TOWARD A BONOBO SISTERHOOD: RETHINKING CONSENT AND COERCION IN SEXUAL ASSAULT LAW

Nicole Nigri[*]

Abstract

Taking survivor reality as the baseline, this paper rethinks how the law defines consent and coercion in cases of sexual violence. It argues that consent must be affirmative and that coercion must be understood to include the nonphysical pressures that often shape compliance sex, such as psychological manipulation, economic dependence, immigration threats, misuse of authority, and trauma responses like tonic immobility. Drawing on feminist legal theory, trauma research, and comparative reforms in Sweden, Spain, Canada, and the Istanbul Convention, the paper translates these insights into clear model statutory language that criminalizes sex without freely given agreement and recognizes a wider range of coercive tactics. It also proposes practical tools for courts and practitioners, including expert testimony on trauma, targeted jury instructions, and procedural safeguards that reduce re-traumatization while ensuring due process through clear *mens rea* and evidentiary standards. Beyond doctrine, the paper highlights the role of community-based supports such as bystander programs, survivor alliances, and accessible reporting systems to create safer environments. Its goal is a system that reflects lived experience, protects autonomy and dignity, and provides judges and juries with realistic, workable guidance to reach just results.

[*] Nicole Nigri, LL.M., Harvard Law School (2025); LL.B., *magna cum laude*, Universidade Federal do Rio de Janeiro (2018). Admitted to practice in Brazil and Texas. This paper was written in partial fulfillment of the requirements for Gender Violence, Law, and Social Justice at Harvard Law School. The author thanks Professor Diane L. Rosenfeld for her inspiration and guidance, both through *The Bonobo Sisterhood: Revolution Through Female Alliance* and her teaching at Harvard Law School.

I. INTRODUCTION 206
II. COMPLIANCE SEX: THE GREY ZONE OF CONSENT 206
III. COERCION WITHOUT FORCE: LEGAL GAPS AND CASE STUDIES 208
IV. AFFIRMATIVE CONSENT: "ONLY YES MEANS YES" 211
V. EXPANDING THE DEFINITION OF COERCION 213
VI. RECOGNIZING THE "FREEZE" RESPONSE:
A TRAUMA-INFORMED APPROACH 214
VII. SURVIVOR ALLIANCES AND COMMUNITY ACCOUNTABILITY 215
VII. TOWARD A SURVIVOR-CENTERED JUSTICE 217
IX. CONCLUSION 218

I. INTRODUCTION

Sexual consent in law has traditionally been framed in black-and-white terms of agreement versus refusal, often overlooking the vast gray area of coercive sex (including what is sometimes called compliance sex) where individuals submit to sex due to fear, psychological pressure, or power imbalance, rather than freely given consent.[1] In such situations, a victim may submit or freeze rather than actively resist – not because she consents in any meaningful sense, but because she feels she has no true choice.[2] The question driving this analysis is: what would justice look like if women wrote the law, informed by women's lived experiences of fear-based submission? This paper explores that question, building on Professor Diane Rosenfeld's concept of the "Bonobo Sisterhood": a call to reconceptualize law and society through collective female solidarity, survivor-centered justice[3], and trauma-informed enforcement. This paper examines how current legal definitions of consent and coercion overlook compliance sex and proposes feminist legislative reforms grounded in survivor experience and trauma-informed principles.

II. COMPLIANCE SEX: THE GREY ZONE OF CONSENT

Compliance sex (also referred to as sexual compliance) describes sexual activity that a person "goes along with" not out of genuine willingness, but due to fear, intimidation, implicit pressure, or an implied threat.[4] Central to the concept is that the apparent "consent" is not freely given in response to

[1] Emily A. Impett & Letitia Anne Peplau, *Sexual Compliance: Gender, Motivational, and Relationship Perspectives*, 40 J. SEX RES. 87 (2003).

[2] *Id.*

[3] DIANE L. ROSENFELD, THE BONOBO SISTERHOOD: REVOLUTION THROUGH FEMALE ALLIANCE xiv, xvi, 226 (Harper Wave 2022).

[4] Impett & Peplau, *supra* note 1, at 87–88.

desire, but occurs despite an absence of internal willingness, and often without the initiating partner recognizing the other's lack of corresponding desire.[5] Unlike a clear-cut rape scenario involving a weapon or explicit violence, compliance sex often involves subtle dynamics: a woman might freeze up, become silent, or dissociate, offering no verbal refusal or physical resistance – yet internally she does not consent.[6] For example, a woman on a date might feel compelled to comply with unwanted sexual advances despite her clear discomfort, because in the moment she feels unable to safely say no. Such scenarios resonate with countless women's experiences: saying "yes" or saying nothing because saying "no" seems unsafe or impossible. Compliance sex occupies a grey zone in which the outward appearance of acquiescence (or at least the absence of active resistance) masks an internal reality of fear and coercion.

