MOVING BEYOND SEXUAL CONSENT: EXPLORING MUTUALITY AS A STANDARD FOR SEXUAL ETHICS. AN INTERVIEW WITH SHARON LAMB



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Abstract

In this interview, Sharon Lamb and Maria João Faustino discuss the popularization of sexual consent in a neoliberal framework, the problems concerning consent and the persistence of victim-blaming. Sharon Lamb explores the concept of mutuality and its potential to overcome the limitations of sexual consent.

Keywords: Mutuality, sexual consent, sexual ethics, #MeToo.

Resumo

Para além do consentimento sexual: explorando a mutualidade como padrão da ética sexual. Entrevista com Sharon Lamb

Nesta entrevista, Sharon Lamb e Maria João Faustino discutem a popularização do consentimento sexual num contexto neoliberal, assim como os problemas em torno do consentimento e a persistência da culpabilização das vítimas. Sharon Lamb explora o conceito de mutualidade e o seu potencial de superação dos limites do consentimento sexual.

Palavras-chave: Mutualidade, consentimento sexual, ética sexual, #MeToo.

Résumé

Au-delà du consentement sexuel : Explorer la mutualité comme standard d'éthique sexuelle. Entretien avec Sharon Lamb

Dans cet entretien, Sharon Lamb et Maria João Faustino abordent la popularisation du consentement sexuel dans un cadre néolibéral, les problèmes liés au consentement et la persistance de la culpabilisation des victimes. Sharon Lamb explore le concept de mutualité et son potentiel pour dépasser les limites du consentement sexuel.

Mots-clés: Mutualité, consentement sexuel, éthique sexuelle, #MeToo.

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Maria João Faustino (MJF): Thank you, Dr. Sharon Lamb, for your time. I'm going to start by asking, why do you think that consent has become the holy grail or the gold standard for ethical sexual relationships, what some authors even call a "fetish" itself?

Sharon Lamb (SL): I guess there are so many reasons. The first, I think, is because of the liberal emphasis on the importance of preserving our autonomy as individuals and protecting that autonomy. So many of our interactions with other people are based on types of contracts, and so the idea of consent respects the autonomy of each individual to enter into a contracted kind of relationship and make decisions for themselves. I can see from a liberal perspective why that's admirable and I can see the hopefulness that the idea of protecting everyone's autonomy and ability to decide for themselves what kind of sex they want to have is a rather hopeful way to think about how to make sex ethical.

On the negative side, I think we're in neoliberal times, such that a lot of human relations get understood as primarily contractual and transactional. Sex is a complex thing, and I understand the wish to simplify it to something basic. So there's something in this neoliberal transactional idea of sex that ignores contexts and sees everyone on an equal footing to make deals, contract, stand up for themselves, and, that all powerful word, "choose" what they want to do sexually. It's such a minimalist view of who people are, their psychologies and their contexts.

A third reason consent became the gold standard is that as women got more power and more power to name and label rape and sexual assault, men who have power can preserve their privileges, that is, they are distinctly advantaged when the ethical guidelines are oversimplified in a "sign-off" that effectively erases or makes invisible the power differences between, say, men and women. And I can see that the selling point for the less privileged person in a sexual relationship is the claim that they are autonomous, grown up, and in power to make their own decisions. It plays into a third wave or even a post feminist sensibility that women are now empowered because they are permitted to like sex, and to say "yes," enthusiastically. Any exploitative partner could argue "I treated you as an equal who can do that." The more privileged person then can move ahead with their sign-off (consent) to do whatever they want to do, maybe checking in once

Chris Perrin. 2014. Yes-Means-Yes: The fetishization of consent and the actualization of pornographic fantasy in Rape Culture. Blog post, October 9. http://fetishphilosophy.blogspot.com/2014/10/yes-means-yes-fetishization-of-consent.html

or twice more. But that's okay. At least they don't have to be accountable for what they do or suggest after they get an "okay." And they don't have to do something more complex in the interaction, like care about or read, or understand the other person.

MJF: I absolutely agree that, ultimately, the neoliberal framework has played a huge part in the popularity of consent. But I was wondering, since you said that once women started gaining power, consent sort of emerged and got established as the standard for sexual interactions. Do you think that consent protects power? So, therefore, consent is a patriarchal tool?

