Lived Autonomy, Intimacy, and Hersense: Rape Legislation in Practice

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I. Introduction

The starting point of this article is the reading of Chloë Kennedy's important and enlightening book *Inducing Intimacy. Deception, Consent and the Law*[1] and the inspiring and timely conversations that took place at the symposium "Inducing Intimacy: International Perspectives on Sexual Fraud" hosted by the *Modern Criminal Law Review* in June 2025. My reading became a cross-engagement with cross-reading of my own work, in particular two pieces on autonomy and the voluntariness-based rape legislation in Swedish criminal law[2] and a recently published book on Swedish rape trials.[3] My work addresses questions of power, justice, gender equality, and emotions in legal reasoning. Theoretically, I draw on feminist theory, and increasingly interdisciplinary perspectives. Recently, I have focused on two main areas: courtroom studies and gender-based violence, both online and offline.

From the standpoint of Swedish criminal law and legal procedure, this analysis takes its point of departure in a specific provision of the criminal law: the offense of rape. In doing so, it engages some of the themes explored by Kennedy, focusing on two interrelated dimensions. First, I discuss the concept of *autonomy*, introducing an alternative notion of *lived autonomy*. Second, I examine the *assumptions about intimacy* that shape rape trials, with particular attention to whose "logic" frames the legal assessment in such cases.

To develop the argument, the article unfolds in four sections. It first situates the Swedish rape reform within its legal and procedural context. It then reconsiders the concept of autonomy through a dialogue between Kennedy's notion of authenticity, and our theoretically developed concept of lived autonomy. The third section turns to *intimacy and gendered logics*, exploring how courts interpret the meaning of intimacy, and the behavior that surrounds it, in light of gendered common sense. The article concludes with *reflections on legal (re-)imagination*, suggesting possible ways to re-envision legal reasoning in light of these insights.

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[1] Chloë Kennedy, Inducing Intimacy: Deception, Consent and the Law (2024).

[2] Moa Bladini & Wanna Svedberg Andersson, Swedish Rape Legislation from Use of Force to Voluntariness: Critical Reflections from an Everyday Life Perspective, 8 Bergen J. Crim. L. & Crim. Just. 95 (2020); Wanna Svedberg Andersson & Moa Bladini, Autonomy and Beyond: Voluntariness in the Light of Lived Autonomy, 3 Retfærd: Nordic J.L. & Just. 35 (2021).

[3] Åsa Wettergren et al., Challenging Legal Core Values: Consent-Based Rape Legislation in Practice (2025).

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II. The Swedish Legal Framework on Rape

To situate the discussion, the following section provides a brief overview of how rape is defined and regulated within Swedish criminal law, and how these provisions operate within the broader legal process, setting the stage for the subsequent analysis of autonomy, authenticity, and the gendered logics that shape legal reasoning in rape cases.

The Swedish legal system is part of the Nordic legal family, defined as a mixed legal system and often placed between the continental and the common law systems, building on codified law with certain influences of preceding case law.[4] Another characterizing feature is the inquisitorial model governing the preliminary investigation and the adversarial nature of the trial. Criminal trials are adjudicated in general courts.[5]

A. Criminal Legislation

In 2018, Sweden introduced a major reform of its sexual offense legislation, shifting from a coercion-based to a consent-based model. The reform, codified in Chapter 6, Section 1 of the Swedish Criminal Code, established an explicit requirement of lack of consent, expressed as non-voluntariness.

Consequently, the mere absence of voluntary participation is sufficient for an act to constitute rape, even in the absence of force or threats.[6] The law thereby adopts an *affirmative consent model*, a "yes means yes" approach, framing rape as a problem of sex, choice, and communication.[7] The interpretation of the key legal term non-*voluntariness* is guided in the legislation: "When assessing whether participation is voluntary or not, particular consideration shall be given to whether voluntariness was expressed by word or deed or in some other way."[8]

The preparatory works emphasize that this evaluation must consider "the situation as a whole," including the context of the interaction, the complainant's behavior, and the defendant's awareness or lack thereof.[9] Courts are thus required to evaluate communicative expressions, verbal, physical, or otherwise, of consent. While the government underscored that individuals are free to express voluntariness in any manner, the main rule is that *passivity*

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[4] Christoffer Wong & Michael Bogdan, The Swedish Legal System (2022).

