015). This is because it is based on the logic that the perpetrator, being intoxicated, was not able to understand the other person's non-consent (Cameron & Stritzke, 2003; Nason et al., 2019). In those cases, therefore, the perpetrator is ascribed *less* responsibility for the assault and the assault might be viewed as an 'unintentional' transgression of the other person's boundaries. Given how the majority of perpetrators are men,

there is also a gendered imbalance in this case, with mostly men being excused from committing sexual assault (Cameron & Stritzke, 2003; Wegner et al., 2015).

Something that also points toward how the miscommunication theory offers a simplistic understanding of sexual assaults is that it overlooks gender and relationship norms and expectations. For example, the notion of 'token resistance' refers to the widespread belief that a woman's 'no' to sex actually means 'yes' and that women initially say 'no' in order to not be perceived as too sexually available (Baldwin-White, 2021). This can result in men becoming very persistent sexually in order to persuade a woman to have sex, even though she said no (Baldwin-White, 2021). Other researchers have pointed toward the notion of 'sexual precedence', which refers to the expectation that if two people have had sex before, (consensual) sex will 'naturally' occur again (Humphreys, 2007; Willis & Jozkowski, 2019). This can result in a person assuming that their partner consents to sex since their partner has consented to sex before. For example, Willis and Jozkowski's (2019) study found that the more sexual history college students shared with a partner, the more they also relied on context (e.g., relationship status, routine) as indicators of consent, rather than sexual consent communication. Therefore, those gender and relationship norms and expectations challenge the miscommunication theory's assumption that by (simply) communicating consent clearly, a person can avoid sexual assault.

Similarly to sexual assault, there are pervasive, often gendered, understandings of sexual consent that take a point of departure in notions of intent and responsibility, but, again, seem too simplistic if we want to understand young people's situational understandings of consent. An important discourse is the 'male sexual drive discourse' where researchers emphasize how men are positioned as the active ones sexually, and with an ever-present biological desire to have sex, and women are positioned as the 'gatekeepers' in relation to consent (Hollway, 1984; Gavey, 2018). In this discourse, therefore, women are positioned as responsible for consenting or not to men's sexual advances, instead of consent being a mutual responsibility between the two (Beres, 2014; Hollway, 1984; Gavey, 2018; Gunnarsson, 2018). Since men are expected to always want sex, their consent is perceived as always given (Beres, 2014; Gavey, 2018).

Along this more traditional gendered sexuality discourse, researchers have identified a neoliberal discourse where genders are understood as more equal in relation to their responsibility as regards consent. Based on a market exchange logic, this discourse positions young people – regardless of gender – as free, rational and calculating individuals (Beres, 2007; MacKinnon, 2016; Loick, 2019). Positioned in that discourse, young people are viewed as having a free choice in relation to consent. However, they are, simultaneously, viewed as responsible for the sexual choices they make, even if they experience sexual assault, due to the rationale that they could have 'simply' not consented if they wanted to avoid getting sexually assaulted (Allen, 2003; Gill, 2007). The neoliberal discourse also offers a simplistic understanding of sexual consent, since it has been criticized for overlooking structural factors, such as gendered power imbalances, that challenge the notion that young people are always able to make a free choice in relation to consent (Loick, 2019; MacKinnon, 2016). Women might feel pressured to consent to live up to traditional notions of femininity where they are expected to be passive sexually and subvert their own needs to those of men's (Gavey, 2018; Hollway, 1984). Men, on the other hand, might feel pressured to consent in order to live up to traditional notions of masculinity where men should take every opportunity to have sex or risk having an experience of sexual assault not recognized as being an assault (Gavey, 2018; Hollway, 1984). The latter is not only due to how men are viewed as having a free choice in relation to consent (Beres, 2007; MacKinnon, 2016;

Loick, 2019), but also because they are perceived as always having the possibility to resist the assault due to the notion that they are physically superior compared to women (Davis & Rogers, 2006).

Researchers have embarked on nuancing the responsibility and intentionality in relation to sexual assault and sexual consent by focusing on the context and social situations in which those take place. For example, Stefansen et al.'s (2021) research centered around Norwegian young people's incapacitated sexual assault experiences, and showed that many of them arise out of 'tumultuous and confusing' sexual interactions where the allocation of responsibility and intent becomes unclear. Similarly, Tutenges et al. (2020) have nuanced the discussions around the victim's responsibility to resist a sexual assault by using the concept of 'sexually violent effervescence' to describe how victims of intoxicated sexual assaults experience those assaults. Sexually violent effervescence is a 'state' of delirium that arises in a party context where the victim of a sexual assault might feel out of touch with reality and themselves (Tutenges et al., 2020). According to Tutenges et al., this state can explain why the victims of a sexual assault might feel unable to resist the assault.