Psychologically, the "freeze" response is a well-documented reaction to threat, including sexual assault. Neuroscience and trauma research show that many victims enter a state of tonic immobility or "rape-induced paralysis" during an assault, rendering them unable to move or cry out even if they want to resist.[7] One study found that approximately 70% of sexual assault victims experience significant immobility during an attack, and nearly half report an extreme freeze response.[8] In other words, the absence of resistance is incredibly common in situations of sexual terror. Yet despite this reality, legal systems have been slow to recognize freezing or non-resistance as compatible with non-consent. Historically, rape law effectively required the victim to resist "to the utmost" for an assault to be deemed rape.[9] That formal resistance requirement is gone today, but its mindset lingers: even now, some officials and jurors expect to see signs of struggle or hear a loud "no" before they acknowledge a rape.[10] The law's emphasis on a clear refusal fails to capture scenarios where a person is coerced into silence or submission. A person may submit to sex out of fear for her safety or other pressure without ever freely consenting to it.

The result is that a vast spectrum of coerced sexual experiences (where a victim complies only out of fear, conditioned acquiescence, or power

---

[5] Sarah A. Vannier & Lucia F. O'Sullivan, *Sex Without Desire: Characteristics of Occasions of Sexual Compliance in Young Adults' Committed Relationships*, 47 J. SEX RSCH. 429, 429 (2010).

[6] *Id.*

[7] Jennifer M. Heidt et al., *Tonic Immobility and Childhood Sexual Abuse: A Preliminary Report Evaluating the Sequela of Rape-Induced Paralysis*, 43 BEHAV. RSCH. & THERAPY 1157, 1157 (2005).

[8] Anna Möller et al., *Tonic Immobility During Sexual Assault – A Common Reaction Predicting Post-Traumatic Stress Disorder and Severe Depression*, 96 ACTA OBSTET. GYNECOL. SCAND. 932, 932 (2017).

[9] Kara M. DelTufo, *Resisting "Utmost Resistance": Using Rape Trauma Syndrome to Combat Underlying Rape Myths Influencing Acquaintance Rape Trials*, 22 B.C. THIRD WORLD L.J. 419, 423 (2002).

[10] Melanie Randall, *Sexual Assault Law, Credibility, and "Ideal Victims": Consent, Resistance, and Victim Blaming*, 22 CAN. J. WOMEN & L. 397, 415 (2010).

dynamics) can fall through the cracks of legal definitions. From the survivor's perspective, these experiences are violations of autonomy just as real as any rape at knifepoint. But from the law's traditional perspective, they have often remained invisible. This disconnect between survivor reality and legal doctrine underscores a critical failing: under many current standards, consent is defined too narrowly, often implicitly requiring an overt expression of unwillingness or proof of force to establish that a sexual act was non-consensual.

III. COERCION WITHOUT FORCE: LEGAL GAPS AND CASE STUDIES

Crucially, many laws still define sexual assault in terms of physical force or explicit threats, rather than focusing on the lack of voluntary agreement. This means that if a perpetrator achieves compliance by means other than brute violence (for instance, by exploiting the victim's fear, manipulating her psychologically, or abusing a power imbalance) it may not fit the legal definition of rape in some jurisdictions. In Spain's 2016 "Wolf Pack" case, five men sexually assaulted an 18-year-old woman who froze in fear and did not resist.[11] Because Spanish law at the time required "violence or intimidation" for an act to constitute rape, a court initially convicted the men of only the lesser offense of "sexual abuse," reasoning that the victim's submissive behavior showed no overt force.[12] Public outrage erupted, and the backlash prompted legal reform.[13] By 2022, Spain passed an "only yes means yes" law redefining rape to encompass any non-consensual sex, explicitly removing the requirement of physical force or intimidation.[14] This change recognized that lack of consent can occur without a weapon wielded or a verbal threat – a person can be raped through coercion and fear just as surely as through brute force.[15]

Other countries have similarly shifted toward consent-centric definitions. A recent cross-jurisdictional analysis of twenty European countries documents a significant increase in consent-based rape laws since 2017, supported by detailed tables mapping legislative reforms across the region.[16] These changes align with international human rights standards such as the Council of Europe's Istanbul Convention, which calls for criminalizing all non-consensual sexual acts and emphasizes that consent

---

[11] Patricia Faraldo-Cabana, *The Wolf-Pack Case and the Reform of Sex Crimes in Spain,* 22 GERMAN L.J. 847, 847-48 (2021).