[5] District Courts, Courts of Appeal, and the Supreme Court, the latter with the function of establishing precedents in legally unclear cases.

[6] Proposition [Prop.] 2017/2018:177 En ny sexualbrottslagstiftning byggd på frivillighet [A New Sexual Offense Legislation Based on Voluntariness] [government bill] (Swed.).

[7] Linnea Wegerstad, Sex Must Be Voluntary: Sexual Communication and the New Definition of Rape in Sweden, 22 Ger. L.J. 734 (2021); Sara Uhnoo et al., The Wave of Consent-Based Rape Laws in Europe, 77 Int'l J.L. Crime & Just. 100668 (2024).

[8] Swedish Criminal Code ch. 6 § 1; see also Prop. 2017/18:177.

[9] Suzanne Wennberg, Befogad kritik av det våldtäktsbrottet?, Juridisk tidskrift (2018/19); Uhnoo et al., supra note 7, at 33.

does not constitute voluntariness.[10] The Supreme Court has confirmed that the scope for interpreting passive conduct as voluntary participation is very limited.[11]

The 2018 reform also introduced the offense of *negligent rape*, expanding criminal liability beyond intentional acts to cases of *gross negligence,* for example, where the perpetrator fails to ensure the other party's voluntariness, such as in cases involving intoxication.[12] This broadens the scope of criminalized conduct and reflects an explicit normative aim to strengthen sexual autonomy and personal integrity.[13]

B. Procedural Context

Sweden's criminal justice system combines *inquisitorial and adversarial elements*, with prosecutors bound by a duty of objectivity, meaning they must consider both incriminating and exculpatory evidence.[14] Rape cases are adjudicated in District Court, comprised of one legally trained judge and three lay judges. At the appellate level, rape cases are reviewed by the Court of Appeal, composed of three legally trained judges and two lay judges. Although the principle of transparency is fundamental in Sweden, rape trials are commonly held *behind closed doors* due to the sensitivity of the proceedings.[15]

A distinctive feature of the Swedish system is the *victim's procedural role*. The complainant may be a formal party in the trial and is represented by a *victim's counsel*, a state-funded lawyer providing legal advice, assistance with evidence, advocacy for compensation, and emotional support.[16] This structure reflects a victim-centered orientation intended to mitigate *secondary victimization* and enhance trust in the justice process.[17]

C. Between Legal Reform and Legal Continuity

While the 2018 reform marks a formal shift from a coercion- to voluntariness-based rape legislation, the application of the law in Swedish courtrooms continues to reveal the persistence of older legal and cultural frameworks. Judicial assessments of sexual encounters often hinge on culturally embedded assumptions about credible behavior, rational action, and normative femininity or masculinity.[18] In this sense, the communicative model of

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[10] Prop. 2017/18:177; Nytt Juridiskt Arkiv [NJA] 2019 p. 668 (Swed.); Uhnoo et al., supra note 7, at 33-34.

[11] NJA 2019 p. 668.

[12] Prop. 2017/18:177; NJA 2019 s. 668; Uhnoo et al., supra note 7, at 30.

[13] Prop. 2017/18:177; Uhnoo et al., supra note 7, at 31-32.

[14] Rättegångsbalken [RB] (Swedish Code of Judicial Procedure) ch. 23 § 4 & ch. 45 § 3a.

[15] Id. ch. 5 § 1; Public Access to Information and Secrecy Act ch. 35 § 12.

[16] Svensk författningssamling [SFS] (Swedish Code of Statutes) 1988:609; Prop. 1987/88:107.