Cahill (2014, 2016), who distinguishes between 'rape acts' and 'unethical sex', also offers a more nuanced understanding on sexual assaults where it is possible to discuss responsibility and intentionally situationally and contextually. Rape acts refer to when the perpetrator shows no regard for the victim's interest in the situation and through their actions prevent the victim's possibility to affect the situation. This does not necessarily entail physical violence, but can also happen through low-level coercion, such as simply not giving up and pushing the situation forward when the victim is in a more vulnerable state (Cahill, 2014, 2016). 'Unethical sex', on the other hand, refers to instances that do not constitute rape, but are, nevertheless, morally problematic, such as those where the perpetrator reads consent into the victim's physical acts. Such readings of a situation can be supported by the socio-temporal context of the interaction (cf. Hirsch et al., 2019). For example, research shows that going home with someone after a party or accepting a drink from someone might be read as consenting to sex (Wills & Jozkowski, 2019; 2022).

In line with that, Willis and Jozkowski (2022) have proposed a more complex understanding of sexual consent that nuances the discussions around intentionality and responsibility. They characterize it as 'an ongoing and iterative process that builds toward and continues throughout a consensual sexual encounter' (Willis and Jozkowski, 2022:797, see also Beres, 2014; Humphreys, 2007). Therefore, this understanding of sexual consent challenges the view on sexual consent as a static event happening right before the sexual act where there is an individual responsibility for communicating consent clearly in order to avoid miscommunication.

Overall then, notions of responsibility and intentionality are central when discussing sexual assault and sexual consent in relation to alcohol intoxication. We need, however, more complex models in order to understand the situational and contextual nature of those matters. While Tutenges et al.'s (2020) and Stefansen et al.'s (2021) research has tried to nuance our understanding of those matters by taking a point of departure in how young people *experience* intoxicated sexual assaults, there is a paucity of research on whether notions of intentionality and responsibility influence young people's constructions of sexual assault and sexual consent in relation to alcohol intoxication. Researching that is important because it can influence how young people reflect back on their own alcohol intoxicated sexual experiences or respond to other people's sexual experiences. Therefore, the aim of the present qualitative study is to investigate how notions of intentionality and responsibility influence how 20 young people between the ages of 19 and 25 make sense

of a hypothetical alcohol intoxicated sexual interaction. We conducted a thematic analysis (cf. Braun et al., 2019) within a Critical Discursive Psychological approach (CDP), focusing on how our participants discursively constructed notions of intentionality and responsibility, in what situations, for what aims, and with what implications for their understanding of sexual assault and sexual consent under the influence of alcohol intoxication (see also Potter & Wetherell, 1987).

Methods

Study Design, Recruitment and Sample

This paper is based on 20 individual interviews with young people between the ages of 19 and 25. Recruitment mainly took place online (due to COVID-19 restrictions), but also by snowball sampling. The participants received a gift card worth approx. 30 Euros for their participation. The 20 participants consisted of 14 women, five men and one identifying as non-binary. Eleven identified as heterosexual, five as bisexual, three as homosexual, and one as pansexual. The sample had an overrepresentation of women, which could be a reflection of a higher number of women with sexual assault experiences (Lorenz & Ullman, 2016) and, therefore, women might be more interested in talking about such topics. Even though the sample was diverse in terms of sexuality, the themes identified for this paper cut cross the participants' gender and sexual identities and the participants seemed to make use of the same discourses.

The interviews overall lasted 1–2 hours and were conducted by the first author. The first author told the participants that she was interested in all kinds of alcohol intoxicated sexual experiences as well as the participants' thoughts and opinions on sexual consent. The interview guide consisted of open-ended questions, vignettes, and a short survey. This paper is based on data obtained from the vignettes. Due to ethical considerations, the vignettes were only read to 20 out of the whole dataset consisting of 30 participants. This was in cases where the interviewer considered that there would be a risk of triggering or re-traumatization by reading vignettes that depicted sexual assault scenarios. This was often in cases where the participant had seemed quite affected by talking about their alcohol intoxicated sexual experiences.

The rationale behind choosing to include vignettes in the study was that vignettes are a well-described technique to use to explore people's understandings of sensitive topics that might be difficult to uncover through direct questioning methods (Denzin & Lincoln, 2011; Holmstrom et al., 2020). By using vignettes in a qualitative study, we were able to get complex and in-depth narratives from our participants. We developed the following vignette:

> Jonas and Maria met each other a month ago after starting at the same education. They were instantly attracted to each other. They began spending more time together; studying together, going out eating and, in general, spending time with one another. One of the times they met, they kissed. Last weekend, they were at a party where they flirted, danced and had fun the whole night. They had some drinks and, therefore, got a bit "tipsy". Jonas asks Maria if she wants to go home with him and she says yes. When they arrive at Jonas' place, they start kissing and after some time Jonas tries to get Maria's clothes off and indicates that he wants to have sex with her. Maria hesitates and says she is not ready to have sex yet. Jonas does not seem to react to that and proceeds to have sex with her.

The first author started out by reading this version of the vignette and told the participants that there were no right or wrong answers, but that she was interested in gaining insight into

the participants' understandings. After having discussed this version, the interviewer read the vignette a number of times, each time varying different factors in the story and always in the same order of presentation. The vignette was varied in relation to a) whether Maria communicated non-consent verbally or not, b) the intoxication levels of Maria and Jonas (one of them is drunk/passed-out drunk while the other one is sober), c) the relationship between Maria and Jonas (dating/meeting at the party for the first time/in a relationship) and, d), flipping the genders so as Maria does what Jonas does and vice versa. After reading each of the different vignette scenarios, the interviewer asked open-ended questions, such as 'What do you think about this situation?'. The interviewer got the participants to reflect on each vignette, before moving on to the next.