SL: Yes, that's a good way of putting it. I really like that. But almost anything that originally has some kind of positive impulse can be used as a patriarchal tool. So, I don't think it's special in that way. I mean, on a positive note, women wanted to be able to choose the sex and the partners they wanted, to have sex freely, like men do, or how they presume men do, and without fear of shame, and to be understood as equal sexual human beings. Coming from a "sex positivity" perspective that acknowledged that women like sex and that it's OK to have desire and it's OK to want sex and pleasure, the idea that "I can consent to this and in that way I will be an equal partner" was appealing. At the same time, I think women were and are still aware of rampant sexual violence and the potential for violence in any sexual encounter, so there had to be some way to separate assault from sex, and consent was that magical gate that simplified the difference.

MJF: Exactly. The idea that consent is the gate that separates sex from sexual violence. It simplifies, it really oversimplifies the whole complexity of sex, and obscures what Gavey talked about as the "gray area" (2018). There are so many reasons that women consent to sex when they don't want to: because sometimes the price of the refusal is too high, or because they feel that it's their duty.

SL: You're making a really good point about how many reasons there are to have sex that you don't want to have. And why is that? Compulsory heterosexuality? Women taking care of men? The desire to see themselves as a sexually free person. The hope that they will enjoy it. I mean, I remember from interviews, a lot of women are saying, "well, maybe I will enjoy it. Why don't I just go with it? Why am I stopping it?" That sort of thing. Maybe the whole thing boils down to what women think they should be doing and having and being in sex. Not just sexual scripts, but more than that, something that's shaped by the culture, the culture's changing ideas of what sex is. And that's shaped, of course, by who's in power to define what is sex.

MJF: *Do you think that coerced consent is a paradox?*

SL: I don't think it's a paradox; the idea that people can freely consent needs to be unpacked. How free does a person need to be for their consent to be valid? You could even think as problematic, that is, as something interfering with the freedom in consent, the people-pleasing nature of many women socialized as girls, or the pressure to continue consenting to things after you've initially consented,

not wanting to hurt people's feelings, not wanting to be rude, not wanting to disrupt a nice night, as also a bit coercive. Maybe we need to define what is coercion beyond the arm-twisting we normally picture.

MJF: And when you combine girls' and women's socialization with all the sexual pressures and prescriptions, it's the perfect storm, isn't it? And in my work, I realized that consent, the popularization of consent, really worked to sanitize these prescriptions in these cultural imperatives that women are constantly told, such as "you should try anal sex, you should try, you should enjoy sex, a lot of sex, but do it for yourself and consent is key".

SL: Yeah, exactly.

MJF: So, do you agree with this idea that consent, at least in its popular version, really works to sanitize and promote many sorts of exploitative or harmful sex?

SL: Sanitize – maybe that's not the word I would use, but yes, it makes all sorts of exploitative or harmful sex acceptable. It's that magical transformation; it makes it all ethical. You brought up some other points that I hadn't considered: the idea that the push for people to have the kind of sex they might not want to have is not necessarily only coerced by a partner, but there's this kind of cultural phenomenon of what it means to be a desiring person, what it means to be a sexual person, and what it means to be free. The book that I'm working on right now is a book about sexual freedom, and how that concept is used against a more real and supportive freedom for girls and women. The idea of sexual freedom seems to me to be represented by a willingness to have non-vanilla sex, for example, to try choking and anal sex and the many things that research shows women report are not very satisfying, that they didn't initially desire, and that they may have consented to in order to please other people. But they are also doing these things, which ultimately do not bring them sexual pleasure, to confirm an identity as a sexually free person, almost like the opposite of a prude or a frigid person of the 60's. Perhaps "vanilla" is the new shaming of the "prude."

MJF: It's a prescription of freedom. That's quite patriarchal in disguise, isn't it? Interesting that you mentioned "vanilla": I remember one of my participants said, "There is almost a vanilla shaming" (Faustino & Gavey 2022), referring to the social pressure to be sexually "adventurous". But I wanted to go back to the power dynamics that you mentioned, and I wanted to explore that idea a little bit more, how consent obscures power dynamics. And I also want to ask you, I've been thinking about it lately, should we talk more about power, bring power back into the conversation, rather than consent?