[17] Hildur Fjóla Antonsdóttir & Solveig Laugerud, The Norwegian Victim Lawyer in a Nordic Context: Professional Boundaries, Legal Hierarchies and Purification Processes, 4 Int'l Criminology 79 (2024); Marion Eleonora Ingeborg Brienen & Ernestine Henriëtte Hoegen, Victims of Crime in 22 European Criminal Justice Systems (2000).

[18] Uhnoo et al., supra note 7.

consent coexists with enduring evaluative logics that reproduce traditional gendered expectations about resistance, desire, and authenticity, issues explored further in the subsequent analysis of autonomy and legal reasoning.

In sum, although the Swedish system is frequently celebrated as progressive and victim-centered in its design, its application in courtrooms exposes the persistence of entrenched interpretive frameworks. The shift from coercion to voluntariness has not fully displaced the normative assumptions that shape assessments of consent, credibility, and sexual behavior. Judicial reasoning continues to draw on culturally embedded notions of rationality, emotion, and gendered propriety, illustrating how the law's transformative aspirations remain constrained by enduring legal-cultural logics.

III. Autonomy and Authenticity

A. Rethinking Autonomy: From Authentic Intimacy to Lived Autonomy

In her book*, Inducing Intimacy*, Kennedy traces how the modern legal regulation of sex and intimacy has moved from collective moral frameworks toward a narrowly individualized ideal of autonomy.[19] She identifies what she calls a *thin conception of autonomy*, a juridical vision of the subject as rational, self-contained, and independent, detached from the relational and cultural contexts in which intimacy takes place.[20] Kennedy situates this transformation within a longer liberal genealogy, linking it to the rise of *sexual autonomy* as the master value in criminal-law discourse.[21] This shift corresponds to the broader privatization of intimacy that marks late modernity: sexuality becomes a matter of private will rather than social practice.[22] For Kennedy, this process results in a legal framework that protects *choice for its own sake* rather than the moral substance of intimacy.

This formalization of autonomy is not without costs. As Kennedy shows, the triumph of individual choice has eroded the moral vocabulary through which collective notions of harm and virtue once constrained the law's scope.[23] In the domain of sexual regulation, she argues that this has produced over-criminalization, conceptual incoherence, and blindness to structural inequality. Under a thin conception of autonomy, deception or coercion are wrong because they vitiate choice, not because they distort the relational meanings of trust and recognition that make intimacy intelligible.[24]

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[19] Kennedy, supra note 1.

[20] Id.

[21] Id.

[22] Id.; see also Jean L. Cohen, Regulating Intimacy: A New Legal Paradigm (2002); Elizabeth Brake, Love and the Law, in The Oxford Handbook of the Philosophy of Love 453 (Christopher Grau & Aaron Smuts eds., 2017).

[23] Kennedy, supra note 1; see also Lindsay Farmer, Making the Modern Criminal Law: Criminalization and Civil Order (2016).

[24] Kennedy, supra note 1.

Together with Svedberg Andersson, I have addressed this problem through the development of the concept of *lived autonomy*.[25] Our work on Swedish rape legislation suggests that it rests on a conception of voluntariness that presumes autonomy to be a binary condition, either present or absent, based on an idealized image of the legal subject: rational, disembodied, and emotionally detached.[26] This image reproduces what MacKinnon once described as the "male standpoint of sexuality,"[27] where rationality is coded masculine and emotion feminine, and where women's actions are judged against the yardstick of a self-possessed chooser.[28]

Lived autonomy offers an alternative. It conceptualizes autonomy as *relational, situated, and elastic*, acknowledging that people make decisions within networks of dependence, fear, and social expectation. Drawing on Smith's *everyday life perspective*,[29] we understand autonomy as a process that expands or contracts through the rhythms of embodied experience. Rather than asking whether a person was *free to choose*, lived autonomy asks *under what conditions* choices are made and *what meanings* they carry. This approach aligns with the tradition of relational autonomy developed by Nedelsky and by Mackenzie and Stoljar, who emphasize that autonomy is sustained through social relationships rather than exercised in isolation.[30]