Coding, Transcription, and Analytical and Theoretical Framework

The interviews were recorded, transcribed, and coded in NVivo. The most general codes were on a descriptive level, reflecting the questions of the interview guide. All data related to the use of vignettes had its own code. Following Braun et al. (2019), we decided to do a thematic analysis in order to identify and describe repeated patterns of meaning across this code. The 'Vignette' code was initially divided into subcodes related to the different factors that we varied in the vignettes ('verbal communication of non-consent', 'intoxication levels', 'relationship' and 'gender flip'). By rereading the subcodes, we found that those factors were connected to different *ideas*. More specifically, that communicating non-consent had to be 'unambiguous', that the intoxication levels were connected with power and that the relationship between Jonas and Maria was connected to different expectations around sex. We also found that notions of intentionality and/or responsibility were central in the participants' discussions. Eventually, we began the process of capturing and refining the three themes that are presented in the analysis (Braun et al., 2019).

Thematic analysis is a flexible methodological approach that can be performed across different epistemological traditions (Braun et al., 2019). Therefore, we conducted thematic analysis within a critical discursive psychological framework (CDP), which is a synthetic approach between ethno-methodological and conversational analytical traditions and post-structural or Foucauldian analytical traditions (Potter & Wetherell, 1987; Wetherell, 2015). This means that the participants were seen as – simultaneously – producers and products of discourses (Potter & Wetherell, 1987; Wetherell, 2015).

An important reason for drawing on CDP was that we could pay attention to how our participants drew on discourses around gender, sexuality and intoxication in order to discursively construct notions of intentionality and responsibility (Potter & Wetherell, 1987; Potter, 2003) that influenced their constructions of sexual assault and sexual consent under the influence of alcohol intoxication. Another reason was that CDP allowed us to investigate whether our participants' understandings were situational, as people can draw on different and contradicting discourses for specific aims and purposes, such as to improve their own or others' credibility in an interaction, to explain, justify or excuse themselves (Potter & Wetherell, 1987) and to establish their accounts as factual and stable representations of the world (Potter, 2003). A third reason was that we could simultaneously look at whether broader societal discourses around gender, sexuality and intoxication shaped their understanding of sexual consent and sexual assault (Wetherell, 2015; Wetherell & Edley, 2014). Finally, this approach allowed us to shed light on the implications of those understandings for how the participants might make sense of their own and others' alcohol intoxicated sexual experiences (see also Wetherell, 2015).

Ethics

The study was approved by the Aarhus University's ethical review board. It was registered to the Danish Data Protection Agency, following their rules for storing sensitive data as well as GDPR regulations. The participants signed an informed consent form and were orally and in writing informed about pseudonymization, confidentiality, and how to withdraw from the project. The consent form stated that if they experience any discomfort during or after the interview, they could contact the first author or relevant institutions.

Analysis

In the following, we present the three themes that we named '(Un-) ambiguous communication of non-consent', 'Levels of intoxication, power and responsibility' and 'Different types of relationships, different expectations around sex'. Intentionality and responsibility permeate the three themes; however, the way intentionality and responsibility were constructed was situationally dependent. As a result, the participants' understandings of sexual consent and sexual assault under the influence of alcohol intoxication was situational too. The three themes were not mutually exclusive, but in order to increase clarity they are presented one by one.

(Un-) Ambiguous Communication of Non-consent

The first theme revolved around the communication of non-consent from Maria when Jonas was the active party (or vice versa) and was most prevalent in the scenarios where Jonas and Maria were lightly intoxicated ('tipsy'). The majority of the participants agreed that the sexual encounter between Jonas and Maria was sexual assault when Maria communicated non-consent verbally. For example, Mia (22/woman/heterosexual) says:

> There is no way Jonas could have misunderstood Maria because she says quite clearly 'no, I don't want to. I am not ready'. He sexually assaulted her.

Mia emphasized how Maria's verbal communication of non-consent was so clear and, therefore, unambiguous. There is no way, in her opinion, that Jonas could have misunderstood Maria's signals. His act is, therefore, according to Mia, done intentionally, and constitutes a sexual assault.

While Mia's perspectives were in accordance with most participants, a few expressed some ambivalence toward Maria's verbal communication of non-consent. For example, Kristina (25/woman/heterosexual) said:

> It's not Maria's fault because she said no. However, did she kiss him afterwards or cuddle with him, making him think that they can have sex after all? Maybe we [as women] should have better tools on how to enforce our boundaries. I think the way men are thinking is like 'When a girl says "naah", it actually means we should cuddle a bit more and eventually she would like [to have sex]'.

