

The Role of Consent in Sexual Ethics*

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Abstract

Consent is often treated as the key criterion for permissible sex: its absence makes sex wrong, while valid consent ordinarily permits it. This article examines challenges to both claims. Cases of consensual yet bad sex test the limits of consent's sufficiency but do not refute the more modest claim that consent removes a particular moral barrier. Cases of good sex raise the opposite concern: when sex is mutual or spontaneous, consent seems otiose. I argue that appeals to sex as a joint activity cannot explain why consent would be so dispensable: thin accounts of joint action lack normative force, while thicker accounts either reproduce consent's work or threaten individual authority. I sketch an alternative on which trust licenses reliance on default norms that permit action absent dissent. Consent remains a crucial safeguard, but recognizing its limits opens the way to a richer, more pluralistic understanding of sexual life.

Keywords: consent; sexual ethics; autonomy; trust; joint action; dissent; bad sex

1 INTRODUCTION

Consent is the dominant idiom of sexual ethics. Recent campaigns frame it as both essential and alluring—"Consent is sexy," "Ask first: consent is hot, assault is not"—while legal systems have increasingly defined sexual assault in its terms. Canada was among the first to replace its force-based rape law with a consent-based framework in 1983; Sweden introduced a consent-based definition of rape in 2018, even creating a crime of "negligent rape"; and France, galvanized by the Pelicot trial, amended its definition of sexual assault in terms of consent, requiring it to be "informed, specific, prior, and revocable." Campus policies have moved in the same direction, from "no means no" to "yes means yes": consent may no longer be presumed but must be affirmative. To ask whether sex is permissible has become, in effect, to ask whether it was consensual.

These developments represent genuine progress. Women and sexual minorities have secured greater autonomy and control over their intimate lives;

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the abandonment of the force requirement for rape is a moral and legal achievement. Yet, a growing body of work questions the prominence of consent in our public discourse. Catharine MacKinnon has long argued that consent is an inherently asymmetric concept, one that presupposes the very power relations it purports to address: “Man proposes, woman disposes. Even the ideal it is not mutual” (MacKinnon 1989: 74). Others worry that consent frameworks put the victim on trial, recast a structural problem as one of individual choice, or reduce sexual life to a series of negotiated permissions (Brison 2021, 2022; Garcia 2026; Kukla 2018; MacKinnon 1989, 2016). The language can also seem strangely inapt when things go well: as MacKinnon tartly remarks, no one describes a passionate sexual encounter by proclaiming they consented (MacKinnon 2016: 450).

Taken together, these objections put pressure on the expansive role assigned to consent in rape law, campus policy, and public discourse. They also invite a more basic philosophical question: *How much of sexual ethics should consent be expected to organize?* Consent-centered sexual ethics treats consent as the key criterion for distinguishing permissible from impermissible sex. This position rests on two pillars: sex without consent is seriously wrong, and valid consent ordinarily makes it permissible to proceed. Consent is necessary and often sufficient for permissible sex.

Each pillar faces challenges. Cases of *good sex* challenge the *necessity* of consent: when sex is mutual or spontaneous, consent appears absent or otiose. Cases of *bad sex* challenge the *sufficiency* of consent: even when consent is present, sex can still be wrongful or violating. This article investigates these challenges and asks what remains of consent-centered sexual ethics once its limits come into focus.

Here is the plan. §2 details how consent operates in contemporary sexual ethics. §3 examines the sufficiency challenge and concludes that its success in delimiting consent’s reach also reveals the surprising resilience of consent-centered sexual ethics. §4 turns to the necessity challenge. I argue that its most prominent articulation—grounded in the idea that sex is a *joint action*—faces several explanatory challenges. Instead, I sketch an alternative on which trust can shift the default from requiring consent to permitting action absent dissent. §5 considers where sexual ethics should go once we have properly recognized consent’s limits. §6 concludes.

2 CONSENT-CENTERED SEXUAL ETHICS

Consent's contemporary prominence owes much to a distinctively liberal approach to sexual ethics. On this picture, sexual morality should remain largely neutral among competing ideals of the good sexual life. What matters is not whether sex is marital, reproductive, heterosexual, loving, or even especially worthwhile, but whether the parties have freely chosen it. Between consenting adults, almost anything goes. This shift ushered in a more progressive and liberatory sexual politics. With it, the cardinal sexual wrong was no longer homosexuality, masturbation, or sadomasochism, but rape (Soble 2008: 100).