[12] *Id.* at 848, 852.

[13] *Id.* at 848.

[14] *Id.* at 857.

[15] *Id.*

[16] Sara Uhnoo et al., *The Wave of Consent-Based Rape Laws in Europe,* 77 INT'L J.L. CRIME & JUST. 100668 (2024).

must be given voluntarily, under conditions free of coercion.[17] Sweden's reform is especially illustrative: in 2018 Sweden changed its legal definition of rape to encompass any sex without consent, so prosecutors no longer have to prove violence or threats.[18] Within two years of the law's adoption, rape convictions in Sweden rose by roughly 75%, demonstrating that many victims could obtain justice under the new standard – capturing coercive situations that previously might not have qualified as rape.[19] The principle is straightforward: sexual activity must be consensual – anything else is rape.

Despite progress abroad (and some reforms in U.S. state laws and campus policies) much of American criminal law still struggles to fully account for coercive, fear-based sex. The law often lags behind survivor reality.[20] One major gap is the treatment of psychological coercion and implicit threats.[21] A woman may fear for her safety without an assailant explicitly saying, "do this or I'll hurt you." The context (a man's menacing demeanor, a history of prior intimidation, being isolated with no escape) can create a reasonable fear that resisting will lead to harm.[22] Yet many statutes require an overt threat of physical harm.[23] Thus, if a victim says, "I was afraid to say no, I thought he might become violent, so I just froze," a strict reading of the law might not classify that as rape, absent a weapon or explicit threat.[24] The reality of coercion is far more complex: perpetrators often rely on implied threats and victims' conditioned fear.[25] Particularly in acquaintance or intimate partner contexts, an aggressor may not need to beat his victim because he knows she is too afraid to refuse.[26] But without laws that clearly cover non-violent coercion, such cases fall into a grey area.

American case law underscores this problem. In *State v. Rusk* (Md. 1981), a woman submitted to sexual intercourse out of fear after the defendant took her car keys and made advances that frightened her.[27] Though she did not physically resist or receive explicit threats, she testified that she

---

[17] Council of Europe, *Convention on Preventing and Combating Violence Against Women and Domestic Violence*, C.E.T.S. No. 210, art. 36 (May 11, 2011) [hereinafter *Istanbul Convention*].

[18] Emma Batha, *Rape Conviction Rates Rise 75% in Sweden After Change in the Law*, REUTERS (June 22, 2020), https://www.reuters.com/article/world/rape-conviction-rates-rise-75-in-sweden-after-change-in-the-law-idUSKBN23T2R2/ [https://perma.cc/BHL3-9WX4].

[19] *Id.*

[20] Sarah M. Garrett, *Coercive Control Legislation: Using the Tort System to Empower Survivors of Domestic Violence*, 111 CALIF. L. REV. 1601, 1610 (2023); *see also* Hillary Hurst, *Women, the Law, and Sexual Assault: Why the Model Penal Code's Ordinary Resolution Standard Furthers Victim Blaming*, 59 TULSA L. REV. 573, 575 (2024), https://digitalcommons.law.utulsa.edu/tlr/vol59/iss2/14/ [https://perma.cc/J5PA-NDU6].

[21] Garrett, *supra* note 20, at 1603.

[22] *Id.* at 1609–10.

[23] Hurst, *supra* note 20, at 590.

[24] *Id.* at 575.

[25] Garrett, *supra* note 20, at 1610.

[26] *Id.* at 1612.

[27] State v. Rusk, 424 A.2d 720, 721-22 (Md. 1981).

feared he might harm or kill her if she did not comply.[28] Rusk was convicted by a jury of second-degree rape, but the Maryland Court of Special Appeals reversed the conviction, concluding that insufficient evidence of force had been presented under existing doctrine.[29] However, Maryland's highest court reversed and reinstated the conviction, holding that a victim's reasonable fear of imminent harm (induced by the defendant) can satisfy the requirement of "force" under the state's rape statute, even absent physical resistance or overt threats.[30]Another example is *State v. Thompson* (Mont. 1990), where a high school official coerced a student into sex by threatening to prevent her graduation.[31] Because he used no physical force, courts initially concluded no rape occurred; his conviction was overturned under the narrow law of that time.[32] The injustice of that outcome helped spur reforms. Today, a growing number of states explicitly criminalize sexual extortion – demanding sex by non-physical threats or by misusing power.[33]