Kennedy's own solution, the turn toward *authenticity*, complements this rethinking. In her view, the wrong of deceptive intimacy lies not simply in the violation of will but in the *distortion of authentic meaning* within the relationship.[31] Here she follows Raz and others who have treated authenticity as a form of self-expression anchored in moral and cultural practices rather than inner essence.[32] Authenticity re-centers the *integrity of meaning*, the correspondence between expression, trust, and mutual recognition, that is destroyed when deception undermines the truthfulness of an encounter. This move parallels feminist ethics of care, which locate moral value in responsiveness and relation rather than independence.[33]

Taken together, *authenticity* and *lived autonomy* articulate two dimensions of a common critique. Authenticity illuminates the *moral texture of intimacy*, while lived autonomy exposes the *social conditions* under which agency is exercised. Both challenge the atomistic self that underpins liberal jurisprudence. If authenticity is understood not as an essential truth but

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[25] Bladini & Svedberg Andersson, supra note 2; Svedberg Andersson & Bladini, supra note 2.

[26] Bladini & Svedberg Andersson, supra note 2, at 37-40.

[27] Catharine A. MacKinnon, Toward a Feminist Theory of the State (1989).

[28] Id.

[29] Dorothy E. Smith, The Everyday World as Problematic: A Feminist Sociology (1989).

[30] Jennifer Nedelsky, Reconceiving Autonomy: Sources, Thoughts, and Possibilities, 1 Yale J.L. & Feminism 7 (1989); Jennifer Nedelsky, Law's Relations: A Relational Theory of Self, Autonomy and Law (2011) [hereinafter Nedelsky, Law's Relations]; Catriona Mackenzie & Natalie Stoljar, Relational Autonomy: Feminist Perspectives on Autonomy, Agency and the Social Self (2000).

[31] Kennedy, supra note 1.

[32] Joseph Raz, The Morality of Freedom (1988).

[33] Kennedy, supra note 1.

as the *situated expression of subjectivity*, and autonomy as a *lived, relational capacity*, they converge in a thicker account of personhood, one that understands human action as embedded in emotion, dependency, and mutual recognition.

B. Autonomy in Practice: Judicial Rationality and Emotional Regimes

In the monograph *Challenging Legal Core Values: Consent-Based Rape Legislation in Practice*, my colleagues Wettergren and Uhnoo and I extend this critique to the level of legal practice.[34] In this empirical study, built on interviews with legal professionals and observations of Swedish rape trials after the 2018 consent-based reform, we show how the ideals of *rationality, autonomy,* and *objectivity*, core legal values of modern law, continue to shape judicial reasoning.[35] Rooted in a Weberian conception of bureaucratic neutrality, these values equate professionalism with emotional detachment and cast the judge as an autonomous arbiter guided solely by reason.[36] The study reveals that this self-image persists even in a legal culture that formally endorses gender equality and empathy.[37]

Through courtroom ethnography, we identify what Bergman Blix and Wettergren term the *emotive–cognitive judicial frame*: a tacit emotional regime that instructs legal professionals in *doing objectivity*.[38] Within this frame, emotions are disciplined through practices of restraint and decorum; yet, objectivity is achieved not by the absence of feeling but through its managed presence. Judges move through a *certainty-doubt spiral*, oscillating between certainty (including certainty about doubt) and hesitation as they evaluate evidence.[39] This process mirrors Damasio's insight that rational decision making depends on emotional cues;[40] it also confirms the feminist claim that reason and emotion are co-constitutive rather than opposed.[41]

The same dynamic structures how autonomy is attributed to complainants and defendants. Complainants who appear hesitant or inconsistent are often deemed *irrational* or *non-credible*, since their behavior deviates from the law's model of the sovereign will.[42] Defendants, conversely, may be interpreted as reasonable even when they disregard clear signs of non-voluntariness, because the legal imagination privileges a masculine script of

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[34] Wettergren et al., supra note 3.