According to Kristina, Maria's 'no' is understood differently than how Mia understands Maria's 'no' and needs some contextual knowledge. She argued for her point by emphasizing that because of some men's expectation that women's 'no' might actually mean 'not yet', women should be better at enforcing their sexual boundaries. Kristina, therefore, not only ascribed Maria the responsibility for communicating non-consent more clearly to avoid a potentially unwanted sexual situation, but also questions Jonas' intentionality. If he thinks a 'no' means 'not yet', he might believe that 'cuddling a bit more' could lead Maria to wanting

to have sex after all. However, if Maria does not want to have sex at all that night and Jonas proceeds to have sex with her because he believes that she actually wants to have sex, he will unintentionally transgress her boundaries.

In the scenario where Maria did not communicate non-consent verbally, our participants' responses were more complex. Several participants emphasized that since there was no verbal communication of non-consent, the sexual encounter between Jonas and Maria could not be considered sexual assault. Frederik (23/man/heterosexual), for example, said:

> I would say it's [what Jonas does] a blameless crime; If she *thought* 'no', but didn't say it, then there is *no way* he could have known…

According to Frederik, what Jonas does is problematic ('a crime'), but Maria's lack of verbal communication of non-consent contributes, in Frederik's view, to Jonas being 'blameless' (and unintentional) in transgressing her boundaries. In this case, therefore, unintentionality comes with decreased responsibility on the part of Jonas due to Maria's lack of verbal communication of non-consent. Quite a few participants, however, argued that Jonas should still ask for Maria's consent, regardless of whether she communicated non-consent verbally. For these participants, there is no excuse for Jonas transgressing Maria's boundaries.

A few participants, such as Ezra (23/non-binary/pansexual), argued that Jonas should look for other signs of communication of non-consent:

> Even if she doesn't say anything, there are probably still signs that she doesn't want [to have sex]; if she is not actively participating or is passive, for example, then he will need some sort of signal of acceptance from her.

According to Ezra, Jonas has a responsibility to look for more non-verbal forms of non-consent communication, despite the lack of Maria's verbal communication. While these could be less easy to read, Ezra still talked about looking for signs of non-consent communication that are not totally ambiguous as they are still visible in some way.

In the vignette where Maria initiates sex with Jonas, the participants had more trouble defining the sexual encounter. Many of the participants acknowledged that men *could* experience sexual assault and emphasized similar understandings as above when it was Maria who communicated non-consent verbally. A few, however, felt more ambivalent in relation to men experiencing sexual assault. For example, Sidsel (24/woman/heterosexual) said:

> It might seem like a man consents if he has an erection. But he can't really control it if a woman is touching him; it has nothing to do with that [him wanting to have sex], that's just how his penis works. Many people think that men cannot get sexually assaulted because they are physically stronger than women and, therefore, they can just say no…And I can't help but think that if he doesn't want [to have sex], he can just push her away. Of course, he can be afraid to hurt her feelings… However, there are very few sex positions where the woman has full control, where the man doesn't have to participate actively in *some* way. If Maria's not sitting on top of him during sex and Jonas is actively participating, his body language shows that he wants [to have sex].

In the beginning, Sidsel seemed to take a critical distance from the notion that men cannot get sexually assaulted. She explained how the physical attributes of men's bodies as well as the fact that they have better opportunities to physically resist a sexual interaction can (falsely) signal consent. This could imply that Maria still has a responsibility to ensure

Jonas' consent and not merely assume consent. However, even though Sidsel was aware of the fact that men can get sexually assaulted, she still felt ambivalent about it, due to how she positioned men as always having the opportunity to resist a sexual interaction ('he can just push her away') and that many sex positions require men's active participation. Her use of the phrase 'I can't help but think' could symbolize how pervasive the notion that men cannot get sexually assaulted is. The implication of Sidsel's view could be that a man has an increased responsibility to signal non-consent clearly, in order for the woman not to (unintentionally) transgress his boundaries.

Frederik (23/man/heterosexual) also felt ambivalent toward whether Jonas could be sexually assaulted:

> It's hard to imagine a young man saying no to sex because us men, we are so primitive in relation to this [sex]. Of course, I have been in situations where I have said no to sex… other men usually don't view men getting assaulted from women as victims; if a woman wants to have sex, there is no man that says no; unless he is not physically attracted to her.

Frederik had a hard time imagining Jonas' verbal communication of non-consent. He argued for that point by displaying men's sexuality as an instinct and/or a biological necessity, therefore, Jonas' even unambiguous non-consent to sex was somewhat implausible to him. This is despite the fact that he, himself, has had experiences with saying no to sex, which shows how much he subscribed to the view that men do not say no to sex. The implication of what Frederik said is that a woman might assume that a man consents to sex and unintentionally transgresses his boundaries. Therefore, it could also be implied that a man has an increased responsibility in signaling non-consent.

In this first theme – revolving around whether Maria or Jonas communicated non-consent verbally when they were only lightly intoxicated – several different understandings of sexual assault and consent emerged. Almost all participants agreed that the interaction could be considered sexual assault if there was verbal communication of non-consent from either Maria or Jonas. This was because verbal communication of non-consent was considered an 'unambiguous' form of resistance, which constituted the transgression of boundaries as intentional and the person transgressing the other's boundaries as responsible for the assault. This is in accordance with previous literature emphasizing how people view the intentional transgression of sexual boundaries as more problematic (Kaluza & Conry-Murray, 2021).

