***Between Freedom and Desire: Toward a Democratic Ethos in Sex***

Hank Owings

***Introduction***

As I write this, the United States is confronted with its second epidemic: monkeypox. The disease that causes painful lesions is spread largely through skin-to-skin contact. While not as transmissible as COVID-19, it wields undesirable effects that the other virus lacks, causing infected persons to suffer in quarantine for at least twice as long as COVID-19. Despite the disease’s obvious dangers, public health officials face a messaging problem. Monkeypox, for the moment, is mostly impacting men who have sex with men (MSM):

“The majority of cases were between 31 and 40 years-old (6349/15595 - 41%) and male (15439/15572 - 99.1%). Among cases with known HIV status, 36% (2690/7487) were HIV-positive.”[[1]](#footnote-1)

Similarly, the New England Journal of Medicine reports that:

“Overall, 98% of the persons with infection were gay or bisexual men, 75% were White, and 41% had human immunodeficiency virus infection; the median age was 38 years. Transmission was suspected to have occurred through sexual activity in 95% of the persons with infection…It was not possible to confirm sexual transmission. A sexual history was recorded in 406 of 528 persons; among these 406 persons, the median number of sex partners in the previous 3 months was 5 partners, 147 (28%) reported travel abroad in the month before diagnosis, and 103 (20%) had attended large gatherings (>30 persons), such as Pride events. Overall, 169 (32%) were known to have visited sex-on-site venues within the previous month, and 106 (20%) reported engaging in “chemsex” (i.e., sex associated with drugs such as mephedrone and crystal methamphetamine) in the same period.”[[2]](#footnote-2)

Here arises a dilemma: to what extent do we acknowledge the disease is primarily transmitting (at the present moment) among gay and bisexual men?

There has been pushback from within the LGBTQ community to the framing of Monkeypox as a “gay” disease, some claiming that targeting messaging toward MSM is homophobic.[[3]](#footnote-3) Much of this pushback is against conservatives weaponizing it as a “gay” disease.[[4]](#footnote-4) Many on the right who have spent the past year weaponizing “groomer” to slur LGTBQ inclusion now portray monkeypox as sexually transmitted among MSM or as otherwise the obvious result of morally depraved behavior. This is not to say that all or most of the LGBTQ community oppose targeted messaging. Many within the LGBTQ community have been at the forefront of demanding a better response from public health officials, assuming responsibility in lieu of better action for disseminating information and mobilizing for vaccination.[[5]](#footnote-5)

But another, subtle dynamic has emerged in some LGBTQ opposition to targeted messaging. A quick glance across social media will show how some within the MSM community consider any calls toward abstinence or shifts in sexual behavioral as homophobic. And here I want to suggest something more than mere opposition to conservative hostility: that beneath the opposition to conservative attacks against MSM lingers a more general opposition to any public intervention in desire. There exists within the LGBTQ community an approach to sexuality that values individual desire over and against *any* social or public restraint on said desire. Hence, the claim that monkeypox messaging is “homophobic,” while justified in defending the community against conservative vitriol, nonetheless risks mobilizing individual desire as supreme and enshrining a libertarian political ethos. Perhaps there are valid reasons for others outside of ourselves to suggest that we curb our desires or channel them in different ways.

As with public health officials and the monkeypox epidemic among MSM, I argue that *democratic* concerns justify intervening into private desires. Such an intervention is not and should not be conflated with the conservative politics of heteronormativity, homophobia, abstinence, and respectability. What we risk in queer defenses of desire is enshrining a normative aspiration toward negative freedom that diminishes a more democratic approach to sex. In stark contrast, feminist discussions of sex – especially anti-pornography feminists and more recent discussions around consent and #MeToo – begin with a *democratic ethos* of sex: that hierarchies of gender so constrain sex that we must orient ourselves toward a more egalitarian sexuality contra these hierarchies and their inculcated habits. Here individual desire is not valorized but rendered suspect by the hierarchy that produces and constrains it. I want to think between these two literatures toward what Gayle Rubin calls a “democratic morality”[[6]](#footnote-6) of sex and what Amia Srinivasan refers to as the “revolutionary transformation”[[7]](#footnote-7) of sex. Such work must begin with the articulation of new norms that oppose those which “compel”[[8]](#footnote-8) women and MSM into undesirable sex by attenuating our consciousness toward the situations that produce us as actors. To take Peter Euben’s term, I want to elaborate what a democratic ethos of sex might look like.