Consent-centered sexual ethics remains the orthodoxy in the field today and comprises two key claims. First, consent is *necessary* for permissible sex: sex without consent is seriously wrongful. Second, consent is ordinarily *sufficient* for permissible sex: valid consent removes a significant moral boundary for proceeding. These claims afford consent a dual role in protecting autonomy. Requiring consent protects autonomy along a negative dimension; others may not interfere with us against our will. And treating consent as morally efficacious enables positive autonomy, too, allowing us to seek and enjoy sex with willing partners (Wertheimer 2003: 125).

How does consent perform this moral magic? Consent, at its core, is a form of permission-giving—a way of authorizing an act that would otherwise be impermissible. I have rights against others touching my body, taking my property, or entering my home, but I can waive them by consenting. As Heidi Hurd famously, if exaggeratedly, puts it, “Consent turns a trespass into a dinner party; a battery into a handshake; a theft into a gift; an invasion of privacy into an intimate moment” (Hurd 1996: 123).

A prominent explanation treats consent as a *normative power*: it alters the moral landscape through an individual's act of authority (Hurd 1996; Manson 2016; Owens 2012; Raz 1986; Renzo 2022; Tadros 2016). Like promises or commands, consent reshapes what we owe one another. But while the former impose duties, consent generates permissions. More precisely, consent dissolves what Tadros calls a *consent-sensitive duty*: a duty releasable by consent (Tadros 2016: 201). Surgeons and tattooists, for instance, have duties not to puncture someone's skin with a sharp object, but valid consent allows them to proceed. The duty not to have sex with someone is similarly consent-sensitive: valid consent removes a foundational moral barrier.

Crucially, only *valid* consent counts as morally transformative. Consent induced by coercion, incapacity, or ignorance fails to release others from relevant duties. Valid consent must be voluntary, competent, and adequately informed.

Terminological conventions differ over whether consent has validity “built” into it: is invalid consent more like a flawed diamond or a fake one? I default to using *consent* to mean valid consent. Whichever convention we adopt, only valid consent can perform the relevant moral work.

The sufficiency claim requires one further clarification. Consent dissolves a consent-sensitive duty; it does not ensure that proceeding is *all things considered* permissible. Adultery, for example, wrongs a third party. Moreover, if certain sexual acts are independently wrongful, mutual consent will not redeem them: with consent, “the moral alchemy may change an act from lead to silver but not necessarily gold” (Wertheimer 2003: 121). Nor does consent release a sexual partner from every duty they owe the consenter. As Tadros reminds us, “Most consent-sensitive duties are not exclusively consent-sensitive” (Tadros 2022: 449). The resulting sufficiency claim is therefore more modest: valid consent renders sex *pro tanto* permissible and usually suffices for avoiding wrongdoing.

In this respect, contemporary sexual ethics qualifies the traditional liberal formulation of consent’s role.¹ The traditional view endorses the *volenti* maxim (*volenti non fit iniuria*): no wrong is done *to* the consenter. Whatever else may be wrong with a consensual encounter, consent precludes the consenter from being wronged by it. This thesis is stronger than *pro tanto* sufficiency. Contemporary *pro tanto* formulations—as we’ve just seen—allow that individuals can be wronged despite consenting; we generally owe others more than merely acting with their consent.

Cases of consensual yet wrongful sex therefore do not refute *pro tanto* sufficiency. They do, however, test whether consent ordinarily suffices for avoiding wronging one’s partner and whether it deserves a starring role in sexual ethics. Conversely, if the relevant barriers can be displaced in other ways, consent may not always be needed. The next two sections consider these challenges to consent’s sufficiency and necessity, respectively.

3 THE SUFFICIENCY CHALLENGE

Consent-centered sexual ethics holds that consent ordinarily settles questions of permissibility and wronging. Critics challenge this, pointing to cases of consensual sex that are nonetheless violating, wrongful, harmful, or otherwise morally suspicious. Four types of examples power the critique:

Bad Sex (Bad Reasons): Women report consenting to undesired sex because they feel pressured or expected to do so. They may wish to avoid appearing prudish, disappointing their date, or triggering

1. See Archard (2018) and Chadha (2022) for formulations and critical discussion.

sulking. The resulting sex is often experienced as consensual yet compromising. Cumulatively, this type of “bad sex” can inflict not only psychological or emotional harms but also political ones, eroding both equality and agency (West 2017; see also Cahill 2016; Garcia 2026; Gavey 2005; West 2010; Woodard 2022).

