

Abstract Historically, the heterosexual age of consent in Britain has enshrined in law an asymmetrically gendered model of sexual agency. This legislation is currently under review as part of a wider review of the law on sexual offences premised on gender neutrality. In this article young people's own perspectives are explored, through discussion of the proposition that the age of consent for heterosexuals should be lowered to 14. The ensuing focus-group discussions with 11–16-year-olds reflect the active way in which young people encounter and negotiate the institutionalization of heterosexuality represented by such legislation. The article explores young people's perspectives through themes of legality, protection and timeliness, seeking to distinguish between how young people may evaluate or use the existing legal framework and the factors that they believe make sex legitimate.

Keywords consent, heterosexuality, law, young people

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'An Adult Thing'? Young People's Perspectives on the Heterosexual Age of Consent

Introduction

The average age of sexual debut in the UK is 17, yet a significant minority of young people in Britain experience heterosexual intercourse before the age of 16 (Johnson et al., 1994). Despite such widespread flaunting of the law, and a lengthy campaign to bring the age of consent for gay men into line with that for heterosexuals, the notion of an age of consent for heterosexuals has received little public scrutiny. Until 2003, the law made it illegal for men to have sex with a girl under the age of 16, with a maximum penalty of two years' imprisonment or life imprisonment if the girl was under 13. While there is no defence for the latter offence, if a girl was aged between 13 and 15 and the man under the age of 24 he was able to defend himself on the grounds that he reasonably believed her to be over 16. The

Sexual Offences (Amendment) Bill (1998), amended this legislation, raising the age of consent to 18 where there may be an 'abuse of trust' (where the older party is in a position of authority such as a teacher or social worker). In November 2002 the UK government published a white paper detailing proposals for a wide-ranging overhaul of laws on gay sex, rape, child prostitution, child abuse, incest and the treatment of sex offenders. Legislation followed at the end of 2003. Provisions include a move to create an assumption in law that a child under 13 is incapable of consenting to any form of sexual activity. This will mean that any sexual intercourse with a child under 13 (irrespective of gender) will be treated as rape (Waites, 2002).

In formal terms, legitimate adult sexuality is dependent on the exclusion of the child (Evans, 1993), effected through legal ages of consent. Introduced in the 1885 Criminal Law Amendment Act, the age of consent for heterosexual sexual intercourse was designed to protect young women from predatory men, prohibiting sexual intercourse with a woman aged less than 16. In drawing a line at 16 the law can be seen as defining the condition of those either side, both the child – in need of protection – and the adult – as having the right to consent (Waites, 1999). Until this point legislation on the age of consent for heterosexual sex must also be understood as enshrining in law an asymmetrical and gendered notion of sex and sexual agency. By defining sex as an act of bodily penetration, these legal prescriptions ignore the potential for sexual agency on the part of the receptive party while also creating male sexual agency as a force requiring control. The term 'age of consent' is itself misleading. Matthew Waites describes the law as prohibiting rather than empowering, a negative prohibition placing limits upon the rights of men to sexual access. Although Waites observes that in more recent years there has been a shift in the popular imagination from seeing the age of consent in prohibitive terms to an assertion of a positive right to consent, other, feminist, commentators have observed that the 'discourse of consent', which such legal formulations incite, continues to anchor and compound restrictively gendered sexual scripts (Gavey, 1993; Holland et al., 1998).

There is a growing body of work that seeks to explore the codification of childhood sexuality in the law (Harris, 1996; Monk, 1998; Waites, 1999), yet there continues to be little published material on how children and young people perceive that law or the part played by the law in their everyday lives. These new proposals are in part a response to the significant gap that has grown up between archaic legislation and changing sexual cultures. The new provisions will in time become a part of the sexual cultures that they seek to proscribe, but currently they play no part in young people's consciousness. In this article I explore young people's perceptions of the age of heterosexual consent, considering their views of

the purpose and efficacy of the law, as well as the ways in which the law may contribute less directly to their sexual cultures.

Becoming sexual

The age at which young heterosexuals first have sex in Britain has been falling (Johnson et al., 1994). While a range of explanations have been offered for this fall including earlier menarche among young women (Coleman, 1998) and the provision of sex education in schools (see Epstein and Johnson, 1998 for full discussion), international comparisons suggest that the norms of teenage sexual practice are culturally specific with a higher age of sexual debut and 'responsible' sexual health practices being associated with more liberal public policy responses to the sexuality of the young as well as economic equity (Ingham, 1997; Innocenti, 2001).