Deceptive coercion can be just as destructive. In *Boro v. Superior Court* (Cal. Ct. App. 1985), the defendant impersonated a doctor and tricked a woman into "consenting" to sex by falsely claiming she had a deadly disease curable only through intercourse with a fabricated donor.[34] Fearing for her life, she agreed.[35] The California Court of Appeal held that this conduct, while morally reprehensible, did not meet the statutory definition of rape because it involved fraud in the inducement rather than fraud in the factum, and thus did not legally negate consent.[36] The case starkly illustrated how outdated legal definitions failed to capture non-violent but highly coercive sexual deception. Cases like *Rusk*, *Thompson*, and *Boro* show how fear, power imbalances, and deception can negate true consent even without a gun to the head. As Catharine MacKinnon noted, the line between "consent" and "submission" is frequently blurred under patriarchy.[37] Women have long been socialized to acquiesce to male demands and avoid confrontation, so what the law might label "consent" is often mere survival-driven compliance.[38] For decades, marital rape was not even criminalized in many places, based on the archaic notion that a wife could not refuse her husband

---

[28] *Id.* at 723.
[29] *Id.* at 720-21.
[30] *Id.* at 726.
[31] State v. Thompson, 792 P.2d 1103, 1104 (Mont. 1990).
[32] *Id.* at 1106–07.
[33] MINN. STAT. § 609.3458 (2023); Press Release, *Governor Murphy Signs Bipartisan Legislation Criminalizing Sexual Extortion*, OFF. OF THE GOVERNOR OF N.J. (May 8, 2023), https://www.nj.gov/governor/news/news/562023/20230508c.shtml [https://perma.cc/A4FQ-DQ69].
[34] Boro v. Superior Court, 210 Cal. Rptr. 122, 123 (Cal. Ct. App. 1985).
[35] *Id.*
[36] *Id.* at 124.
[37] CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 177 (1989).
[38] *Id.* at 178.

– her perpetual submission was assumed.[39] Such examples underscore how a male-authored legal regime failed to recognize coerced sex without overt force as rape.

If women had written those laws, they surely would not have codified their own submissive role. A woman-centered perspective would start from the premise that all individuals have a right to bodily autonomy, even within marriage or other hierarchical relationships, and that any sex obtained through fear, coercion, or abuse of power violates that right. Some modern laws are finally reflecting this understanding. Canada's Criminal Code, for example, provides that no consent is obtained where the agreement is induced by abusing a position of trust, power or authority.[40] In the United Kingdom, the Sexual Offences Act 2003 requires consent to be a product of free agreement, and British courts have affirmed that a person is not truly consenting if they acquiesce only due to desperation or vulnerability – in one case, a homeless underage girl who "agreed" to sex in exchange for food was held incapable of giving valid consent under such coercive circumstances, and a rape conviction was upheld.[41] These developments, though piecemeal, point toward a future in which the law refuses to treat sexual access obtained through any form of undue pressure as consensual. The overarching question remains: how would a legal system designed by women, for women (and for all survivors) rewrite the rules of consent and coercion? The next sections outline key reforms – grounded in feminist theory and trauma-informed insight – that could transform the justice system's approach to sexual violence.

IV. AFFIRMATIVE CONSENT: "ONLY YES MEANS YES"

The first fundamental change in a feminist reimagining of sexual assault law is redefining consent itself. Rather than "no means no" (which places the burden on the victim to resist or refuse) the law would adopt an affirmative consent standard, encapsulated in the mantra "only yes means yes".[42] In practice, this means that silence or passivity is not consent; only a clear, voluntary yes (through words or unequivocal actions) counts. This flips the script: the onus is on the initiator of sexual activity to ensure their partner is actively consenting, rather than on the partner to protest if they are

---

[39] Lauren Lin et al., *The Criminalization of Marital Rape: A Story of Progress and Pushback*, *in* BODY POLITICS: WHAT'S THE STATE GOT TO DO WITH IT? 31, 32 (Jordan A. Pino & Konstantinos Karamanakis eds., Boston College 2023).

[40] CRIM. CODE, R.S.C. 1985, c. C-46, § 273.1(2)(c) (Can.).