Dark Desires (Bad Motives): Consent-seekers may have their own perverse reasons for *seeking* consent, such as to “conquer,” humiliate, use, dominate, or manipulate. For example, Vicomte de Valmont desires to have sex with Madame de Tourvel because he wants to conquer her. Even if an enthusiastic “yes” is procured, the consent-seeker’s motives may cast doubt on the permissibility of proceeding (Morgan 2003).²

Degrading Sex (Bad Acts): Sometimes the problem lies not in anyone’s motives but in the activity itself. Anna consents to act out a rape fantasy with Brad; Amardeep, a person of color, consents to race play with Bart (Chadha 2022: 226). One might think acts like these degrade, objectify, or humiliate, regardless of what the participants intend. A willing partner does not change this.

Hierarchical Sex (Bad Balance): Beyond reasons, motives, and content, power matters. Consider cases of significant power imbalances: a fifteen-year-old who enthusiastically consents to sex with a twenty-two-year-old, or a university student who enthusiastically consents to sex with her professor. These cases register as problematic, yet deeming these interactions nonconsensual would “agentially demote” the participants (Rees & Ichikawa 2024).

Cases of *consensual yet wrongful* sex challenge the orthodoxy. The *volenti* maxim faces the most direct threat if the consent-givers are also *wronged*. But even more sophisticated accounts risk leaving moral flaws unexplained, even if not denied. If consent-centered theories fail to capture them, then “the near-exclusive focus on consent in discourse about sexual ethics is a mistake” (Rees & Ichikawa 2024: 1).

How might a consent theorist respond? Three moves are available: (a) deny that the sex is truly consensual; (b) concede that the sex is consensual and identify a distinct moral flaw; (c) question the moral intuitions that motivate the challenge. The moves are not competitors so much as candidates; the best diagnosis depends on the type and specifics of the case. For example, the consent in

2. See also Halwani (2026: §2.2) and Shrage and Stewart (2015: 36–38). For critical discussion, see Soble (2022). Woodard (2026) offers a middle position: the consent-receiver’s motives may render consent *defective* without making it *invalid*.

Bad Sex may not be fully valid; *Dark Desires* may reflect poorly on the consent-seeker without discrediting the sex itself; and our reactions to *Degrading Sex* may lack justification. I discuss each strategy in turn, with an eye toward assessing the challenge.

3.1 Deny Full Consent

First, a consent theorist might deny that the sex is genuinely consensual. Instead, they may offer a consent-centric diagnosis, locating the problem with consent itself.³ Dougherty (2022), for example, argues that many cases of *Bad Sex* are not fully consensual because they violate the *constraint principle*: the consentor is denied the option to withhold consent without undue cost. If a woman (i) consents to sex to avoid seeming rude, (ii) is entitled to withhold consent without this cost, and (iii) has not expressed that she would still prefer to proceed, then her consent is not fully valid. We may describe such cases as involving *partially valid* consent: the consentor is wronged, but not as gravely as if their consent were fully invalid (Dougherty 2022: 396; 410, n. 12).

Soble (2022) offers a related diagnosis for *Dark Desires*. Tourvel's consent is invalid not because it violates the constraint principle, but because it was uninformed—she lacked crucial information about the Vicomte's motives. The issue is not dark desires *per se* but being in the dark.⁴ Beyond information, we saw that valid consent must also be voluntary. One might argue that some instances of *Hierarchical Sex* fall short if power imbalances compromise the subordinate's ability to give truly free consent.⁵ These accounts, if successful, underscore the explanatory power of consent-centered sexual ethics rather than affirm its limits.

One advantage of this strategy is that it accommodates counterexamples within the extensively theorized and culturally pervasive framework of consent. Nonetheless, we may worry about what is lost when we stretch consent to cover all problematic cases. Redescribing cases as not fully consensual risks paternalism or “agentially demoting” the consent-giver (Rees and Ichikawa 2024; see also Conly 2004; Mason 2021: 187; McDonald 2026; Woodard 2022).

3. As Wertheimer (2003: 130) emphasizes, those committed to consent's sufficiency need not “hold that the requirements for valid consent are minimal.”

4. While Soble does not offer a theory of when ignorance invalidates consent, we might bolster his verdict with Dougherty's (2013) *dealbreaker* account: if Tourvel would not have consented had she known the Vicomte's motives, then his motives are a *dealbreaker* for her; her consent is therefore invalid.

5. For nearby suggestions, see MacKinnon (2005: 247–248) for suspicions about the possibility of genuine consent under patriarchy and Archard (1994) for concerns about *exploited* consent in professionally asymmetric contexts. McDonald (2026: 397) acknowledges that consent's invalidity may partially explain what's wrong with asymmetric relationships but doubts the idea's explanatory scope.