In what follows, I begin by clarifying what I mean by “public good” and “democratic” interventions into sex. I then turn toward my reading of the subset of queer theory that valorizes individual desire and demonstrate how it advances a libertarian ethos. I use this as the foil for the opposite motif I find in feminist literature: that sex is already public and socially constrained by gender hierarchies, which produce desire. Here I retrieve a way to think about sex that begins with Dworkin and MacKinnon before tracing a similar heuristic within contemporary feminist responses to #MeToo and discussions of sexual consent. In my final substantive discussion, I argue for a public, democratic ethos of sex, outlining two possible norms that should guide sex, informing how we approach one another as well as marking the aspirations for sexual desire.

Ultimately, sex should be an activity that occurs between two (or more) self-aware, mutually recognized persons confronting, engaging, and delighting in one another’s humanity. We should work against the conditioning of our desires by hierarchy rather than embracing hierarchies as constitutive of what is pleasurable about sex. And we must always recognize that, no matter how much privacy we might experience in sexual moments, that our encounters have impacts on each other that carry over into the world. For such reasons, *democracy* and *public good* can be (but are not necessarily) valid invocations for restraining, constraining, or reforming desires.

***Sex, Democracy, and Public Good***

I have already alluded to “public good” and “democratic” aspects of my argument for an ethic or normative regulation of sexual desire. While I identify what is distinct about both terms below, I frequently use “public” in this essay to designate something already politicized and thus a possible object of “democratic” thinking. Herein I invoke three different, conflicting notions of “democracy” that are useful for thinking through the politics of sex: deliberative democracy, agonistic democracy, and postmodernist democracy. Despite their incongruences, sex is one instance in which thinking between all three is preferable to prevailing one of the others.

Deliberative democracy is a vision of democracy predicated on achieving legitimacy through communicative structures. Seyla Benhabib defines it as a “model for organizing the collective and public exercise of power in the major institutions of society on the basis of the principle that decisions affecting the well-being of a collectivity can be viewed as the outcome of a procedure of free and reasoned deliberation among individuals considered as moral and political equals.”[[9]](#footnote-9) Simone Chambers likewise describes this model as a “communicative process of opinion and will-formation” predicated on “accountability” where accountability means that all members, as equals, can articulate justifications for whatever discourse emerges.[[10]](#footnote-10) Legitimacy as an effect of consensus replaces appeals to popular sovereignty where legitimacy is understood to only derive from discussions that are “governed by the norms of equality and symmetry.”[[11]](#footnote-11) What’s essential for Benhabib’s model is that we all have access to discussions that help shape and draw out our interests: we can participate as much as anyone else, and always have the ability to criticize what is put forward or contribute our own perspective. Such activity presumes, as Benhabib recognizes, “the ability and willingness to assume reflexive role-distance and the ability and the willingness to take the standpoint of others involved in controversy into account and reason from their point of view.”[[12]](#footnote-12) Chambers adds that not all discussions are necessarily deliberation. Rather, “deliberation is debate and discussion aimed at producing reasonable, well-informed opinions in which participants are willing to revise preferences in light of new discussion, new information, and claims made by fellow participants.”[[13]](#footnote-13)

In stark contrast with deliberative democracy is Mouffe’s agonistic model. Mouffe relies on both Wittgenstein and Lacan (by way of Zizek) to dispute a central conceit of deliberation: that predicating legitimacy on rational discussion fails to account for the ways that language is normatively laden.[[14]](#footnote-14) In other words, people who inhabit different forms of life cannot agree to a value-neutral set of rules about language without forgoing the identities that constitute them – or worse, being “abstracted from social and power relations” entirely.[[15]](#footnote-15) In stark contrast, Mouffe aspires toward a vision of democracy that *constitutes* identities.[[16]](#footnote-16) She therefore understands “democracy” as “the recognition and legitimation of conflict” where people from different circumstances can treat each other as adversaries, only ever arriving as situationally contingent agreements that defer conflict instead of permanent resolutions to their disagreements.[[17]](#footnote-17) Thus the forces that make our identities – social opposition in the world – becomes the energy fueling democratic engagement.