[41] SEXUAL OFFENCES ACT 2003, § 74 (U.K.); Shlomit Wallerstein, *'A Drunken Consent is Still Consent'— or Is It? A Critical Analysis of the Law on a Drunken Consent to Sex Following Bree*, 73 J. CRIM. L. 318, 330 (2009) (citing footnote 55).

[42] Elizabeth Youngberg, *California's "Yes Means Yes" Standard: A Starting Point for College Sexual Assault Policy Reform*, 47 GOLDEN GATE U.L. REV. 205, 221–22 (2017).

not. It aligns with the idea, long urged by survivors, that silence is not consent; only an enthusiastic yes is. Many jurisdictions have begun to move toward this approach, and a women-authored legal regime would likely make it the universal standard.[43]

Making lack of consent the centerpiece of the offense, rather than force, has profound implications. Under an affirmative consent rule, if a woman freezes in fear and never actively agrees, the act is clearly rape. Prosecutors would no longer need to prove that the victim physically resisted or that the assailant made an explicit threat; only that she did not freely consent. The focus shifts to the defendant: did he obtain an unmistakable yes? If not, proceeding with sex was a crime. This creates a powerful incentive for partners to communicate and verify consent, which can help change social norms over time. It also squarely captures compliance-sex scenarios as crimes. Under current law, many compliance cases falter because the victim's passive acquiescence creates ambiguity; under affirmative consent, the lack of an active yes is itself proof of non-consent. For instance, if one partner is silent, unmoving, or visibly uncomfortable, an affirmative consent framework dictates that the other partner must pause and confirm willingness, rather than assume acquiescence. Proceeding without a clear yes would be at his peril. In effect, the standard demands a more communicative, respectful sexual culture – one backed by law.

Critics sometimes caricature affirmative consent as requiring a formal contract for sex, but in reality, it simply means each person should ensure the other is willingly engaged. This concept is not unprecedented: California, for example, conditions certain state funding for higher education institutions on the adoption of "Yes Means Yes" affirmative consent policies, and jurisdictions such as New York have enacted generally mandatory campus-wide affirmative consent requirements[44] Countries like Spain have written it into criminal law.[45] Early evidence suggests it works.[46] As noted, Sweden's experience indicates that affirmative consent laws can enable more successful prosecutions of sexual assault.[47] More importantly, these laws carry symbolic weight: they affirm that sex must be mutually agreed, not something one person takes from another until the other protests. Such a shift, implemented with care, would finally align legal standards with the basic moral intuition that having sex with someone who hasn't actively said yes (especially when they appear hesitant or inert) is profoundly wrong.

---

[43] *Affirmative Consent*, UNIV. VT. LEGIS. RSCH. SERV. (June 2024), https://www.uvm.edu/d10-files/documents/2024-06/Affirmative_Consent.pdf [https://perma.cc/87ZH-7VPA].

[44] *See, e.g.*, CAL. EDUC. CODE § 67386 (West 2023); N.Y. EDUC. LAW § 6441 (McKinney 2023).

[45] *Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual*, LEGISLACIÓN CONSOLIDADA [B.O.E.] (2022) (Spain).

[46] *See* Batha, *supra* note 18.

[47] *See id.*

V. EXPANDING THE DEFINITION OF COERCION

Equally important is broadening what counts as coercion. A feminist law would explicitly recognize psychological coercion, implicit threats, and abuse of power as unlawful ways of obtaining sex. Currently, many statutes confine "forcible compulsion" to physical force or threats of death or bodily injury.[48] This leaves out a wide range of tactics that perpetrators use – subtle threats or coercive circumstances that can be just as controlling as a knife to the throat. A survivor-centered law would clarify that consent is invalid if obtained through implicit threats (for example, a perpetrator's menacing words or behavior that instill fear of harm), extortion (threats to expose secrets, damage one's reputation, or undermine one's job or education unless the victim submits), or abuse of authority or trust (a therapist pressuring a patient under the guise of "therapy," a supervisor demanding sex from an employee, a teacher coercing a student, etc.). In short, any scenario where the victim's ability to freely say no is undermined by the perpetrator's leverage or power should be recognized as coercive.