Building too much into validity may undermine the motives for liberal sexual ethics in the first place and license the overpolicing of sex.⁶ Burdening consent with all of our moral concerns risks depriving consent of its distinctive moral value while misunderstanding its role (Wertheimer 2003: 139). As Gardner warns, “Taking consent to be the only legitimate currency for the evaluation of sex puts the concept under a lot of pressure to do a lot of work” (Gardner 2018: 59). Fortunately, ethicists have a broader toolbox.

3.2 *Redescribing the Residue*

A second strategy acknowledges that something has indeed gone wrong but not with consent. Not all morally fraught sex is impermissible or nonconsensual. To assume otherwise is to conduct moral appraisal with a two-word vocabulary, like a restaurant critic who can say only *edible* or *poisonous*. Our evaluative resources are considerably richer. Like unhappy families, each instance of unhappy sex may be unhappy in its own way.

Recall first that the act may be independently wrong. If prostitution is immoral, consent will not fully redeem it, even if it ensures that no one was *wronged*. More importantly, we saw that not all duties to each other are *consent-sensitive*. The professor may still violate a *pedagogical* duty to his student (Srinivasan 2021: 128ff). The Vicomte and Bart may violate duties of respect or beneficence, or a Kantian duty to treat others always as ends and never merely as means—though one might wonder whether any sex clears that bar.⁷ Whether this is bad news for the *volenti* maxim turns on the surprisingly vexing question of what it takes to be wronged: must wronging consist in a rights-violation?⁸ If not, we can conclusively abandon the maxim and allow that the student was wronged simply because we have duties to others beyond consent-sensitive ones. Still, the wronging is less grave than had consent been absent.

Nor have we exhausted moral space. Consent-centered sexual ethics prioritizes questions of the right over the good: it asks what makes sexual conduct *permissible*, not what makes it *valuable*. Sex may be permissible yet lack moral worth when it is unwanted or objectifying (Garcia 2023). As Kukla reminds us, “We can consent to all sorts of lousy sex, including demeaning, boring, alienated, unpleasantly painful or otherwise harmful sex” (Kukla 2018: 72). Theorists widely agree that consent is insufficient to confer any elevated moral

6. Cf. Gersen and Suk (2016) and Halley (2016) for concerns about “sex bureaucracy,” particularly on college campuses.

7. For discussions of respect and treating-as-a-means, see Fahmy (2023), O’Neill (1985), and Reiss (2022).

8. See Chadha (2022: 220), Cornell (2015), and Thompson (2004).

status on sex. The sufficiency claim never promised that consent makes sex *good*, morally or otherwise. Even when all moral requirements are met, sex can still be uninspired, unfulfilling, or insipid—edible yet not delicious. Beyond actions, we can evaluate agents. Someone can be vicious, unkind, or reckless while technically avoiding wrongdoing. It is within your rights to not hold the door for someone with an armful of packages, but it is—if you’ll grant me a technical term—a “dick move.”⁹ One might denounce the Vicomte as diabolical, the professor as reckless, the sadist as unempathetic, or the bad date as selfish—all while absolving them of wrongdoing.¹⁰ While some “reject condemning us for not grasping virtue ethics,” character evaluation enriches our moral resources beyond consent and wrongdoing (Soble 2022: 290).

3.3 *Against Moralizing*

Finally, we might scrutinize our moral intuitions. Given value pluralism, we should be reluctant to pass judgment on what two consenting adults do in the bedroom. Like past condemnations of sodomy, homosexuality, masturbation, and recreational sex, our moral impulses may encode regressive prejudices or psychoanalytic fears. Consent promised to ground a sexual ethics that could condemn without prescribing. Negative reactions to cases like *Degrading Sex*—and perhaps, too, *Hierarchical Sex*—may be rooted in the very illiberal attitudes that consent frameworks sought to challenge, and may even encode anti-feminist assumptions that women must be protected from their own choices. “There are times,” Srinivasan ambivalently counsels, “when we must take it on trust that a particular instance of sex is OK, even when we can’t imagine how it could be” (Srinivasan 2021: 83).

Pressing pluralistic considerations further, we should hesitate to legislate proper *reasons* for agreeing to sex. People might have sex for all sorts of reasons, from money to love to status (Goldman 1977; Soble 2022; Wertheimer 2003). So long as people choose with sufficient autonomy, who are we to judge the reasons behind their actions? Widespread disagreement about sexual ideals, coupled with anxieties about paternalistic interference, recommends a tolerant approach (Wertheimer 2003: 143).¹¹

9. Compare Driver’s (1992) account of *suberogatory*—bad but not forbidden—acts.

10. Archard (2022), Halwani (2026: §2.2), Morgan (2003: 401, n. 3), and Teo (2022: 69) highlight the option of virtue-theoretic verdicts.