However, some participants nuanced these perspectives by commenting on the context for resisting. Ezra emphasized Jonas' responsibility to look for non-verbal signs of non-consent communication (that were still somewhat visible though). Other participants positioned either Jonas or Maria as responsible for signaling non-consent, however constructing that responsibility by drawing on different gender and sexuality discourses. Maria was positioned as having an added responsibility to communicate non-consent, by explaining that a woman's 'no' might in fact mean 'not yet'. The participants could be drawing on a discourse similar to the notion of 'token resistance' (Baldwin-White, 2021); while what the participants said implied that Maria's 'no' meant 'not yet' (and not 'yes'), they also talked about how that 'not yet' could, eventually, be turned into a 'yes' if Jonas 'cuddled with Maria a bit more'. The participants could, therefore, also be drawing on traditional male sexuality discourses where men are expected to be insisting sexually (Gavey, 2018; Hollway, 1984). Although many participants recognized that men *could* get sexually assaulted, a few participants had a hard time positioning Jonas as someone who would say 'no' to sex or get

sexually assaulted; in this case, they could be drawing on the 'male sexual drive' discourse where men are expected to always be up for as well as taking every opportunity to have sex (Gavey, 2018; Hollway, 1984).

By drawing on those discourses, the participants were able to argue for why the person initiating the sexual interaction might risk unintentionally transgressing the other person's boundaries. Therefore, even though many participants seemed to be subscribing to the miscommunication hypothesis by emphasizing verbal communication of non-consent (Beres, 2022; Kitzinger & Frith, 1999; Maryn, 2021; O'Byrne et al., 2006, 2008), in some cases, even verbal communication of non-consent could lead to miscommunication, something the participants argued for by drawing on the more traditional gender and sexuality discourses.

Levels of Intoxication, Power and Responsibility

The second theme focused on the participants' responses to the intoxication levels of Maria and Jonas. The intoxication levels were connected to intentionality and ideas of power that influenced how problematic a sexual encounter was viewed as well as to different responsibilities around consent.

All participants agreed on the sexual interaction being a sexual assault when either Maria or Jonas was incapacitated by alcohol intoxication. For example, Martin (25/man/homosexual) says:

> It's one of the most disgusting situations. To use someone who is incapacitated – it's an asymmetric power relation. Someone uses their power, physically, but also mentally, because they are totally aware [of what they are doing]; and they're using it against – not a partner – but a victim, in this situation.

Martin found the sexual interaction 'disgusting' and emphasized that the sober person intentionally takes advantage of the situation. He called it an 'asymmetric power relation' and he further emphasized that asymmetric power relation by calling the incapacitated person a 'victim', not a partner.

Cecilie (20/woman/bisexual) also connected being sober with being more powerful compared to the intoxicated person:

> I feel like Jonas takes advantage of Maria being drunk. Whether he thinks about it or not. It's so important that the person who holds the power in that situation makes the right decision and is like "Hey, we shouldn't do this".

Cecilie talked about how Jonas intentionally or unintentionally ('whether he thinks about it or not') 'takes advantage of Maria'. Like Martin, she positioned Jonas as the more powerful in that situation; in her case, however, this power comes with an increased responsibility to make the 'right decision', i.e., not having sex with a person who is intoxicated.

Marcus (23/man/homosexual) also positioned the intoxicated person as vulnerable and reflected on how s/he would feel after a 'bad sexual experience' during which they were intoxicated:

> If Maria is drunk and Jonas transgresses her boundaries… he does it in a situation when she is *even more* vulnerable. She can be vulnerable while sober too, but when drunk you can be unsure whether you have made it clear enough that you don't want to [have sex].

For Marcus, Maria's intoxicated state constitutes her 'even more vulnerable' (and less empowered), and it can therefore be harder for her to know whether she signaled non-consent clearly enough ('you can be unsure whether you have made it clear enough that you don't want to have sex'). Although it might seem that Marcus positioned Maria as having the responsibility for communicating non-consent clearly, her intoxicated status seemed to downplay her responsibility. This is because Jonas' actions were constructed as morally problematic by Marcus, since Jonas transgresses Maria's boundaries 'in a situation when she is *even more* vulnerable'.

The participants had different perspectives on power and responsibility in the scenarios where Maria or Jonas initiate the sexual interaction while being drunk and the other party was sober, as Sidsel (24/woman/heterosexual), for example, says:

> I think it becomes even more important to say 'no' or 'yes' because they [drunk people] don't always understand things and you might have a bigger understanding about why they didn't understand that 'no'. Because their brain doesn't work properly. On the other hand, they are easier to push away because they are drunk with no control over their bodies.