[35] Id.

[36] Max Weber, Economy and Society (Guenther Roth & Claus Wittich eds., 1978).

[37] Wettergren et al., supra note 3.

[38] Stina Bergman Blix & Åsa Wettergren, Professional Emotions in Court: A Sociological Perspective (2018); Wettergren et al., supra note 3.

[39] Nina Törnqvist & Åsa Wettergren, Epistemic Emotions in Prosecutorial Decision Making, 50 J.L. & Soc'y 208 (2023); Wettergren et al., supra note 3.

[40] Antonio R. Damasio, Descartes' Error: Emotion, Reason, and the Human Brain (1994).

[41] Carol Smart, Feminism and the Power of Law (1989).

[42] Wettergren et al., supra note 3.

active rationality. In this way, the courtroom reproduces what Nicola Lacey and Ngaire Naffine have called the "abstract individualism" of liberal criminal law.[43]

We argue that genuine transformation requires more than doctrinal reform; it demands a re-evaluation of the *emotional foundations* of legal assessment. We advocate an ethic of *empathic imagination*, the capacity to perceive another's situation without collapsing difference, as a necessary part of objectivity.[44] This proposal resonates with Nedelsky's vision of relational law and with Kennedy's culturally embedded intimacy.[45] Empathy, in this sense, is not the opposite of reason but its moral and epistemic condition.

C. Toward a Relational Jurisprudence of Autonomy and Authenticity

Across these theoretical and empirical registers, a shared conclusion emerges: the liberal ideal of autonomy must be re-imagined as *socially and emotionally embedded*. Kennedy's call for a culturally embedded understanding of intimacy restores to autonomy its moral depth; *lived autonomy* grounds that vision in phenomenological and feminist analysis; and *Challenging Legal Core Values* exposes how the thin ideal persists within the everyday performance of judicial rationality. Together they outline the contours of a *relational jurisprudence of autonomy*, in which agency is conceived not as independence from others but as responsiveness within networks of care, trust, and accountability.

Authenticity provides the normative horizon for this re-imagining: it preserves the integrity of meaning and mutual recognition in intimate relations. Lived autonomy offers the analytical vocabulary to describe how that integrity is produced or thwarted in practice. And the study of judicial emotion demonstrates that even the institutions of law are sustained by emotional labor. A post-liberal understanding of autonomy would therefore not abolish autonomy but transform it, from a property of isolated individuals into a *shared practice of empathy and reflexive recognition*. Such a vision holds promise for a legal framework more attuned to how people actually experience intimacy, rather than to how the law presumes they should.

IV. Intimacy, Gendered Logics, and the Narratives of Credibility

To understand how autonomy and voluntariness are assessed in practice, we must also consider how courts interpret the meaning of intimacy, and the behavior that surrounds it. Intimacy is not merely the prelude to a sexual act; it is a field of interpretation where gendered expectations, moral evaluations and emotional cues are read, misread, and negotiated. In this sense, legal reasoning about rape is never only about facts or consent, it is also about which form of intimacy is deemed intelligible within law.

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[43] Nicola Lacey, Unspeakable Subjects: Feminist Essays on Legal and Social Theory (1998); Ngaire Naffine & John Gardner, Law's Meaning of Life: Philosophy, Religion, Darwin and the Legal Person (2009).

[44] Wettergren et al., supra note 3.

[45] Nedelsky, Law's Relations, supra note 30.