11. Similar considerations caution against expanding consent to require features like mutuality, reciprocity, or enthusiasm—a point I return to in §5.

3.4 Taking Stock

Where does this leave the sufficiency challenge? Consent-centered sexual ethics is impressively resilient. In response to any putative counterexample, its proponents can challenge the underlying intuitions or attempt to accommodate them. Everyone agrees that even enthusiastic consent is no guarantee of virtuous, respectful, Kant-approved sex—much less enjoyment.

The sufficiency challenge thus fails to refute consent-centered sexual ethics but succeeds in illustrating the relatively narrow range of moral questions that consent can settle. Consent-centered sexual ethics survives when the thesis it offers is modest: consent dissolves duties governed by consent but falls far short of settling moral matters. But if consent is compatible with miserable, painful, and alienating sex, why care so much about it? We risk confusing a minimal threshold with a gold standard and overvalorizing consensual sex while overlooking its harms. Indeed, it is strikingly common to infer that an action was unimpeachable simply because it was consensual (Fischel 2019; Ichikawa 2025; West 2017). The dynamics of bad sex do not seem wholly outside the scope of ethics, capaciously construed.¹²

If consent settles little, why does it occupy so much of the field's attention? The complaint here is not that consent frameworks get the verdicts wrong but that they crowd out other concerns, ranging from background inequalities to the ordinary disregard that makes sex bad without making it wrongful. Even if we accept that we ought to practice tolerance, consensual misery-making sex is still a moral and political issue—one we should care about and that the focus on consent may obscure (Angel 2022; Fischel 2019; Ichikawa 2025; Rees & Ichikawa 2024; West 2017; Woodard 2022). Yet moving beyond questions of permissibility brings a risk of its own: imposing a particular vision of morally worthy sex on people with diverse tastes and predilections (Steutel & Spiecker 2004). If, as Eve Babitz cheerfully declares, all sex is art, then we should welcome a plurality not only of tastes but also of standards by which sexual experiences may be valued: tender or daring, playful or intense, vanilla or kinky.¹³ The right does not exhaust the good, but sexual ethics should be wary of legislating the latter.

Beyond sufficiency concerns, consent-centered sexual ethics faces a more threatening challenge. The necessity challenge purports to reveal not merely consent's limits but its *irrelevance*. It is one thing to claim that consent doesn't get us far; it is another to say it orients us in the wrong direction. I turn to this

12. Cf. Maggie Nelson's vision of interpersonal ethics in *The Argonauts*: "Most worthwhile pleasures on this earth," she tenders, "slip between gratifying another and gratifying oneself. Some would call that an ethics" (Nelson 2015: 96).

13. Babitz (1977/2016: 89).

challenge next.

4 THE NECESSITY CHALLENGE

While cases of *bad sex* challenge the sufficiency thesis, cases of *good sex* threaten the necessity claim. The idea is emphatically not that nonconsensual sex is acceptable. Rather, it's that in the ideal case, the question of consent doesn't even arise. Why not?

4.1 Joint Action

The most popular answer begins with an observation: good sex involves doing something *together* (Brison 2022; Garcia 2026; Gardner 2018; Kukla 2025a; MacKinnon 2016; Palmer 2016). Put slightly more technically: ideal sex is a *joint activity*. And when we evaluate joint activity, consent is irrelevant. We do not assess a waltz or a symphony by whether they were consensual but by whether the performers moved in sync (Brison 2022: 242; Gardner 2018). Consent, on this picture, presupposes an asymmetry between doer and done-to and thus finds purchase only when the activity is unequal—when one person does something *to* the other.¹⁴ For this reason, consent belongs to the “bad part, the asymmetrical part” of the sexual spectrum (Gardner 2018: 68). But this lopsided model not only “ontologically distorts” sex, but also reinforces patriarchal norms that perpetuate sexual violence (Garcia 2026: 234–235).¹⁵ When sex is mutually desired or equal, consent is happily absent, since “there is no transgression to be redeemed” (MacKinnon 2016: 476).

The argument relies on a crucial premise, one that Chadha (2020) brings into focus:

Joint Action Premise: If two people do something together, consent is unnecessary.

The problem is that the Joint Action Premise is undefended and dubious. Chadha objects that joint actions routinely involve doing things *to* each other: famously, it takes two to tango, but that requires the participants to place hands on hips and shoulders. So why wouldn't consent be necessary for those constituent acts?