What I draw from both of these models for sex is the oscillation between deliberation and agonism. Deliberation assumes both some level of rational capacity as well as equality of dignity, access, and participation. And despite Mouffe’s insistence to the contrary, her assumption that we as subjects can move to treat enemies as adversaries – even though, particularly with sexuality, some identities are predicated on LGBTQ elimination – presumes a belief in the rational capacity to think beyond our identity. Deliberation between rational and equal individuals should be aspirational even in the intimate circumstances of sex. Privately we discuss with our partners our needs, wants, and preferences. We also hear them out and make sense of their own. Not all of us simply accept the mean and remain in the middle; as with deliberation, we continually hold these conversations as we and our partners change, adjusting for new information. And deliberation about sex occurs in more spaces than the intimate. In cruising bars, Pride festivals, internet forums, and dating apps, we constantly engage others about our sexual aspirations. Such mediums can be elevated to the democratic when we recognize that our engagement with others requires the moral demands of deliberation rather than the simple individualist imperative of making our preferences public and awaiting a match. And yet, we are not always fully rational individuals (especially during sex itself). As Tim Dean and Oliver Davis write, drawing on Bersani’s Lacan, sex is as pleasurable as it is disturbing, disorderly, dislocating, and disruptive.[[18]](#footnote-18) Sex is a situation in which we expose ourselves and risk losing our identity in vulnerability. Here our partners are no longer merely rational equals, but agonistic adversaries. Intercourses and orgasms are the indefinite postponement of mutual difference until the next encounter. But these agonistic moments are only possible – and, to both (or more) partners, justified – because of the deliberation that occurs prior. When I argue that sex should be democratic, it is precisely this oscillation between deliberation and agonism that I assert should be aspirational.

My last model of democracy is the postmodernist one. Here I’m thinking alongside Jacques Derrida and Sheldon Wolin. Each thinker recognizes democracy as a popular aspiration toward equality that, while impossible to institutionalize, historically erupts into moments of greater equality. For Derrida, “democracy remains to come” and belongs “to the time of promise.”[[19]](#footnote-19) Democracy is a not-yet that nonetheless orients our attention to the present and the potential for greater equality. He invokes fraternité as one such iteration: an aspiration toward comradeship that can never perfectly exist but as a very ideal it drives us into fruitful social bonds in the present. Such a kind of equality cannot exist (perfectly) in practice because institutions always establish borders between people in order to function, hence, “even when there is democracy,” or formal aspirations toward democracy, “it never exists”[[20]](#footnote-20) Likewise, Sheldon Wolin defines democracy as “a project concerned with the political potentialities of ordinary citizens, that is with their possibilities for becoming political beings through the self-discovery of common concerns and of modes of action for realizing them”[[21]](#footnote-21) Democracy is about a way of “experience[ing]” politics.[[22]](#footnote-22) Here there is great emphasis on individual attentiveness to possibilities of equality while nonetheless recognizing that democracy remains an unrealizable aspiration. Wolin expresses “reluctance” to identify democracy with historical practices[[23]](#footnote-23) and describes existing “constitutional democracy” as an imperfect form based on “representations of democracy.”[[24]](#footnote-24) Like Derrida’s appropriation and critique of fraternity, Wolin too ties *democracy* to a sense of experienced horizontal equality.[[25]](#footnote-25)

Core to any vision of agonistic or deliberative democracy is the assumption of equality of persons. For agonists, this equality consists of the recognition that although one might be my adversary, they are nonetheless worthy to contest my values without having their dignity erased by perceiving them as an existential threat. For deliberativists, equality means equality of dignity and participation. All members of a community should be able to put forward ideas, learn from others’ ideas, contest the language of the discussion, and have an impact on deliberation equally. In both cases, however, we are shaped and socialized by identities that insist that some people are different in rather unequal ways. I invoke postmodernists democracy on this point of equality. Genuine equality might not be historically possible to institutionalize, but it should nonetheless remain a central aspiration as well as normative precondition of our intimate engagement with others. Especially for sex, so much of our desire is constituted by power imbalances: most people are susceptible to have preferences regarding disability, body shape, race, and gender. Without claiming that we can concretely overcome these preferences, I nonetheless believe we should strive to constrain their impact and push ourselves to think against them for the sake of equality.

Within this tripartite vision of democracy and sex, I embrace Peter Euben’s notion of a *democratic ethos* as a way of identifying democratic practices beyond the formal institutional. For Euben, a “democratic ethos” consists of “an egalitarian constitution of cultural and political life that encourages people to participate in defining their own troubles and possibilities, and to articulate those troubles in public and as citizens.”[[26]](#footnote-26) The emphasis of the ethos is in reciprocation, mutual respect, and “suspicion of hierarchy.”[[27]](#footnote-27) Thus, to ask if something belongs to the democratic ethos is to ascertain to what extent such activities are constitutive of social equals and lacking in the abuses of power. An act that proceeds within and is produced *by* power imbalances, as many of the sex acts that I will subsequently critique are, cannot be properly identified as “democratic.” They like either the agonistic or deliberative character that pushes us toward equal reciprocity with the other. While Euben confines himself to the discussion of actions we might all recognize as obviously political like representation within the ancient Greek polis[[28]](#footnote-28) or classical citizenship as a means of self-constitution,[[29]](#footnote-29) I agree with feminist and queer approaches that sex, too, is political. We can think deliberation and agonism with respect to sex. A democratic ethos of sex marks sex as a complicated and messy but self-constituting practice that demands greater egalitarian commitment by way of mutual participation of partners who can simultaneously embody adversity.