SL: My answer would be, it depends on what you mean by power, and it depends on how we would bring discussions of power back into the conversations. I mean, it's certainly something that needs to be taken into consideration. When I wrote about mutuality as an ethic for having sex, in addition to consent, it was with the understanding that with the idea of mutuality guiding them, people would have to understand their own power in relation to somebody else. And that if you cared about your effect on somebody else, and what they might be experiencing, power is part of it. Power is structural, and it enters into every rela-

tionship, but that doesn't mean people with differences in power can't have sex and power isn't just one thing. People have different kinds of power in relation to other people.

MJF: Could you tell me more about it?

SL: I think lately we've tried to talk about power and differentials in power, through the lens of identities and marginalization. I'm not sure it's working so well or that it works so well in sex. I think talking about potential harm and not erasing the idea that potential harm is always around the corner in sexual relationships, not being in denial about how much harm has been done sexually, and how people have the power to harm other people, how very vulnerable people are in relation to sex, is central to ethical sex. That's the one thing that I think I would say we should keep in mind in sex education, in what needs to be brought back to a progressive form of sex education. You might ask whether keeping harm in mind might take the fun out of sex, but if you're in denial, if you don't understand how much people are capable of being harmed, how tricky sex can be, and how many traumatized people there are out there, all the sorts of problematic sexual experiences people have had, then you're not in a good position to prevent that from happening again in your next encounter.

MJF: We're not going to erase all the power differentials, are we? But we can at least be aware of them, and how they can impact, and how they can translate into other people's lives and our own.

But going back to the power dynamics: In your paper (2021), when you analyze the consent campaigns, the consent posters, you present a beautiful and sophisticated reflection on how the emphasis on choice and agency can open the door to self-blame. And for me, that resonated a lot with my work, when I was doing interviews with people who had had experiences of unwanted or nonconsensual anal sex. Because when I started asking how they framed their experiences in terms of consent, it really opened space for self-blame (Faustino & Gavey 2024). Because people started saying they did not reject, they did not react or "push him away". So, all the stereotypes of how you should act when you are being violated, or harmed, or pressured, came up when the question was around consent. So, I would like to explore a little more how consent works to instigate, or promote, or naturalize self-blame, especially women's self-blame.

SL: Perfect. I'm thinking about the interviews I was reading with my doctoral student Sarah Swanson just today. She is working on a dissertation on unwanted but consensual sex in sex between women. I was reading with her the transcripts of a woman saying, "at that point I stopped desiring sex, but I went along with the flow," or "I just let things progress," or "it might be rude to stop it." Their language is very much language that positions them as agents taking control of the situation, much like the women in a lot of the research on heterosexual encounters. There is no nuance about the context or the pressure from the outside. We were wondering whether or not psychologically it's a self-protective thing to give yourself the agency to say, "I let it go, and I made that happen, and I had consented

to the unwanted sex, so it didn't harm me as much because of that." Well, yes, it is self-protective. But it's also a way of thinking and positioning the self that's supported by the culture that puts so much store in consent.

I'm going back to the very, very first paper I ever wrote when I was a graduate student, and it was about why sexual abuse victims blame themselves. And I wrote, because basically people don't want to be victims. Being a victim doesn't feel good. You don't want to be reminded of your powerlessness. You don't want to be reminded of the structure of power that kept the assault going and kept you from saying, "let's stop now," or "I've got to get out of here," or something like that. You don't want to be reminded that there's oppression, really. And as a child that's not your framework yet either. But as an adult it should be, but power and structures like heterosexuality and norms of neoliberal transaction, make that framework invisible.

MJF: Especially in a world where vulnerability is seen as unproductive, as a failure. I started calling it "victimphobia", because we hate the idea that we can be victims. And that's why we hear so much: "I'm not a victim. I'm not a victim anymore." Because we really don't like to see ourselves as oppressed or victimized, it's almost seen as dirty.

SL: You know, it's funny, because the idea of consent does give somebody a lot of wiggle room to blame themselves, as you say, because a person, during the sex, can live in that in-between area, that ambivalence, saying to themselves, "I really could have gotten up and left. I really could have" without realizing there was so much in the situation applying certain kinds of pressure against their just getting up and leaving. You know, you can live in that both-and space, and it would be right because a lot of sex or parts of sex can be ambivalently participated in, and that's all right – seeing how it goes, taking a risk, gifting sex. Having sex ambivalently and not super-enthusiastically is no crime. But that spaciousness gives people who are predators a lot of room to exploit and for victims to take the blame.