Within a social and economic context where material independence from parents or the state is delayed, it has been argued that sexual agency becomes an increasingly important marker of adulthood and autonomy (Furlong and Cartmel, 1997). Moore and Rosenthal suggest that what they term 'sexual initiation' has become 'the *rite de passage* of modern adolescents' providing 'an opportunity to move to adult roles that are substantially delayed for them in other areas such as career choice and economic independence' (1998: 54). Youth researchers have described these changes in terms of a shift from a unitary transition between childhood and adulthood to a fragmented transition within which there are distinct but interdependent 'strands' such as housing, education, intimacy (Coles, 1995; Jones, 1995). It is increasingly difficult for young people to achieve adult status simultaneously in the different strands, each of which are associated both with common-sense understandings of what it means to be 'grown up' and structured by a range of different age limits enshrined in legislation. Jones and Bell (2000) argue that these age limits are in turn based on different criteria, including age, competence, vulnerability and understanding.

Competing notions of agency and protection characterize contemporary public discourse on young people's sexuality. The unresolved legacy of this tension is reflected in constructions of childhood sexuality that view the child as simultaneously asexual, sexual and sexualized. Anxieties about the potentially corrupting effects of sexual knowledge, played out in debates over sex education and young people's access to contraceptive services can be seen as the most recent in a long series of modern moral panics over childhood sexuality. In this latest version professionals and the state struggle to regulate young people's access to sexual knowledge in the face of a media-saturated consumer culture in which young people are competent participants (Bragg and Buckingham, 2002). The proliferation

of sexual imagery and information in the popular media – what McNair (2002) calls the ‘sexualization of social life’ – confounds attempts to regulate its consumption. Children and young people learn about sex from adult oriented media and from more specialized media targeted directly at them. Wendy and Rex Stainton Rogers observe that current anxieties are concerned as much with policing age categories as with the moral order or the well-being of the child, noting that the

adult world is well aware of the capacity for children to be – or at least be seen as (and perhaps to know they are seen as) – sexual. And it is, in certain settings, only too ready to exploit that sexuality. However, what it does not want to allow is for children to act as agents of their own sexuality. (Stainton Rogers and Stainton Rogers, 1999: 195)

A similar argument is developed by Sue Scott and colleagues (1998) who suggest that in contemporary society children become the bearers of a generalized risk anxiety that is sexualized and fed back to children in the form of the ‘idea that sexuality per se is inimical to children’s well-being’ (1998: 702). From this perspective they suggest that childhood is seen to be ‘at risk from pressures towards early maturity, conspicuous consumption and precocious sexuality’ – a concern which in turn legitimates moves to deny children knowledge about sex.

From public policies to private practices

How then is this territory negotiated by young people seeking to forge their identities as competent social actors. Reaching the age of consent for sex does not bestow formal rights of citizenship (for women and gay men the law can still be seen as seeking to provide ‘protection’ rather than bestowing rights (Waites, 1999). However, can becoming ‘legal’ be understood as a welcome into a form of intimate citizenship, with personal and cultural resonance arguably equal to or greater than other dimensions of citizenship such as the right to vote, to drive or to drink (Plummer, 1995; Weeks, 1995)? While such public politics can be understood to frame and influence the sexual cultures within which young people become sexual agents, there is no simple process of translation between legal and policy texts and the sexual cultures of young people. However, it is also important to recognize that such legal provisions themselves become artefacts circulating within young people’s sexual cultures, which are actively interpreted and responded to. In the rest of this article I will try to shed light on this interface from the perspective of young people themselves. Drawing on data from a recent study I explore how young people perceive the law in the area of teenage sexuality and the ways in which they themselves engage with the various discourses that shape the

social policy agenda. By considering the 'view from below' I hope to shed fresh light on the 'gap' between policy and everyday life.

The study 'Youth Values: Identity, Diversity and Social Change'¹ is an investigation of the moral landscapes of young people aged 11–16 growing up in five contrasting areas of the UK.² The study sample includes approximately 1,800 young people from eight secondary schools. Four of these schools were located in geographically and socially distinct locations in the different parts of England and a further four within one city in Northern Ireland. Study participants were identified by selecting one or two mixed ability 'tutor groups' in each school year to complete questionnaires administered by researchers in a classroom setting. Respondents were invited to volunteer to participate in single- and mixed-sex focus groups (n = 56) and subsequently in individual interviews (n = 43). Here I draw primarily on focus-group data and in particular an analysis of young people's responses to the suggestion that the age of consent for heterosexual sex should be lowered to the age of 14.