I will ultimately argue constructively that a democratic ethos of sex requires the construction and embrace of certain queer and feminist *norms* to guide sexual encounters. By norms I do not mean “law.” I agree with Joseph Fischel that while certain sexual norms should be laws – like age of consent or protections for the disabled and elderly – that the everyday way that we should approach sex should not be legalized.[[30]](#footnote-30) Instead, I view norms as aspirational or encouraged behavior. A norm does not in itself imply prohibition in reverse; a norm for a certain kind of sex does not mean that different kinds of sex must be constrained. Thus, some reading my argument might see my advocacy for certain norms as simultaneously an accusation against those behaving otherwise – deriving, from my arguments, that say a norm toward knowing the people who we sleep with is a prohibition on anonymous sex. What I hope to make clear is that something like anonymous sex should not be universalized as aspirational. People for various reasons will continue to engage in such acts. But the fact of these encounters occurring within marginalized communities is not sufficient to render them “emancipatory” acts or mediums of liberation, language I interpret as normatively aspirational. I think any norm about sex should be governed by the democratic ethos. We should be asking ourselves in moments of (or before or after) intimacy if we are not reproducing sexual hierarchies. Sex *should* be egalitarian with respect to the dignity of the participations and the ability of each member to engage and contest it.

Lastly, by “public” and “public good,” I mean a democratic public. Benhabib defines public goods as those “considered worthy and desirable by most members of such societies…not attaining one or a combination thereof would cause problems in the functioning of these societies such as to throw them into crises.”[[31]](#footnote-31) She would not, however, identify all goods desired by a majority as necessarily democratic. Goods predicated on the exclusion of minorities, for example, betray the principles of equality and reciprocity necessary for a community to count as democratic. For such reasons I agree with Philip Pettit that public goods are not “the common avowed net interests of citizens” but only those that derive from public deliberations.[[32]](#footnote-32) Any policy, idea, or good that a mere majority of society assents to if done for the exclusion or annihilation of identarian minorities from the community is, by definition, not democratic.

Having now outlined what I mean by “democracy,” “public good,” and “norms” or “normative,” I now turn toward my critical project: opposing what has come to be seen as normative in certain segments of queer, and particularly MSM, communities.

***Queer Liberation or Queer Libertarian?***

There persists in queer theory a subset of literature, largely written by white gay men, who consider any outside opposition to their desire suspect. These thinkers imagine sexual liberation to end with a libertarian politics of desire. While they do not represent any majority in the queer theoretical “canon,” they nonetheless articulate a feeling expressed by a sizeable minority of those engaging in MSM practices. It is toward this admitted minority among the literature that I now turn.

My reading of this subset of queer theory is guided by the motif of the *desiring individual*. By “desiring individual,” I mean a libertarian subject who is akin to any other subject but only set apart by their desires. These desires are perceived by others – the government, the public, homophobes, etc. – as socially undesirable or morally abhorrent. This explanation might seem banal, but “individual” is doing a lot of conceptual work. Insofar as these “individuals” are only suspect for their desires, the politics deriving from an emphasis on “desiring individuals” seeks to stop others’ identification, intervention, and suppression of these desires. In other words, the political freedom to express these desires becomes the solution to the problem of hostility toward these desires. As “individuals,” there is little emphasis that desires – like any emotion - exists socially; and that individuals with desires might also have obligations toward others to restrain or responsibly condition these desires. The conflict at work here is the liberal conflict between the individual and others at large. Intersubjective concerns as well as salient social concerns are either ignored or dismissed by collapsing them within society’s broader homophobia. Of course I don’t intend to claim that such a motif wholly or even mostly expresses the arguments made in the literature under review; rather, it reflects a shared standpoint within the literature that articulates the way some MSM continue to think about sex. Unlike both agonistic and deliberative democratic values, this libertarian perspective does not perceive others as either rational persons worthy of contributing to my own experience nor as adversaries with whom we might re-constitute our sense of self.