To make sense of the evidence presented in any case, courts may rely on general evidentiary facts, broadly recognized patterns of human experience or common knowledge. In rape cases, to handle questions about voluntariness and intent, the judges need to draw on these generally evidentiary facts, that we refer to as common sense. In our book, we analyze Swedish rape trials as sites of narrative conflict. What emerges is not a neutral evaluation of facts, but a confrontation between gendered logics of interpretation, what we call *hissense* and *hersense*. Although notions of common sense differ across intersecting social positions within gender categories, the practice of rape law reveals a persistent gendered common sense rooted in distinct male and female experiences. These gendered epistemologies, inform judicial reasoning and reflect the historical foundations of legal rationality itself, emerging from a tradition shaped by privileged nineteenth-century white men, whose standpoint was constructed as neutral and objective.[46] Consequently, *hissensical* reasoning often aligns seamlessly with dominant legal logic, sustained by structurally embedded rape myths that advantage accused men. By contrast, recent reforms in rape legislation, particularly the focus on non-voluntariness, create space for *hersensical* reasoning to enter legal discourse, legitimizing female experiential knowledge and, potentially, unsettling the long-standing fusion between male common sense and legal rationality.[47]

These logics coexist and collide in the courtroom, structuring the possibilities for credibility, agency and empathy. *Hissense* is thus the male-coded logic that often underpins legal rationality. It draws upon assumptions of linearity, coherence, and sexual predictability, an epistemic framework embedded within the traditional detached, "objective" gaze. It appears in questions like: "Why did she go home with him?," "Why did she stay overnight?," "Why did she lie under the same blanket or remove her trousers?" Such questions do not simply seek clarification; they construct a narrative of implied consent. They suggest that her behavior signaled sexual willingness, and if she later objected or changed her mind, she must be inconsistent, or even deceptive. Within hissense, autonomy is equated with self-control and foresight; voluntariness becomes a matter of rational calculation rather than lived experience.[48]

Hersense, by contrast, reflects the situated, and emotional logic that often underpins the complainant's experience. It is a mode of reasoning often grounded in female fear, requiring relational attunement and embodied knowledge. She may have stayed for safety: because it felt safer to stay with a familiar man than to walk the streets alone at night; or of politeness, because it seemed safer to avoid conflict; or out of fear, because his anger might provoke something worse; or perhaps out of ambiguity, because there was still a wish to explore the relation, even amid uncertainty about her own desire. But for this logic to be recognized, it must be made explicit, i.e., translated, typically by the prosecutor or the

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[46] Cf. MacKinnon, supra note 27; Smart, supra note 41; Lacey, supra note 43.

[47] Wettergren et al., supra note 3.

[48] Id.

victim's legal counsel, into a form the court can accept as credible. This translation requires what we call *empathetic legal interpretation*: a willingness to understand intimacy not only as a prelude to sex, but as a space of vulnerability, expectation, and hesitation, grounded in hersensical logics.[49]

From this perspective, Kennedy's concept of *inducing intimacy* takes on a new dimension. In her historical analysis, law emerges as both fascinated by and anxious about intimacy, particularly when deception blurs the line between seduction and fraud. Kennedy shows how legal responses to *deceptive sex* were shaped by moral judgements about trust, virtue, and gendered authenticity. The man who deceived a woman into sex or marriage violated her sexual autonomy and the social order that guarded it. Yet, as Kennedy notes, these frameworks always carried ambivalence: they were designed not only to protect women's consent, but to police their credibility.[50]

Our empirical findings suggest that this ambivalence persists in contemporary rape trials, though its direction has shifted. Where Kennedy's archives reveal anxieties about men deceiving women, the contemporary courtroom in rape trials often inverts the pattern: women appear as the potentially deceptive subjects. Their actions, emotions and retrospective accounts are scrutinized for signs of inconsistency, regret, or exaggeration. The courtroom thus becomes a site where hissense and hersense compete over the interpretive authority of intimacy itself.

This inversion creates a powerful narrative logic: "If she did not want sex, why did she act as if she did (from a hissensical point of view)?," "If she now denies consent, is it simply a case of morning-after regret?" Such reasoning, though rarely explicit, operates through subtle questions posed by the defense lawyer, or through even more subtle ways such as evaluative gestures, tone, gaze, bodily comportment, that are folded into the assessment of credibility. It reveals what Kennedy also identifies: the persistence of moral judgement beneath liberal frameworks of consent and autonomy. In these settings, voluntariness is reconstructed through the idiom of rational self-management, while hersensical logics, those grounded in relationality and safety-driven motives, are, unless translated and made explicit, read as irrational or even manipulative.