This is an issue with women in general I think, the dual awareness of so much sexual assault out there and in their own histories, as well as the simultaneous generosity they extend to their partners, in terms of what the other person was feeling or thinking, underestimating the amount of disregard, objectification, and other demeaning thoughts and intentions in a sexual partner at the time of the sex. If they knew what was going on, if the minds of both people were exposed, I think that they would be less self-blaming and more recognizing of the exploitation. And I think #MeToo was a lot of after-the-fact analysis that cut through the urge to self-blame and extend generosity to a partner. It wasn't a "morning after" revision, but a revision based on taking off blinders.

MJF: Could you explore the concept of mutuality a little bit more? Is it mutual power? Is it mutual desire? Is it equality?

SL: Well, I take this idea from the feminist philosopher Iris Murdoch, who talks about "loving attention to the other." Ethics is at its core about how you treat other people. When you think that consent is the only ethic for sex, what does

that mean about how we treat other people? We treat other people as contractors, maybe as independent beings, but also as contractors, without having to know anything about their lives, their motives, their feelings, their desires, their humanity. When Iris Murdoch wrote about loving attention to the other, she didn't want it to mean being in love with somebody else. It just means not suspicious attention to the other, not curious attention to the other, but loving, I think, that you're attentive to the other person as vulnerable, right? It's kind of what I just said women do too much of. Whether it's about a partner's past traumas, whether it's about their ability to express their desires or not, how vulnerable they might feel in sex, or just how vulnerable they are as a person, attention to this is a kind of "loving" attention. The loving part comes in as an obligation in treating other people, especially in sex, as whole human beings and not as objects who can sign away the rights to their body temporarily.

MJF: Consent is deeply gendered and compatible with rigid gender roles. Does a culture of mutuality, rather than a culture of consent, require – or contribute to – challenging gender norms?

SL: I would say so. If one assumes the vulnerability of the other and extends loving attention to them, one is really looking at a person as fully human and not reducing them to typical gender roles.

MJF: What are the obstacles to mainstreaming a culture of mutuality?

SL: I think the callousness in our U.S. culture is an obstacle. The neoliberal norms. The distortion of what it means to be "free," and the use of the idea of "sexual freedom" to support all sorts of harmful activities. I also think that sex education took a problematic turn in the fight against abstinence programs towards focusing primarily on STD and pregnancy prevention. If we were to bring ethical discussions back into sex education, discussions about sex in society and not whether a teen should "do it" or not, we would be able to raise kids with healthier and more ethical attitudes about sex.

MJF: You wrote that "mutuality should not be legalized, but that does not mean that the state cannot take responsibility in ensuring that citizens realize that this is a better standard for ethical sex rather than consent" (2021, 282). What do you think is the best approach within the legal framework of sex crimes?

SL: I still think consent works in part as a legal standard. But there is always the problem of evidence in intimate relationships. And I do think the law takes into consideration horrendous disregard for the other as a human being when sentencing. But cultural shifts in the way we think about things comes from many different sources. Right now, young people are having less sex and we don't know why. Is it pornography? Is it that sex is unsatisfying? Is it that they're on their phones too much? Or could it be some nascent understanding that the sexually free sex that they supposedly "should" be having, just doesn't sit right and in that way it's self-protective to just stay home.

Culture also changes from individuals disrupting the norms of society and #MeToo did that, temporarily. Perhaps we had to go through that "reign of terror" (for men, that is) in order for women to be able to recognize the small incidents that demean and take away their humanity, that build up over time, the "little murders," a phrase I use in my book, that harm, in order to demand a more mutual kind of sex.

MJF: You mentioned #MeToo. Do you think that, especially as a scholar based in the United States, #MeToo has created space for more nuanced discussions on consent?

SL: The #MeToo movement has created space for more nuanced discussions about consent. It did, temporarily. It's been totally wiped out. I mean, how do you even talk about #MeToo when your president has been convicted of sexual assault, right? And then think of all of the people who have been let out of jail or excused in court for being young and foolish, like the Stanford undergraduate. Even the people who are cancelled are back on track. Did it change the blaming of victims? I don't think so. Look at that Aziz Ansari² story that got so much public attention? He's back on track, his predatory behavior now seen as seduction, questions abounding about the woman on the date like "why did she stay?" Huh? She left; and then had the nerve to talk about what happened.

MJF: The same old questions returning: "Why did she stay? Why didn't she leave?" There is still so much to be done – thank you for all your work!

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