Some U.S. jurisdictions are starting to move in this direction. As noted, several states have outlawed sexual extortion (or "sextortion"), making it a crime to demand sexual acts by threatening non-physical harm.[49] For example, New Jersey's 2023 law explicitly criminalizes coercing someone into sex by threatening the person's reputation, property, or similar interests.[50] This recognizes that saying "sleep with me or you're fired" is just as coercive as "…or I'll shoot you". Likewise, a feminist-informed statute would enumerate situations like blackmail, exploitation of vulnerability, and abuse of power as falling under the definition of sexual assault.[51] The principle is that any "agreement" produced by fear is no true agreement. International norms reinforce this: for instance, the Istanbul Convention calls on states to criminalize all non-consensual sexual acts, underscoring that consent must be freely given and cannot exist under coercion.[52] In effect, a robust law would treat sex obtained through any wrongful pressure as seriously as sex obtained at gunpoint.

By codifying a broad view of coercion, the law would finally validate victims who say, "I didn't want to, but I was afraid not to." No longer could an offender escape liability simply because he never overtly threatened or attacked his victim. Such reform would capture cases like the *Thompson* scenario and countless workplace or domestic situations where women

---

[48] *See, e.g.*, REV. CODE WASH. § 9A.44.010(3) (2023); AL. CODE §§ 13A-6-60(1), 13A-6-61(a)(1) (2024); N.Y. PENAL LAW §§ 130.00(8), 130.35 (McKinney 2023).

[49] *See* discussion *infra* Section III.

[50] Press Release, OFF. OF THE GOVERNOR OF N.J., *supra* note 33.

[51] Hurst, *supra* note 20, at 590-93.

[52] Istanbul Convention*, supra* note 17.

submit under non-violent pressure. It would also explicitly address inherent power imbalances (therapist–patient, guard–inmate, coach–athlete, etc.), which carry a high-risk coercion. In sum, the law would send a clear message that coerced sex is not consensual sex, whether the coercion is physical or psychological.

VI. RECOGNIZING THE "FREEZE" RESPONSE: A TRAUMA-INFORMED APPROACH

A trauma-informed feminist legal system would take into account the neurobiological and psychological responses of sexual assault victims (particularly the common "freeze" response) and adjust legal processes accordingly. One pervasive myth in the past was that a "real" victim fights back or at least immediately cries for help.[53] In reality, many victims cannot fight or cry out due to tonic immobility, and many delay reporting out of shock or shame.[54] If women wrote the law, they would insist that these truths be acknowledged in the justice process rather than ignored.

Concrete reforms might include training police, prosecutors, and judges on common trauma responses (freeze, dissociation, delayed reporting, memory gaps, etc.) so that victims' behaviors are understood in context and not misconstrued. Courts could develop special jury instructions to dispel misconceptions – for example, an instruction that "a lack of resistance or a delayed complaint is a common reaction of sexual assault victims and does not imply consent or falsehood." Expert testimony by psychologists or neurologists should be readily admissible to explain a victim's post-assault demeanor or why she didn't resist, helping jurors see that her seemingly puzzling behavior is in fact a typical trauma response. In fact, many states already permit expert testimony on trauma responses such as rape trauma syndrome or tonic immobility, though acceptance is not yet universal.[55] Procedural accommodations could also reduce re-traumatization: for instance, giving victims the option to testify via closed-circuit TV or behind a partition so they need not face the accused directly, and strictly enforcing rape-shield rules to bar invasive questions about a victim's sexual history or character.

The goal is to shift focus off the victim's reaction and onto the defendant's conduct. Instead of asking "why didn't she fight or run?", the question becomes "what did he do to make her feel she couldn't refuse? Did he exploit the fact that she was frozen in fear?" If the evidence shows the

---

[53] *Myths and Facts About Sexual Violence,* RESILIENCE, https://www.ourresilience.org/what-you-need-to-know/myths-and-facts [https://perma.cc/QY8S-DRDD] (last visited Jan. 15, 2026).

[54] *Id.*

[55] *SART Toolkit: Expert Witnesses*, NAT'L SEXUAL VIOLENCE RES. CTR., https://www.nsvrc.org/sarts/toolkit/5-12 [https://perma.cc/F6HP-RBK8] (last visited Jan 15, 2026).

defendant created a context of terror or took advantage of someone who was effectively paralyzed by fear, that should establish non-consent, regardless of whether the victim said "no" or resisted physically. These measures would stop penalizing survivors for behaving in perfectly normal ways under duress. Too often, the legal process itself feels like a second assault, with the survivor's every action (or inaction) put under a microscope.[56] A trauma-informed approach recognizes that freezing or delayed reporting are expected outcomes of trauma, not signs of deceit. Notably, this aligns with the affirmative consent standard: if consent must be actively given, then a victim's silence or paralysis is clearly treated as evidence of non-consent, not a tacit approval.