Legal sex

The proposal that the age of consent for heterosexual sex be lowered from 16 to 14 caused some confusion among young people in the study. The characteristic response was for groups to work their way through a number of different positions before forming a view, and frequently contradicting themselves in the process. These contradictions can be seen to arise directly from those affected by the law and the inconsistency between the law and other competing values discourses and regimes. The term 'values regimes' is employed in order to describe the different terms of reference that young people employ when making judgements, distinctions and choices. Building on the idea that values exist within specific discursive formations (Tronto, 1993), the notion of different values regimes is used here to describe the criteria employed to make judgements within different discourses. Examples of regimes that characterize young people's moral discourse identified in the study include aesthetic regimes, which enable distinctions to be made on the basis of beauty and unattractiveness; entertainment regimes, enabling distinctions on the basis of exciting and boring; and, most relevant to this discussion, health regimes, enabling distinctions on the basis of health and sickness; and regimes centred on agency, enabling distinction between choice and compulsion (Thomson et al., 1999).

Few young people accepted the authority of the legal prescription, observing that 'most people don't go by the law'. While many found themselves supporting the age of 16 or suggesting it be raised to 18, they were at pains to clarify that it was not the law *per se* that made sex legitimate but a range of other factors. For some, the imposition of public rules

on an area of such private intimacy was challenged. As one young woman observed 'it's like putting an age on loving. People don't believe in it, cos you can't control your feelings by a law can you?'

One factor undermining the authority of the law in this area was the problem of policing. This was observed both in terms of the inappropriateness of the police engaging in the everyday romances of teenagers:

You can't say it's illegal because you can't go round everywhere getting all people who've done it under 16 and putting them in prison. [Carla, mixed group, 15–16 years, schl 5]³

It's not as if you're going to go to the police every time you've got a problem, you know, like yer boyfriend's asked you to go with you is that ok? [Angela, yw group, 12–13 years, schl 5]

and in their knowledge and experience that transgressions of the law go without punishment:

Elliot: Well, the law is the police and they're just nothing really.

Lee: 'Cos say you do it and you're under 16, the police find out like that boy and the girl that got pregnant, the police didn't do nothing, did they? [ym group, 13–14 yrs, schl 6]

While the idea of the police intervening to enforce the legal age of consent was ridiculed, a number of young people felt that parents might have a more legitimate role in policing this boundary:

INT: . . . who polices underage sex?

Keith: They can't lock you up.

Jean: The only people who might catch you is your parents.

Francis: They could lock you up. [mixed group, 14–15 yrs, schl 8]

Although parents regularly exercise consent on behalf of their children in other areas, the area of sexual agency was felt to lie beyond the scope of regular parent/child negotiations. Young people's responses suggested that sexual agency was a very private realm in which they did not expect the state nor parents to be in a position to intervene, making the legal age of consent a difficult law to implement. As Keith observed 'It's sort of like in law but it's not sort of there, is it? It's not sort of like a crime or drugs or whatever'.

Protected sex

Although young people ridiculed the idea of the state intervening in their intimate lives, they did not argue for the abolition of the age of consent.

In fact most thought that if any changes were made to the existing age of 16 it should be to raise the age to 18. In several cases discussions of the age of consent gave rise to references to the sexual abuse of children by adults. However, it was in their discussions of sexual relations between the young that discussants were most animated. A number of young women described the difficulties associated with freely consenting to sex within a cultural context in which pressure from partners was the norm. Although it was recognized that young women might want to have sex, it was also considered that they might need to be protected from the consequences of having sex at such a young age.

Louise: I think if you lower the age to 14 they go, oh, yea, that's great, you know, oh, yea, 'cos I can be like everybody – I can be like my sister . . . and everything but because they do it sometimes girls feel cheap and dirty about it afterwards 'cos they just thought, oh, great. But it's not as good as they thought it would be and because they've heard all this great stuff from magazines and this is great and that's great they think, oh, it's going to be absolutely brilliant. But sometimes it's not and they can get put down by that. But I think raising – no, lowering it to 14 is a really bad idea because girls are – they're just . . .

Lindsey: More stupid!