14. The asymmetry argument tends to group together three distinct but often interlocking asymmetries: physical (he acts on her), control (he is in control), and background power dynamics (he has more power).

15. See also Gardner (2018: 69) and MacKinnon (1982: 541).

While this objection points in the right direction, it gets the explanatory direction backward: we often *do* require consent for joint actions *as such*. By consenting to participate in a joint activity, each party then authorizes the other to perform the activity's expected constituent acts. Boxers, for example, consent not to specific jabs and hooks but to entering the ring in the first place. Someone who consents to tango ordinarily consents to the relevant forms of physical touch: it would be odd for someone to say they consented to tango but not to their partner putting his hands on their hips! Consent and acting together are therefore not opposed; often, the latter requires the former.

Troubles arise partly because we are never told what exactly a "joint action" is or how normative conclusions follow. Authors who appeal to this concept collapse different notions together: mutuality, reciprocity, shared intentions, active involvement, attunement, "collaboration, coaction, concertion, communion or coitus... or coming together" (Gardner 2018: 51). These notions are often left metaphorical or gestural, despite a vast literature devoted to explaining what it is to act together.¹⁶ But once we ask what "together" amounts to, a dilemma emerges.

Suppose, first, that we understand joint action *thinly*, in terms of behavioral coordination or physical attunement (Bolt et al. 2016; Mortimer 2026; Tollefsen & Dale 2012). This captures an important feature of good sex. Like dancing or jazz, good sex is often improvisational: it unfolds through reciprocal attunement, not the execution of a preformed plan. Gardner himself emphasizes that ideal sex involves "spontaneous mutual responsiveness" (Gardner 2018: 55). But the very thinness that makes this conception attractive also makes it normatively powerless.¹⁷ Someone who acquiesces to unwanted sex because she does not want to seem rude may nevertheless participate actively and responsively. Coordination and mutual participation alone thus cannot explain why consent is unnecessary. One might reply that her reciprocal participation *manifests* permission to engage in a certain range of acts. But then jointness does not displace consent; rather, it helps constitute or communicate it.

If "joint action" is understood more *thickly*, by contrast, perhaps it could explain the normative transformation. The relevant addition might be joint commitment, mutually known intentions, or the creation of a genuine "we" (Bratman 2014; Gilbert 2013; Searle 1990; Tuomela 2007). Gardner gestures toward the last possibility when he describes teamwork as involving something done "not by me, not by you, but only by us together" (Gardner 2018: 51).

16. Consult Roth (2017) for a philosophical overview.

17. Another minimalist account emphasizes shared goals (Butterfill 2016). But sex organized around reaching a predetermined endpoint—such as penetration or orgasm—can be paradigmatically bad sex. Good sex, like pleasure or sleep, is often self-undermining when pursued directly.

Perhaps, then, consent becomes unnecessary because the parties no longer relate to one another as separate agents who must authorize each other's actions. Rather, the relevant actions belong to *us*, as his favored image of the *bête à deux dos* suggests.

But thickening joint action in these ways comes at a cost. First, the more togetherness depends on participants forming or mutually recognizing suitably robust intentions to act together, the harder it becomes to preserve the spontaneity that made the joint action picture attractive in the first place. Forming and communicating such intentions seems to require precisely the sort of antecedent reflection, communication, or coordination that spontaneous encounters characteristically lack.¹⁸ More importantly, much more needs to be explained. What transforms these individuals into a “we,” and why should that transformation alter their respective permissions? If what does the normative work is a mutually manifest willingness to engage in the activity, then joint action once again looks less like an alternative to consent than another way of securing or communicating it.

Plus, we can ask: once a “we” consolidates, what happens when one of those individuals wants out? Some ways of making joint action normatively thicker threaten to go beyond consent in the wrong direction. On Gilbert's influential account, joint commitments afford participants claims concerning one another's continued contributions and cannot ordinarily be rescinded unilaterally (Gilbert 2013). This structure is strikingly ill-suited to sex, where each participant must retain unilateral authority to stop at any time.¹⁹ The very move that gives joint action greater normative force can therefore threaten the individual authority that sexual ethics is supposed to protect. There's no ‘I’ in ‘sex,’ but there had better still be an I in the *we*.

The joint action account thus faces a dilemma. Make joint action thin enough to capture the spontaneous, responsive character of good sex, and it lacks the normative power needed to replace consent. Make it thick enough to possess that normative power, and two problems emerge: spontaneity becomes harder to accommodate, while jointness threatens to either reproduce consent's work or yield an unattractive, even regressive, model for sexual ethics. Doing something together may well be an important feature of good sex. What remains unexplained is how this fact makes consent dispensable.