VII. SURVIVOR ALLIANCES AND COMMUNITY ACCOUNTABILITY

Professor Diane Rosenfeld's "Bonobo Sisterhood" vision emphasizes the power of female alliances – women forming coalitions to protect one another and challenge patriarchal violence.[57] Inspired by bonobo ape societies, where female bonobos band together to fend off aggressive males, this model demonstrates how cooperation among females can lead to a more peaceful and egalitarian social structure.[58] Rosenfeld argues that human societies can adopt similar strategies to reduce gender-based violence and challenge patriarchal norms.[59] One practical application is to create women-led justice initiatives for gender-based violence. For example, Brazil has established special women's police stations (Delegacias da Mulher) staffed by female officers to provide a more empathetic response to victims of rape and domestic abuse.[60] A feminist reform agenda might expand such models: specialized sexual violence units or courts led by officials trained in trauma (often women) could help reduce the bias and indifference victims sometimes face. The goal is not to claim women are inherently more just, but to break the "old boys' club" that has historically downplayed sexual violence. When police, prosecutors, and judges include more people committed to women's safety, dismissive treatment of victims is less likely and priorities can shift – for instance, to promptly testing rape kits, pursuing acquaintance rape cases, and treating a woman's frightened compliance as a serious red flag rather than a reason to doubt her.

---

[56] Negar Katirai, *Retraumatized in Court*, 62 ARIZ. L. REV. 81, 83 (2020).

[57] *See* Rosenfeld, *supra* note 3, at xiv-xx.

[58] *Id.*

[59] *Id.*

[60] Eduardo Soares, *Brazil: New Law Creates Specialized Police Stations for Women*, LIBR. OF CONG. (Apr. 28, 2023), https://www.loc.gov/item/global-legal-monitor/2023-04-28/brazil-new-law-creates-specialized-police-stations-for-women/ [https://perma.cc/P526-VBHF].

Beyond formal institutions, a feminist vision also bolsters bystander intervention and community responsibility. Rape culture persists in part because of silence and inaction – whether it's friends who look the other way at a party or authorities who ignore reports. A women-authored approach could implement measures to encourage and protect those who step up to prevent sexual violence. For example, "Good Samaritan" policies could offer legal immunity (or other protection) to bystanders who intervene in good faith to stop an assault, so people aren't deterred from helping by fear of liability. Meanwhile, public education and training programs would teach community members how to recognize signs of potential sexual assault and how to intervene safely. These programs are already common on college campuses[61] and could be extended to workplaces, bars, and public spaces – anywhere the risk of sexual violence exists.

Survivor alliances are another powerful tool. We have seen in movements like #MeToo how survivors banding together can support one another and drive change. A feminist legal framework might formally integrate survivor voices – for example, establishing survivor advisory councils to guide policy, or allowing multiple victims of the same perpetrator to join their cases or lawsuits. This can empower victims and reveal patterns of abuse that a single case alone might not show. One innovative proposal is the creation of an anonymous, encrypted survivor database, supported either publicly or through vetted nonprofits, where individuals can log the names of known assailants or detail patterns of abuse. If multiple survivors report the same perpetrator, the system could notify them and allow the option to connect. This would empower survivors to corroborate one another, pursue collective legal action, or simply know they are not alone. Similar models already exist, though not yet formally integrated into the legal system – for example, Callisto, a nonprofit platform originally launched on college campuses, allows users to confidentially report sexual assaults and be alerted if someone else names the same perpetrator.[62] Other systems like #NotMe[63] and SaferSpace[64] offer similar tools for workplace harassment and institutional reporting. These efforts formalize what whisper networks have long done informally: help women warn and protect one another when the official system does not. A feminist framework might support such

---

[61] *See, e.g.*, *Green Dot*, ALTERISTIC, https://alteristic.org/green-dot/ [https://perma.cc/DQ2E-P6Z3] (last visited Jan. 15, 2026); *Step UP! Program*, UNIV. ARIZ., https://stepupprogram.org/topics/sexual-assault/ [https://perma.cc/GAV3-R6YJ] (last visited Jan. 22, 2026); *Bringing in the Bystander*, UNIV. N.H., https://www.unh.edu/research/prevention-innovations-research-center/evidence-based-initiatives/bringing-bystander [https://perma.cc/5TLP-LE4R] (last visited Jan. 15, 2026).

[62] PROJECT CALLISTO, https://www.projectcallisto.org [https://perma.cc/T2Y7-6438] (last visited Jan. 15, 2026).