Louise: . . . they're growing up – they're still growing and if anything I wouldn't really care if they raised it because I still think at 16 it's dangerous. [yw group, 13–14 yrs, schl 7]

Young men talked less easily about the negative consequences of sex, but they too acknowledged that there was pressure to lose their virginity.

Taylor: I think we should have it when we're 16 . . . Because it's a suitable age – 14's not suitable.

Lee: I think you should do it when you're ready to do it.

Elliot: Absolutely, that's true.

Gus: Yea, when you're ready.

Taylor: When you think you're ready – no one should force you to do it.

Gus: Yea, there's a lot of peer pressure. Yea, some people – some friends will tend to go 'you gotta do it man'.

Elliot: You're a VIRGIN! [ym group, 13–14 yrs, schl 6]

In most areas of young people's moral discourse there was a tendency to accentuate personal agency and to downplay the influence of traditional and institutional forms of authority – a tendency that is consistent with wider social processes of individualization where social changes are seen to release individual agency from social structure giving rise to increasingly

tolerant, liberal and individualistic interpersonal and sexual values (Beck, 1992; Furlong and Cartmel, 1997; Thomson, 2000b). While young people were relatively respectful of most aspects of the law, they tended to be more critical and less observant of legal proscriptions on personal behaviour and individual freedoms. But although they did not recognize the authority of the law to determine their sexual practices they did, grudgingly, accept that the law could lend support when under pressure.

Francis: Whatever they change it to – if they change it – it's not going to stop anybody, is it?

Andrew: I don't think there's a need to sort of hide behind the law.

Keith: I suppose there is for some people . . .

Jean: Yea it's your willpower isn't it.

Helena: 'Cos like if your boyfriend's much older than you and he wants to and you're like really young and you're not sure then I think you just shouldn't need to hide behind the law because if he really loves you then you could say no and he'll respect it.

Jacqueline: It is something to hide behind if they wanted, they've got the excuse, haven't they?

Keith: If you're ready you're ready, aren't you?

INT: So do you think that the law actually . . .

Jacqueline: It's a protective for them. [mixed group, 14–15 yrs, schl 8]

So despite their ambivalence about the authority of the law, young people were unhappy about dispensing with formal rules altogether. Girls in particular were not confident that their interest would be served if sexual negotiations were completely private. Although the idea of needing protection was not attractive to most young women, either because they wanted to see themselves as positive sexual agents and/or because it conflicted with romantic ideas of mutuality, most considered the law to be a necessary if rather ineffective safety net which could be invoked if they were 'cornered'. The law then becomes a resource on which they can draw when they need support. Girls also recognized that the law was framed in such a way that it protected or possibly absolved them from legal responsibility.

Louise: But say you're 14 and it's against the law until you're 16 and you had sex with a 17-year-old and then people find out, then that 17-year-old could get done. For rape or something. [yw group, 13–14 yrs, schl 5]

Although young men recognized that there was pressure on them to become sexually active (usually from friends or peers) they were unlikely to talk in terms of pressure from sexual partners. In their discussions of

the age of consent a number of the groups of young men commented on the asymmetry of the law and the presumption that only males can be agents or aggressors. In some cases these discussions implied suspicion of the motives of women who, they suggest, may 'claim' rape to protect or advance their own interests.

Paul: It's up to the girl though, in' it? 'cos if you have sex and they know it now, like rape or something.

Guy: Not if they say that they want it.

Paul: No, 'cos – then they get pregnant – they could say they didn't want it.

Jack: Yea, I know.

Liam: They get money for it, can't they?

Paul: Yea, and you get arrested for it.

Jack: You wouldn't get arrested if you ...

Paul: No, but, say, they don't know that you've said yea – the girl said yes or . . .

Guy: Why don't they take them to court and say, 'Oh, said, yea, I wanted the sex, I wanted the baby, it was my choice'.

Jack: Why? – because the man could have raped her.

Guy: Well, if the girl said that she wanted it right then . . .

Jack: . . . and then like the boy said, 'She said yea'. [ym group, 12–13 yrs, schl 5]

In this discussion the young men attempt to square their emergent knowledge that both men and women can desire sex and that both can also manipulate and pressurize their partners, with a legal paradigm that assumes gendered agency. While this discussion demonstrates considerable confusion concerning the implementation of the law and the judicial process, it does suggest that the expression of gender difference contained in such legislation contributes to the cultural definition of a form of masculinity constructed in opposition to femininity.

