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**The Reconceptualization of Consent in Europe; a Feminist Discussion of the Limitations
and Possibilities of Consent Laws in Scandinavia**

Diploma Thesis

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Abstract

This research aims to investigate how the consent-based rape legislation of Denmark has been implemented and interpreted within court cases. Furthermore, this paper will shed a light on the complexities inherent to the process of consent negotiation within sex, sexual assault and rape. The objective is to challenge the gender-neutral and neo-liberal perception of consent of Denmark, and in turn reveal and challenge the heteronormative structures that persist in our societal comprehension of gender, sex and sexualities. A further discussion will be had on the re-imagining of sex culture and in which ways consent proves to be a limited concept for envisioning an equal and feminist sex culture. A final point will be made regarding the other structural inequalities that are concealed due to the Danish approach to consent, and how this affects the court cases at hand. This research ultimately strives for a re-conceptualization of consent as a gendered concept, one that if not considered as such, will reproduce the same harmful unequal structures that it aims to mitigate. It is, although at last important to emphasize that consent does seem to at least have one powerful tool, which is that it symbolizes to some degree a change in narrative. Despite the gendered assumptions that are associated with the discourse surrounding consent, it symbolizes that sex is when all people involved consent to the sexual encounter. That is a dramatic change, compared to the prior law that was based on violence, force or threats. This paper thus illuminates the limitations and dangers of the concept of consent, and how narrow it is for a feminist vision of equal sex. While simultaneously, valuing that for now, it is what we have, which is why we should strive to expand the concept itself.

Keywords:

Consent, Sexual Assault, Rape, Sex, Denmark, Europe, Legislation, Rape Scripts, Gendered Scripts