The effect is twofold. First, it reproduces an asymmetry of intelligibility: hissense appears coherent and reasonable; hersense appears emotional and irrational. Second, it transforms the complainant's emotional truth into an evidentiary burden. Thus, even within a consent-based legal framework, gendered logics of interpretation continue to delimit whose intimacy is seen as authentic, and whose autonomy counts as real.

A question to explore, then, is whether the law fully accounts for the fact that intimacy is enacted not only through words but through gestures, silences and context, and that these may be deeply misread across gendered lines. When courts interpret intimacy

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[49] Id.

[50] Kennedy, supra note 1.

through the lens of hissense, they risk excluding alternative meanings of bodily conduct and relational ambiguity. As we argue in *Challenging Legal Core Values*, this exclusion is not merely epistemological but deeply emotional, structured by gendered commonsense. It reveals that the contest over credibility in rape trials is, at its core, a struggle over which articulations of intimacy are rendered legible to law, and which are dismissed as irrational noise.

Seen from this angle, the courtroom becomes not only a site of legal reasoning but a stage for the performance of gendered credibility. The clash between hissense and hersense does not end when the narratives have been told; it continues in processes of evaluating evidence, how gestures, silences, or inconsistencies are read as signs of truth or deception. What is at stake here is not simply whether the complainant is believed, but how belief itself is legally produced: through what emotional registers, cultural scripts, and normative expectations of rationality.

V. Conclusion and Reflections on Legal (Re-)Imagination

Reading *Inducing Intimacy* alongside my own (and colleagues') research has offered new ways of thinking about law's relationship to sex, deception, and harm. What emerges from Kennedy's work is not only a legal history of intimate deception but also a broader critique of how legal frameworks have shifted from collective protection, rooted in moral institutions like marriage, to individualized protection grounded in autonomy. Yet, this transition has not entirely severed the ties to older normative frameworks.

In many ways, law still interprets intimacy through residual moral expectations: assumptions about what intimacy should look like, who deserves legal recognition, and which harms count as real. As our studies of Swedish rape trials reveal, these assumptions are often encoded in gendered scripts. The courtroom thus becomes a site where competing logics, hissense and hersense, struggle over the interpretive authority of intimacy, shaping how credibility, voluntariness, and harm are understood.

Kennedy's call for a more holistic approach to regulating deceptively induced intimacy is therefore both timely and necessary. She reminds us that legal judgment must attend not only to formal consent but also to the texture of intimate life, its vulnerabilities, asymmetries, and ambivalences. In *Challenging Legal Core Values*, we similarly argue that autonomy, objectivity, and rationality, long regarded as law's core virtues, must be re-evaluated in light of lived experience. Law must learn to accommodate ambiguity, not as a threat to coherence but as a fundamental condition of relational life.

Building on my previous research, I share Kennedy's ambition to move beyond abstract legal formalisms and to anchor legal reasoning in situated subjectivity, that is, in how autonomy and desire are actually experienced. Read together, Inducing Intimacy and this body of work outline a vision for what might be called a relational jurisprudence of

intimacy: a mode of legal imagination that recognizes emotion as epistemic, vulnerability as constitutive of agency, and empathy as integral to judgment.[51]

To re-imagine law in this way is not to abandon its ideals of reason and impartiality but to deepen them. It is to acknowledge that the pursuit of justice is always entangled with the capacity to perceive and interpret the lived realities of others. A jurisprudence that understands rationality and emotion, autonomy and dependency, objectivity and empathy not as opposites but as mutual constitutive dimensions of law itself, its ways of knowing, feeling and judging, may come closer to what law has always promised but rarely achieved: to see, and to listen, with understanding.

[51] Bladini & Svedberg Andersson, supra note 2; Svedberg Andersson & Bladini, supra note 2; Wettergren et al., supra note 3.