In another case young men criticize the sexism at the heart of the law on sexual consent noting its inconsistency with their knowledge of women's agency in other spheres and also questioning the suggestion that all men are potential rapists.

Elliot: What I don't think's fair though is like there's some kind of law if the girl's under age and the boy's – he's got the age – yea, like he's 17 or something and the girl's 15 then that happens – that – he could be accused of rape and that.

Gus: Yea, why is that?

Elliot: Is it – 'cos look, right – a lot of people like will say like, oh, men are sexist when they say, oh, go and play your netball or something, right? – but they're trying to make out that like – I don't know like.

Lee: All men are.

Gus: Huh?

Lee: All men are – they make out all men are . . .

Elliot: And then people will say like the men are the ones that rape – I don't know why – maybe 'cos like we are a bit stronger, I think that's a known fact even though there's these muscly women on TV, but, you know what – I don't know, I just think there's no need for that really. [ym group, 13–14 yrs, schl 6]

As it is constructed in terms of protection and male sexual agency, the law on heterosexual consent suggests a social context characterized by mutually exclusive and oppositional gender roles. While this is consistent with some aspects of young people's sexual experiences (Holland et al., 1998) it is inconsistent with other powerful cultural narratives that influence their sexual and gender identities. It is in young people's discussions of the other side of this legal boundary, the point at which they believe they are old enough or mature enough for a sexual relationship that we can hear the expression of more positive notions of sexual consent.

Timely sex

The idea that sex should only happen when you are 'ready' for it, was widespread and expressed by young men as well as young women. The definition of being ready was complex and shifting, reflecting some of the underlying tensions in the construction of sexual agency and maturity. For example the widely held view (in the study) that girls mature more quickly than boys existed in some tension with another popular belief that boys pressurize girls to have sex before they are ready. In response to the suggestion that the age of consent be lowered to 14 one group of girls tried to work through this contradiction.

Luu: 'Cos – I'm not really sure because it can be, because you know when girls sort of like mature very quickly at the age of 13 to 16 so girls should learn – they should have – put it down to 14; but then boys – they're sort of like – their minds just stay like children and like if you give them some questions about sex they all start giggling and laughing their heads off and then they start pointing at each other and go . . .

INT: Right, so you think it should be different for boys and girls then – the age of consent?

Luu: But I don't think the girls' age should be lowered to 14 – I think that's a bit young 'cos I mean you might be physically ready but you might not be emotionally ready for what's going to happen – like you might not be able to deal with things that come afterwards – like just say you was to have sex at like 14 and then like the guy would – 'cos guys are just like that – they might not

talk to you the next day and they like go around and tell all their friends and everything and you're really regretting it – you would have wished that you'd have waited until you were 16 or something like that then you'd be able to deal with it. [yw group, 13–14 yrs, schl 6]

In this example a number of different dimensions of maturity are simultaneously deployed. Luu is confident of the relative physical and emotional advantage that girls hold over boys, based on her personal experience of smaller and emotionally incontinent male schoolmates. However, this advantage in maturity cannot be easily translated into notions of sexual agency when sexual experience confronts young women with so many physical and moral dangers (Thomson et al., 2000). It is hardly surprising then that young people were concerned to make sex morally and socially legitimate within their own terms. Rarely was this by arguing for sex to be located exclusively within marriage. Rather, the source of this legitimacy was located in a notion of agency, choice and control mediated by time – most clearly expressed in discussions of being 'ready' for sex. This idea of readiness was flexible enough to accommodate individual and gender differences. So, for one person being ready might mean being informed and not under pressure, while for another it could mean being in a committed and stable relationship confident and informed enough to practise safer sex.

Achieving readiness posed the most obvious challenges to young women for whom untimely or illegitimate sex has immediate consequences for an individual's reputation within the immediate moral community of the school or the peer group. Although boys also reported experiencing pressure to have sex they did not face the danger of engaging in morally illegitimate sex in the same way as girls. For girls, sexual activity presented a contradiction, since it is a requirement of normative heterosex that they control sexual encounters (by accepting or rejecting advances), but that they do so from a position of relative passivity. Young women were most likely to define readiness for sex in terms of the quality of a relationship. In particular it was felt that a relationship should be developed enough so that a partner could be trusted not to talk to friends and undermine a young woman's reputation in her wider moral community.

