



FAKULTA  
HUMANITNÍCH STUDIÍ  
Univerzita Karlova

Advisor Report for Luna María Ziirsén-Aineto's Master's Thesis in Gender Studies at Charles University, Prague, Czech Republic.

Luna María Ziirsén-Aineto has submitted a thesis entitled “ The Reconceptualization of Consent in Europe; a Feminist Discussion of the Limitations and Possibilities of Consent Laws in Scandinavia,” as part of her requirements for a Master's degree in Gender Studies. This thesis explores the newly implemented consent laws within an expressly gender-neutral Danish society and seeks to answer, in what I consider to be, two related questions: just how much can consent be understood to be a part of feminist conceptions of sex and how does this new consent law ultimately fail in its quest to curtail rape and other forms of sexual assault? (Although Luna poses these ideas within the context of three questions.) Luna does this, first, by describing the new consent law in Danish society and what existed previously as well as walking the reader through various feminist positions relating to consent, feminist sex culture, including queer sex, and even feminist philosophical discussions on law. This material is quite dense yet also well-articulated. She then moves onto a feminist content analysis of nine cases that were tried under this new consent legislation. Luna finds that for the most part these cases reproduce heterosexual, patriarchal gender norms and sexual scripts within a postfeminist, neo-liberal framework highlighting individual responsibility. Instead, according to her, we need to undermine patriarchal notions of gender and sex, perhaps even queer them, to truly bring about a feminist understanding of sex. At the same time however, Luna argues that consent is, to some extent, a feminist step in the right direction, which when combined with other feminist efforts can bring about much needed change to the patriarchal understandings of sex currently out there. In addition, Luna finds consent in these laws to have symbolic significance as well as a tool to raise public awareness.

Reading the thesis, one can tell that Luna has put a lot of thought into this topic. In addition, it should be noted that she did much of this work independently and for that she should be commended. It is a well-researched, well-argued piece of academic scholarship even though there are some times in which transitions between sections and repetition of ideas clouds the material. This being said, there are a few places in which I would like some clarity or further reflection.

First, Luna relies heavily on post-feminist and neoliberalism within her thesis. Yet, she does not spend any time explaining the concepts. Does she think further explanation of these topics would have helped ground her feminist disappointment surrounding consent in a clearer manner? Specifically, I wonder if some reflection on whether or not we inhabit a postfeminist world would have helped her overall argument.

Second, Luna mentions in the conclusion that she has not done enough in-depth research regarding the queering of sex and how that could help feminists overthrow patriarchal gender roles and sexual scripts. I am glad that she acknowledges this limitation. With this in mind, how would she expand on that, if she were given the opportunity?

Finally, and related to the second point, would she like to comment on the contractual rape that is described by Hoppe (page 33)? Is there a certain amount of privilege in the ability to have negotiated one's rape? To have a 'safe' rape experience (even if it went a little beyond expectation), when in reality women and other survivors of rape do not? To even find it "thrilling," when so many are traumatized by it? This is all, besides the fact, that, as far as I can tell, the rape experience detailed by Hoppe supports the patriarchal understanding of forced, violent rape by a stranger, even though, as Luna points out, most rape does not occur that way.

All that being said, I find this thesis to be defensible and recommend a preliminary grade of excellent (1) dependent of course on the outcome of the defense.

In Prague, 8 September 2023.

Ivy Helman, Ph.D.

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