18. This problem is not unique to sexual activity. Leferman (2025) argues that accounts requiring antecedent “binding interactions” have difficulty accommodating spontaneous joint action. Schmid (2025) raises a related concern about applying planning-based models of shared agency to sex.

19. More provocatively, Schmid (2025: 6) suggests that the “commitment view is even worse than a model for bad sex – it is, one might think, a bit *evil* – too dark even to be just *realistic*” and compares it to an understanding of marriage that included a marital rape exemption.

4.2 *Trust and Defaults*

Another view may explain consent's aspirational irrelevance. What makes consent unnecessary, on this proposal, is not that the parties become a "we," but that they come to *trust* one another (Woodard [forthcoming](#)). Trust can alter the default structure of an interaction. Between strangers—where wills are opaque and the risk of violation high—the requirement to seek consent is warranted. But between partners who know each other well, established histories can support defeasible presumptions about what forms of touch are welcome. Partners typically need not ask permission before every kiss—not because anyone has forfeited claims against unwanted touch, but because they often have good reason to believe this affection is welcome.

In relationships characterized by trust, the operative norm can therefore shift from consent-sensitivity to dissent-sensitivity: from "do not act without permission" to "you may act unless there is dissent" (Ferzan [2022](#)). Such defaults may be supported by general conventions or by norms established within a particular relationship (Ferzan [2022](#); Plaxton [2015](#)). Conventions alone, however, cannot justify acting without consent; they may be oppressive, ambiguous, or not mutually understood. Trust explains when reliance on a default is warranted. It gives each partner reason to expect both that the relevant contact is welcome and that any dissent will be noticed and respected.

These permissions remain local and defeasible. Each party retains the authority to dissent, and a trusting partner should be especially responsive to evidence that an established default does not apply on a particular occasion. Trust thus allows consent to recede into the background without extinguishing individual authority. Consent remains a backstop—a crucial safeguard when trust is absent, wills are opaque, or the risk of violation is high—rather than an ideal toward which every sexual encounter must aspire.

One attraction of this picture is that it promises to satisfy the competing demands that plagued the joint action account. Phenomenologically, trust removes the need for advance authorization that preempts spontaneity and surprise.²⁰ Epistemically, it explains how partners can reasonably proceed without specific acts of permission-giving. Normatively, default norms explain why it can be permissible to proceed without consent while respecting each individual's authority to dissent. Dissent-sensitive norms constitute defeasible permissions, not commitments to continued participation.

Finally, this picture does not dictate what good sex must look like. Good sex may be spontaneous—"a mutual delight, entered into solely from the sponta-

20. Conveniently, Leferman ([2025](#): 179) suggests that trust may provide a more promising alternative to joint action for capturing spontaneity.

neous impulse of both parties” (Russell 1929: 121). But it may also be asymmetric, submissive, and even planned—or so modern sex advice reassures its busy readers.²¹ Its account of permissibility is also neutral about the structure of sex itself, such as whether both parties are active. It can therefore explain how trust makes both mutually active sex and asymmetric forms of sex permissible, including submissive and oral sex. What makes consent unnecessary is not that sex is done together—whatever that means—but that the interaction is undergirded by a relationship of trust robust enough to support a dissent-sensitive default. The view therefore accommodates sexual pluralism better than views that build a particular ideal—mutuality, symmetry, spontaneity, or otherwise—into the conditions of morally acceptable sex.

5 THE MORAL LANDSCAPE BEYOND CONSENT

Consent is, by design, a limited moral tool. At best, it ensures that sex is morally permissible. It cannot guarantee that sex is respectful, reciprocal, attuned, satisfying, loving, exhilarating, or much else. Just as a tour guide can take you on a hike but not make you enjoy it, consent can make sex allowable without making it fun.²² If consent does so little, where does this leave sexual ethics?

One temptation is to conclude that sexual ethics should transition from *the right to the good*: away from questions about *permissible* sex and toward questions about *morally good* or *fulfilling* sex. But this reorientation would be too quick. There are principled reasons for sexual ethics’ reticence to legislate the good. As mentioned, what constitutes a good sexual life is deeply contested, and the history of sexual morality militates against imposing substantive ideals on others. If sex is “a sort of artwork,” then tastes may permissibly vary from the transgressive and intense to the conventional and tender; some may be hobbyists, while others are romantics.²³ Let a thousand appetites flourish, provided they are pursued consensually.