Sandra: You should be – you can't just go doing it with any lad you see when you're 14 – if you love him or if you're in a relationship and you know it's going to last and he's not gonna go round school saying, 'oh, I've done this with her'. [yw group, 12–13 yrs, schl 5]

In a cultural context where sexual pressure is perceived to be the norm, where female sexual agency is difficult to articulate and where inequalities of power and experience characterize sexual relationships, it can be difficult to judge when a person is 'ready' for sex. In the following example a young woman describes a test:

Hannah: Yea, but if you wanted to have sex and you feel it's the right moment, the way to test them is to say no and see how they react – if they say – 'oh, that's all right' then you say, 'all right then, let's have sex' (laughs) – that's if you're ready for it though. [yw group, 13–14 yrs, schl 6]

In this comment, achieving readiness can be seen as negotiating the space to allow a choice to be made, which enables positive consent. The various criteria for readiness can be understood as the factors that make a sexual relationship personally and socially legitimate. Freedom from pressure is crucial, as is the trust on which depends the maintenance of self respect and a respectable sexual reputation. To ensure that contraception is used with the mother's blessing gains further legitimacy.

Sandra: My sister – she's in a close relationship with a lad but he's 16 and if – you have to discuss it with your – she's mature enough now to do it – she's gone on the pill and everything – but not for that reason – and if she wants – me mum says if she wants to do it now 'cos my mum likes the lad – and if she wants to do it me mum said that she can but use contraception and everything because . . . [yw group, 12–13 yrs, schl 5]

There is no clear distinction in young people's accounts of sexual practice between morally safe sex and sex that is safe in medical terms (Holland et al., 1998). Young people were aware of an alternative values regime within which the acceptability of sexual practice could be judged on the basis of physical safety. The main source of such values for young people was the advice of agony aunts and uncles in the problem pages of young women's magazines. In the following example young women counterpose moral, legal and health discourses on teenage sex.

Donna: Sometimes the problem pages are good for them to write in and be able to tell them what's wrong with and then they like write back.

Sonia: Give them advice something about sex – I think they're encouraging people to go out and do it, yea.

INT: Right, so you think it's pressure?

Sonia: Their comments on the end . . .

INT: Like what?

Sonia: Just go out and do what you want but if . . .

Donna: As long as its safe.

Sonia: It's just telling you . . .

Donna: Yea.

INT: And you think that's bad advice?

Sonia: Yea.

Donna: Yea.

INT: You think they should be saying don't do it?

Donna: Some magazines say you shouldn't be having it under age anyway 'cos like I am 15 and then the comments on the bottom say you shouldn't be having sex now but some just say as long as you're taking – as long as you're being – having safe sex . . . [yw group, 14–15 yrs, schl 5]

This group of young women have an ambivalent response to being treated as subjects of a health discourse – independent and sexual. Although they read the values regime of the discourse of the problem pages as equating safe sex with good sex, they challenge the authority of the agony aunts and uncles, invoking the law in support of their respectable sexual identities.

Readiness to have sex was also associated with wider social roles. If sex is 'an adult thing' then it may be inconsistent with other non-adult roles, particularly that of the dependent and asexual identity of a school pupil (Monk, 1998). This is consistent with the view expressed by many young people that sex and the consequences of sex were likely to interfere with their education and their ability to achieve other elements of adult autonomy:

Terese: 'Cos if you had it when you were 14 and everything then you might get pregnant and you couldn't cope because like if you was 14 then you'd have to go through all your HSEs and everything in school and your GCSEs and everything – and you couldn't do it 'cos like say you . . .

Louise: You'd have no time.

Terese: 'cos if you had like a career ahead of you and you wanted to be like that thing for ages and ages and then you went and got pregnant at 14 then you wouldn't be able to do it. [yw group, 13–14 yrs, schl 5]

The link between early parenthood and early sex and between sex and social exclusion was a surprising common theme arising in young people's discussions of the heterosexual age of consent. Different dimensions of adult status are not only fragmented (Jones and Bell, 2000) but they may stand in some tension with each other. So while being sexually experienced could be seen to constitute maturity, it could also be seen as a sign of immaturity and one that may have a very practical effect on material opportunities. Similarly, early parenthood may offer young people access to adult responsibilities and status in the short term while also tying them to social and economic dependence in the long term (for a full discussion see Thomson, 2000a).