Sidsel viewed a transgression of another person's boundaries by a drunk person as something possibly unintentional, since Maria or Jonas' 'brains' are 'not working properly' because of their intoxication. Therefore, according to Sidsel, a drunk person who transgresses another person's boundaries cannot be held completely responsible. The sober person was positioned as responsible for being even more explicit in relation to their sexual consent communication when approached by a drunk person. While the drunk person was, according to Sidsel, physically less powerful than the sober person and can easily be 'pushed away' by the sober person, the drunk person was still in a privileged (and hence not totally powerless) position as, according to Sidsel, they cannot be held totally responsible for transgressing another person's boundaries.

In this second theme – particular understandings of sexual assault and sexual consent emerged when either Maria or Jonas were (very) drunk or passed out that, similarly to the first theme, intertwined with notions of intentionality and responsibility. First, all the participants agreed that it was a highly problematic case of sexual assault if Maria was sober and had sex with Jonas, who was passed out, or vice versa. In this case, the sober person was regarded as taking advantage of and intentionally transgressing another person's boundaries who is passed out drunk. Therefore, similarly to previous research, the intentional transgressing of boundaries was viewed as more problematic (Kaluza & Conray-Murray, 2021). The present study adds to previous research by showing how the participants constructed intentionality specifically in an incapacitated sexual assault situation. The sober person was positioned as more powerful, with an added responsibility as regards making the 'right' decision in relation to sex. If the sober person had sex with the passed-out-drunk (and thus powerless) person, that act was constituted as sexual assault and an intentional transgression of the passed-out person's sexual boundaries.

In the case where Jonas and Maria were drunk, the sober, initiating party was positioned as more responsible for not transgressing boundaries, with the argument that the drunk/intoxicated party was (a lot more) powerless. In scenarios where Maria or Jonas were drunk and initiating sex while being intoxicated, most participants did not see the push toward sex as intentional, since the intoxicated person's 'brain' was clouded by alcohol and, therefore, they might not pick up any signs of non-consent from the other person. The intoxicated party was, simultaneously, positioned as less physically powerful, but still held a somewhat

privileged position, as being intoxicated could potentially serve as an explanation for why they transgressed the other party's boundaries. The participants could in this case be drawing on discourses around how alcohol can lead to misinterpreting a person's signals (Wegner et al., 2015). However, contrary to previous research that shows that it is mostly men who are excused from committing sexual assault (Wegner et al., 2015), in the present study it was the level of intoxication, rather than the gender of the person, that influenced how responsible they were viewed for transgressing the other person's boundaries.

Different Types of Relationships, Different Expectations Around Sex

The third theme centered on the type of relationship between Maria and Jonas that was associated with different expectations around sex and, coupled with intentionality and responsibility, influenced the participants' understandings of sexual assault and sexual consent.

For some participants, the relationship between Jonas and Maria did not seem to influence their construction of the sexual interaction. They emphasized the importance of obtaining or giving consent, similarly to the first theme. Others, however, talked about how going home with someone after a party could, in some cases, create an expectation of sex, as Peter (24/man/heterosexual) said:

> You are not forced to do anything, but you have, somehow, said 'yes' [to have sex]. You should say 'no' if you don't want to have sex anymore. On the other hand, it's also important that the person who initiates [the sexual interaction], makes sure it's still ok [ensures consent]. If Jonas and Maria meet at the party for the first time and one of them goes home with the other, but doesn't want to [have sex], then why go home with that person? However, if they are dating, they could say 'I'll go home with you, we can cuddle and kiss, but I am not ready to have sex yet'.

On the one hand, Peter equated that with *consenting* to sex. If a person views going home with someone after a party as a signal of consent, they can assume that the other person wants to have sex and unintentionally transgress their boundaries. Therefore, according to Peter, the person saying 'yes' to going home with another person has to communicate non-consent if they do not wish to have sex anymore. On the other hand, Peter (linguistically) made room for his view that going home with someone signals consent being wrong by using the word 'somehow', stating that a person is 'not forced to do anything' (have sex) and that it is important that 'the person who initiates the (sexual interaction), makes sure it's still ok (ensures consent)'. Peter might, therefore, not have wanted to position himself as someone who holds 'victim blaming' views (Maurer, 2016; Dyar et al., 2021; Romero-Sánchez et al., 2018). Another possibility could be that Peter might have felt ambivalent about how to interpret that scenario. This could be signaled by the fact that he wondered why someone would go home with another person after a party if they did not want to have sex with that person. His ambivalence could also be signaled by him talking about how that expectation was also influenced by the type of relationship between the two people. Finally, his ambivalence could also be signaled by the fact that he first attributed responsibility for consent on the person saying 'yes' to go home with the other person, while, afterwards saying how it is also the other person's responsibility to continually ensure consent.

In the scenarios where Jonas and Maria were in a long-term relationship, different perspectives occurred, especially when there was no verbal communication of non-consent. Some participants emphasized the importance of obtaining consent, no matter what relation Maria and Jonas had to each other. Other participants viewed being in a relationship

as an expectation of consensual sex to occur when going home together, as Sandie (21/woman/heterosexual) emphasized:

> If you are in a relationship where you have had sex before, but you don't say no and you just do as you usually do, it's hard for the other person to know that you didn't want to [have sex] because then it's just 'sex as we are used to'.