[63] *#NOTME*, https://not-me.com [https://perma.cc/H9W6-8252] (last visited Jan. 15, 2026).

[64] SAFERSPACE, https://saferspace.io [https://perma.cc/XGZ4-97WQ] (last visited Jan. 15, 2026).

initiatives with funding, legal protections, and institutional partnerships – a 21st-century extension of the Bonobo Sisterhood's ethos of solidarity.

Community-based safety strategies can also play a vital role. Neighborhood patrols, "safe bar" programs where staff are trained to respond to coded distress signals (like the "angel shot"[65]), and peer-to-peer safe-walk programs exemplify how informal networks can deter harm. In the spirit of the Bonobo Sisterhood, Professor Rosenfeld even imagines women collectively confronting or ostracizing known abusers – a form of communal defense rooted in solidarity, if not formal justice. While not a substitute for legal solutions, such efforts reflect a "we protect us" mentality that deserves recognition and support. Rather than discourage informal collective action, a feminist framework might actively integrate it – through police partnerships with women's organizations, anonymous community alert systems, or public funding for local safety initiatives.

In essence, bystander and alliance strategies shift some responsibility for preventing sexual violence from individual victims to the broader community. This reflects a feminist insight that sisterhood and solidarity can be potent forces against predatory behavior. Law can nurture this by protecting and even funding community efforts – supporting hotlines, intervention training, and public campaigns that encourage people to "step in and speak up" when they witness harassment or coercion. Over time, the goal is to foster a culture of collective accountability: an understanding that sexual violence is everyone's concern, not just the victim's, and that we all have a role in interrupting it.

VII. TOWARD A SURVIVOR-CENTERED JUSTICE

Envisioning justice through a feminist lens ultimately means centering the survivor at every stage of the legal process. In addition to substantive reforms (affirmative consent, broader coercion definitions, trauma-informed rules), a women-written law would transform how cases are handled to prioritize survivors' healing and empowerment. Survivor-centered procedures could include stronger privacy protections in court (to prevent humiliating intrusions into a victim's personal life), guaranteed access to victim advocates or free legal counsel for survivors and giving survivors a greater voice in proceedings. For example, a survivor could be consulted on potential plea bargains and allowed to provide an input on sentencing, ensuring the outcome reflects her needs to the greatest extent possible. There might even be room for restorative justice elements if a survivor desires them

[65] Corrinn McCauley, *What Is an Angel Shot?*, WEBSTAURANTSTORE (Aug. 22, 2022), https://www.webstaurantstore.com/blog/4096/what-is-an-angel-shot.html [https://perma.cc/FC99-M4SH].

(such as a mediated meeting where the offender must listen to the survivor's story and acknowledge the harm) but only if initiated by the survivor and never as a substitute for prosecution unless she prefers that path.

In the conventional model, once an assault is reported it becomes The State vs. the Defendant, and the victim's role is largely reduced to being a witness for the prosecution. A feminist reorientation would treat the survivor as a central party: her well-being and sense of justice would be at the heart of the process, not peripheral. Her input on how the case proceeds (whether she supports a plea deal, what penalties she considers appropriate) would carry significant weight. Measures of success would include the survivor's recovery and satisfaction, not just conviction rates. These procedural changes would complement the substantive ones: if the law declares that only yes means yes and that fear-negated sex is rape, then legal procedures should likewise treat survivors with respect and care. A system perceived as fair and supportive would encourage more victims to come forward. Today, many assaults go unreported because victims fear they won't be believed or fear the legal process itself. Reforming the system to be more humane and attuned to survivor realities could help close the notorious "justice gap" in sexual violence.

IX. CONCLUSION

The vision outlined above is one of sexual assault law rooted in feminist and trauma-informed principles. It means fundamentally redefining consent (so that only an active, enthusiastic yes counts), broadening the concept of coercion (so that fear, deception, or power-based pressure negate consent as much as a knife to the throat), and dispelling antiquated myths about how "real" victims behave. It draws inspiration from international reforms (like Sweden's affirmative consent law and Spain's "yes means yes" legislation) to envision American law that finally catches up. It also harnesses survivor voices and community solidarity (a modern Bonobo Sisterhood) to transform not only laws but cultural norms around sexual violence. Implementing these changes is challenging, but the payoff would be a justice system that truly honors bodily autonomy and human dignity. In this envisioned future, no survivor is told that her compliance meant it "wasn't rape". The law would unequivocally recognize that compliance sex is not consensual sex, and that anything short of a freely given, informed, and enthusiastic yes is a no.