Conclusions

Young people's discussions about the age of consent were characterized by inconsistency, contradiction, resistance and the movement between a

range of discourses and values regimes. Some of the ideas with which they engage can be traced directly to the major policy discourses that shape public debates over teenage sex – for example the ‘public health pragmatism’ of agony aunts’ advice (safe sex is legitimate sex), the ‘welfarism’ of their concerns about early parenthood and social exclusion (finish your exams first!). Others can be linked to more popular cultural forms such as consumerism (if it feels good do it) and the therapeutic culture (if it feels right for you, do it). These different discourses provide young people with different ways of talking and thinking about sex, providing them with a range of identities and locations to imagine and deploy (Holland et al., 1998; Thomson and Scott, 1991). Yet these different ways of talking and thinking about sex do not offer freedom to young people to create unique individual identities and desires. Rather, they are underpinned by powerful and enduring gender asymmetries that are effectively enforced and policed within young people’s own moral communities.

The law plays an important part in these processes. It does more than provide young people with a way of talking, they encounter it as a fact about sex, of which they must make some sense. Historically, the law on the heterosexual age of consent has communicated strong messages about gender and sexual agency, which stand in contradiction to the way in which young people want and do think about themselves. The law has presented sex as an instrumental act, seeking only to limit male agency, ignoring the existence of or the potential for agency on the part of the woman. Where young people think of themselves as equal, the law treated them as different and as gendered. Where young people would like to think of themselves as being in control, the law treated them as either out of control or as in the control of another. There is a clear tension here between legal and lay notions of consent, the former speaking in terms of protection the latter in terms of rights. Yet this is not a tension that young people are easily able to resolve, as despite the dominance of a rhetoric of individualism, the gendered power relations which are implicit in the asymmetry of the law are confirmed in the social relations that underpin their social worlds (Furlong and Cartmel, 1997; Holland et al., 1998). It is impossible to predict if and how any changes to the law in this area will have an impact on young people’s sexual cultures. However the removal of the gender asymmetry and the further distinction between child and adult sexuality suggested in current proposals are likely to resonate with existing and emerging sexual cultures in contradictory ways.

Public discourses can be understood as resources that young people can employ in their intimate and local negotiations of sexual practice and identity. They can ‘hide behind the law’, ‘demand safe sex’, ‘be mature and do it’, ‘be mature and wait’. What was clear from their discussions was that although they expressed the desire to be respected and trusted, they

also recognized the importance of publicly negotiated rules in the form of the law. And while they may ignore these rules they also engage with them in the creation of their sexual cultures. There was no clear consensus among young people as to whether the law should or could encroach into the privacy of their intimate relationships reflecting enduring controversy that has traditionally characterized public debate over the law on sexual conduct. Their views on privacy were shaped most obviously by gender, with young men most dismissive of the attempts to control or define their behaviour and young women most aware of the potential benefits of such interventions into the private. However similarities between the public policy agenda and the concerns of the young end here. It appears that for young people, it is less important that sex is legal or protected than for it to be 'timely', a delicate state of social and interpersonal acceptability. In order to judge readiness it is necessary to consider the balance of interests and power of particular circumstances and relationships. While it is unlikely that the law concerning sexual conduct will be flexible or sensitive enough to capture such specificity, an understanding of consent informed by lay understandings could make a contribution to developing discussions of sexual citizenship (Evans, 1993; Plummer, 1995; Richardson, 1998; Weeks, 1995) as well as enriching policy and practice approaches to sexual health.

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Notes

1. The study 'Youth Values: Identity, Diversity and Social Change' was funded by the Economic and Social Research Council until April 1999 as part of the programme Children 5–16: Growing up into the 21st century (Ref L129251020). The research team also included Sheila Henderson, Janet Holland, Sheena McGrellis and Sue Sharpe.
2. The five different areas in which the research was undertaken can be described as follows:

In Northern Ireland:

- school 1, an inner city area with a predominantly working class and mixed religious catchment;
- school 2, a suburban area with a mixed class and religious catchment (integrated);
- school 3, an inner city area with a working class and religiously homogeneous catchment (Catholic); and
- school 4, an inner city area with a working class and religiously homogeneous catchment (Protestant).

In England:

school 5, a large housing estate with a working class and ethnically homogeneous catchment;

school 6, an inner city area with a, largely working class and ethnically diverse catchment;

school 7, a commuter belt area with a largely middle class and ethnically homogeneous catchment; and

school 8, a rural village with a mixed class and ethnically homogeneous catchment.

3. All quotations are identified by speaker (names have been changed), the composition of the group (mixed, young women and young men), school year age group and school (1–8, see note 2).

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