According to Sandie, the fact that Maria and Jonas are already sexually involved created an expectation that (consensual) sex will happen again. Therefore, she positioned the person at the receiving end of the sexual interaction as responsible for clearly communicating non-consent in order to avoid their partner unintentionally transgressing their boundaries.

Other participants talked about factors that might make it difficult to determine whether a sexual act in the context of a relationship constitutes a sexual assault. Elisabeth (24/woman/heterosexual), for example, said:

> The lines are a bit more blurred because you trust each other… it's easier to be like 'she doesn't want to, but I can make her want to [have sex]'. I have had sex before where I did it for my boyfriend. It was not bad, I just didn't really want to. But he wanted to, so I did it for him and that made me happy. There was also a time where I wanted to have sex; my boyfriend was tired, but he saw that I wanted to, therefore we did it [had sex]. It doesn't mean he didn't like it, but if I hadn't been persisting, he wouldn't have done it. Is that bad? None of us were negatively affected by it.

Elisabeth argued that it is more acceptable to persuade one's romantic partner to have sex as there can be reasons to have sex with one's partner, other than sexual desire, such as to make one's partner happy. Despite being *aware* of the fact that the partner might not want to have sex, Elisabeth questioned whether this is necessarily problematic. She argued for that by mentioning examples of personal experiences that she did not necessarily consider problematic. At the same time, however, Elisabeth emphasized that it can blur the lines between consensual and non-consensual sex.

In this third theme, the relationship between Maria and Jonas was connected to different expectations around sex that, coupled with intentionality and responsibility, influenced the participants' understandings of sexual assault and sexual consent under the influence of alcohol intoxication. Peter pointed at the contextual cues in heavy drinking contexts where agreeing to go home with another person after a party creates an expectation of (consensual) sex to occur. This is similar to previous research emphasizing how going home with someone after a party can signal consent (Wills & Jozkowski, 2019; 2022). However, the present study adds to previous research by showing how the type of relationship between the two people can influence to what *extent* 'going home with someone' signals consent. The present study also adds to previous research by showing how young people might feel ambivalent about how to interpret such cues; as Peter's quote showed, consent was, on the one hand, constructed as the responsibility of the person saying 'yes' to go home with the other person, while, on the other hand, it was simultaneously being constructed as a mutual responsibility.

Many participants pointed at how sexual assault was harder to recognize in the context of a romantic relationship. Going home after a party with one's partner could signal consent to sex, not only due the acceptance of going home together (Wills & Jozkowski, 2019; 2022), but also because being in a long-term relationship and having had sex before creates an expectation of consensual sex occurring again. Therefore, the participants could, in this case, be drawing on ideas of sexual precedence, i.e., the expectation that once two people

have had sex, (consensual) sex will occur again (Humphreys, 2007; Willis & Jozkowski, 2019). The implication of that was that the person had to communicate non-consent clearly in order for their partner not to (unintentionally) transgress their boundaries. Other participants talked about how being in a relationship made it acceptable to persuade the partner to have sex even though the partner might not be in the mood for sex, or to consent to sex for reasons other than sexual desire. This nuances the results of previous research by emphasizing that the type of relationship between two people having sex can influence whether an intentional transgression of the other person's boundaries is considered problematic (see also Kaluza & Conray-Murray, 2021).

Discussion

The results of the present study highlighted how notions of intentionality and responsibility were central to the participants' understandings of sexual assault and sexual consent under the influence of alcohol intoxication. While previous research has emphasized that discussions around sexual consent and sexual assault often center around notions of intentionality and responsibility, the present study showed how intentionality and responsibility were discursively constructed *specifically* in alcohol intoxicated sexual encounters and how this construction was situationally dependent. In each theme, the participants drew on different and contradicting discourses on gender, sexuality and intoxication to construct intentionality and responsibility. The fact that the participants drew on different and contradicting discourses could be due to their specific situational aims (e.g., wanting to present themselves as not subscribing to 'victim blaming discourses', or argue for why they did not consider having sex with one's romantic partner that is not desire-based as necessarily problematic etc.).

Even though previous research has emphasized the inadequacy of intentionality and responsibility to fully explain sexual assault and sexual consent under the influence of alcohol intoxication (e.g., Cahill, 2014; 2016; Stefansen et al., 2021; Tutenges et al., 2020) our study showed that notions of responsibility and intentionality do, in fact, influence how young people understand those matters. This is problematic for several reasons. First of all, the fact that intent was so central to the participants' understandings as well as how they emphasized the responsibility of communicating consent clearly in order to avoid sexual assault can point to how they subscribe to the 'miscommunication hypothesis' to a rather high degree. Subscribing to the miscommunication hypothesis can result in young people having a hard time making sense of many instances of sexual assault where the victim experiences 'tonic immobility' (Kaluza & Conray-Murray, 2021). In addition, it can result in overlooking other factors, such as how discourses around gender, sexuality and intoxication influence sexual consent and sexual assault under the influence of alcohol intoxication (see also Baldwin-White, 2021; Humphreys, 2007; Willis & Jozkowski, 2019). As the results showed, the participants seemed to also be drawing on those discourses but still emphasizing personal responsibility and intentionality, thus somehow downplaying the influence of those discourses on sexual consent and sexual assault.