Consent-centered sexual ethics readily accommodates this pluralism when it treats free and informed agreement as ordinarily sufficient for permissibility. Some of its critics, by contrast, risk elevating a particular sexual good into a universal standard. If ethical sex must be not only voluntary but also mutually and simultaneously desired, reciprocally beneficial, undertaken with particu-

21. Perel’s (2006) *Mating in Captivity*, for instance, attempts to “reconcile the erotic and the domestic” by emphasizing intentionality and planning in sustaining erotic life. See also Castleman (2026).

22. I owe the hiking analogy to SNL’s skit, “Romano Tours”: <https://youtu.be/TbwlC2B-BIg>.

23. See Laqueur (1990: 13) for our second comparison between sex and art; see Fishman (2024) on hobbyists versus romantics.

lar motives, or responsive to certain values, then otherwise benign encounters risk being ruled out.²⁴ Such standards may exclude sex motivated by affection, generosity, curiosity, or a desire to conceive. They might also require forms of self-knowledge and symmetry that even enthusiastic partners can lack (Angel 2022; Goldman 1977; Hand 2022; Miller 2022; Wertheimer 2003). Worse, identifying mutuality or emotional intimacy as what women “really want” risks reinforcing the very stereotypes that feminist sexual ethics works to unsettle (Wertheimer 2003: 137; Willis 1981/1992).

How, then, might sexual ethics broaden without simply replacing one master concept with another? One option involves expanding our focus beyond individual agreements to the social conditions under which they occur. That project is ongoing. As feminist critics have long argued, consent does not occur in a vacuum. Gendered scripts and power pervasively shape our choices (Gavey 2005). As we saw in §3.1, one way consent theorists accommodate this is by expanding the range of considerations that compromise consent (Dougherty 2022). Another is to foreground the importance of social scaffolding—such as physical environments and educational resources—that enable positive sexual agency and ensure safe exit conditions (Kukla 2021, 2025b). Public transportation, for example, makes sexual exploration less risky by ensuring a safe route home, while birth control and sexual education expand the possibilities for pleasure.²⁵

Nor are all concerns that emerge beyond consent best understood as questions about individual morality. Bad sex is also a political problem—one sustained by gendered norms that organize desire, pleasure, initiative, and acquiescence along unequal lines (Angel 2022: 27–28). We should therefore attend not only to particular encounters but also to the social conditions and scripts that shape them. Recent work on the politics of desire expands this inquiry further, encouraging us to confront how oppressive ideologies shape our desires in the first place, not merely how we should respond to them once formed (Srinivasan 2021).

These background injustices alone do not erase consent’s moral significance. They do, however, show that consent-centered sexual ethics must be situated within a broader political account of sexual agency. Social context can constrain autonomy without extinguishing it. The challenge, then, is to

24. For mutual and contemporaneous desire, see Kittay (1997: 158); for mutual attraction and the affirmation of intimacy, see Anderson (1993); for reciprocity and the importance of motivations, see Pineau (1996: 18, 22) and Munro (2005); for mutual concern and attentiveness, see Estes (2010) and Lamb et al. (2021). For critical discussion of these standards and their demandingness, see Wertheimer (2003: chapter 6) and Miller (2022).

25. Compare Fischel and O’Connell (2019), who propose institutional arrangements for facilitating sexual and intimate opportunities.

take seriously the social conditions of sexual agency without treating every choice made under nonideal conditions as thereby compromised.²⁶ We must find a way to have our sex and critique it, too.

6 CONCLUSION

Consent-centered sexual ethics asks a vital but deliberately limited question: what makes sex permissible? The sufficiency challenge reveals that consent settles only a relatively narrow range of moral questions: consensual sex may still be disrespectful, vicious, harmful, or shaped by injustice. The necessity challenge locates a limit from the opposite direction. Where sufficient trust supports dissent-sensitive defaults, consent need not structure every permissible encounter. Taken together, these limits point toward a more pluralistic understanding of sexual ethics. Consent is neither a comprehensive sexual ideal nor morally irrelevant, but an indispensable safeguard with a limited domain. Acting with another's consent does not exhaust what we owe them, and not everything that matters to our sexual lives bears on permissibility or obligation. Some questions properly belong to morality, others to politics; still others may be aesthetic, relational, or simply evaluative. Recognizing this plurality does not diminish the importance of consent; it puts consent in its place.²⁷

26. Thanks to Barbora Zemanova for insightful discussion of this point. Willis (1981/1992: 13–14) offers a canonical expression of this delicate task: feminism must investigate the conditions shaping sexual choice while resisting authoritarian moralism about consenting adults' sexual proclivities.

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