Second, subscribing to simplistic explanations to understand sexual consent and sexual assault under the influence of alcohol intoxication can result in young people experiencing increased ambivalence toward how to make sense of their own alcohol intoxicated sexual encounters where the allocation of responsibility is not clear. Those encounters could be similar to what Cahill (2014, 2016) described as instances of 'unethical sex' or be a result of 'tumultuous' and 'chaotic' sexual interactions (e.g., Tutenges et al., 2020). Previous research has shown that it is common for victims of sexual assault to recognize their experience as an assault long after that experience has taken place (Inglis, 2021). Therefore, even though

the sexual interaction might, at the moment a person experiences it, feel 'tumultuous' and 'chaotic' (see also Tutenges et al., 2020), as time passes, that person might feel caught up between the 'tumultuous' and 'chaotic' quality of their experiences on the one hand, and the tendency to try to understand those experiences by drawing on simplistic notions of responsibility and intentionality on the other.

Third, since the participants in our study had to make sense of a hypothetical sexual interaction, their understandings could also be a reflection of how they would respond to other people's sexual experiences. Subscribing to simplistic explanations to understand sexual consent and sexual assault under the influence of alcohol intoxication to understand other people's sexual experiences can be problematic, because previous research shows that how other people respond to a person's experience of sexual assault can influence how that person makes sense of that assault (e.g., Jensen & Hunt, 2020; Untied, 2012). It is also problematic because previous research emphasizes how being ascribed responsibility for being the victim of sexual assault can result in the victim experiencing increased anxiety, depression, PTSD and alcohol use (Ullman et al., 2008).

However, it is important to note that, even though many participants drew on notions of intentionality and responsibility when discussing sexual assault and sexual consent in relation to alcohol intoxication, there were also important nuances and variations in the participants' responses. The way intentionality and responsibility were constructed varied situationally, and some participants challenged those more simplistic understandings of sexual assault and sexual consent. In addition, while the participants seemed to be drawing on the same discourses regardless of their gender and sexual orientation, in the 'gender flip' case, the three participants who had a hard time positioning Jonas as someone who would say no to sex or experience sexual assault all identified as heterosexual. This could point towards a tendency for heterosexual people to subscribe to a larger degree to the – rather heteronormative – male sexual drive discourse (see also Hollway, 1984; Gavey, 2018). However, previous research also shows that LGBTQIA+ people might also subscribe to the more traditional gender and sexuality discourses (e.g. De Heer et al., 2021). That, combined with the fact that the rest of the heterosexual participants did not subscribe to that view, made it impossible to draw any specific conclusions with regards to whether gender and sexual identity had an influence on the participants' understandings. Future research could, however, benefit from exploring more of those nuances and differences.

An important thing to take into consideration in relation to our study's results has to do with our use of the vignette methodology. First, the factors varied in the vignettes could have had an influence on the participants' responses. The participants might have tried to make meaning of what the first author was trying to investigate (see also Holstein & Gubrium, 1995) and whether the first author had a specific 'agenda' (i.e., holding certain views around sexual consent and sexual assault under the influence of alcohol intoxication). Coupled with the 'social desirability' bias, the participants might have responded in a way congruent to the way that they thought the first author wanted them to respond (see also Grimm, 2010).

In addition, the order in which the different factors were presented could also have had an influence on the participants' responses (see also Holstein & Gubrium, 1995). For example, the fact that the participants were introduced to the 'gender flip' situation right after being introduced to the scenario where Jonas was the 'offender' could result in them interpreting that as a test of their 'gender equality credentials', which could explain why many participants made no or only a small distinction between the male versus the female offender. Therefore, varying different factors or presenting them in a different order could have yielded different results.

Finally, our vignettes only presented a heterosexual sexual encounter. Therefore, the results might have been different had we included non-heterosexual encounters. Our sample has an overrepresentation of cisgender, white women, resulting in our analysis primarily representing their views.

Conclusion

Previous studies show that sexual assault and sexual consent under the influence of alcohol intoxication are often discussed by taking a point of departure in notions of intentionality and responsibility, i.e., whether the transgression of the victim's boundaries was intentional as well as who is responsible for the sexual assault and/or communicating sexual consent. Researchers have tried to nuance how we understand sexual assault and sexual consent in relation to alcohol intoxication by pointing at the inadequacy of intent and responsibility for fully understanding those matters. Our study showed that notions of intent and responsibility were central to how our participants made sense of a hypothetical alcohol intoxicated sexual interaction. However, our results also showed that the discursive construction of intentionality and responsibility was situationally dependent, with the participants drawing on different and contradicting discourses on gender, sexuality and intoxication, for different aims and purposes, ultimately constituting their understanding of sexual assault and sexual consent in relation to alcohol intoxication as situational too. Understanding the complex, contextual and interrelated nature of those understandings is vital if we wish to reduce the number of alcohol intoxicated sexual assaults.

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