Gayle Rubin’s “Thinking Sex” inaugurates contemporary queer theory and rebuffs the desiring individual motif even while providing a frame that can lend itself to such thinking. While she attempts to reject reductive individualism in thinking through sexuality, the tensions in her work constrain the democratic ethic she attempts to construct. Consider what she articulates as the main opponent of queer thinking: homophobic society and the government. “Laws produced by child-panic,”[[33]](#footnote-33) the Family Protection Act, the Adolescent Family Life Program,[[34]](#footnote-34) and the “hierarchical system of sexual value” in “modern western societies”[[35]](#footnote-35) all demonstrate a generalizable social hostility toward the queer individual. All of these targets are, I need say, contemptible interventions into personal desire; I in no way mean to imply that we should sympathize or embrace such opposition to queer desire. Rather, my point is that the essay exclusively focuses on social and governmental antagonism and, as an essay that inaugurates independent queer theory, helps structure the discourse toward one of the desiring individual confronting an antagonistic society.

The latter sections of her article explicitly rebuff the “individualist” approach to sexuality even while in some instances sliding into libertine individualism. Rubin first criticizes the fact that “sexuality in Western societies has been structured within an extremely punitive social framework”[[36]](#footnote-36) and articulates the need to move away from this “conservative” emphasis on social sexuality toward a more emancipatory emphasis on libertarian freedom. Of note, Rubin denounces reducing “sexuality” to the “individual” and the way such discourses have made sexuality an “essential” aspect of “biology.”[[37]](#footnote-37) Rubin also regularly details how both behavior and desire are social practices: “sexuality is as much a human product as are diets, methods of transportation, systems of etiquette, forms of labor, types of entertainment, processes of production, and modes of oppression.”[[38]](#footnote-38)

Nonetheless, Rubin’s opposition to “hierarchies of sexual value,” for all of its refusal to embrace an individualist anthropology, gestures toward a libertine politics of individual desire. Predominant efforts to assign “good” and “bad” sex are all the results of “sexual peril”[[39]](#footnote-39) and therefore bad; the converse is that only desiring individuals themselves are the normative authority for negotiating good and bad. Her critique of feminist approaches to sexuality rests in the feminist “recreat[ion] of conservative sexual morality” through its embrace of reductive power relations that reject pornography, BDSM, prostitution, and even masturbatory fantasies as harmful to women.[[40]](#footnote-40) This critique explicitly contrasts with her radical intention: the claim that “a democratic morality should judge sexual acts by the way partners treat one another, the level of mutual consideration, the pressure or absence of conversion, and the quantity and quality of the pleasures they provide.”[[41]](#footnote-41) Rubin straw mans the (anti-porn) feminist claim that these sexual activities are harmful by reducing them to “conservative” emulations of homophobic hysteria. She is able to simultaneously criticize these kinds of feminism while embracing a “democratic” approach to sex only because her understanding of sexual ethics is limited by a libertine concern with the local. “Partners” who “consent” are supreme. That these relations occur in social contexts and effect more than just the partners is dismissed by her fervent opposition to social and political ideologies of sexuality. Rubin is incapable of admitting that there might be *democratic* interventions into sexuality because she sees the willful couple (one that is unconcerned with society at large) as the primary and only site of negotiating sexual ethics. We also have reason to doubt how robust her conception of “consent” is, given that she views as democratically permissible the large age gaps that occur in “cross-generational” relations.[[42]](#footnote-42) She views the “sexuality of the young” and their capacity to be willful agents as the ground upon which she justifies cross-generational relations.[[43]](#footnote-43) Here, again, the libertine emphasis on the individual resurfaces: the fact that (some) youth have certain attributes of adulthood usually masked by ideologies of childhood renders them potentially consenting individuals and thus justifies these kinds of relations. Mere (rational-explicit) consent between individuals, rather than a broader emphasis on context (and concern with the social structures of consent beyond explicit coercion), constrains her democratic ethic of sex.

Some queer theorists have more openly embraced a kind of libertarian ethic of sex. Writing in 2005, Michael Warner described the then-state of queer theory as relying on modernity and liberalism in its appeals to self-authorization and individualist approaches to sex, which as a consequence constrained a queer “agenda for the state.”[[44]](#footnote-44) That same year Warner and Lauren Berlant valorize queer “counterpublics” as a gesture toward queer political theory. Here, “national heterosexuality,” a predominant political ideology that organizes sexual relations around a normative public heterosexuality,[[45]](#footnote-45) contrasts with the queer counterpublic, a project striving “often dangerously or scandalously, to cultivate what good folks used to call criminal intimacies.”[[46]](#footnote-46) This project celebrates the use of intimacy as a means for “elaborating a public world of belonging and transformation.”[[47]](#footnote-47) In other words, desires seen as anti-public are celebrated as radical when they encroach upon the public. Thus promiscuity is described as a site of “critical practical knowledge” and as more than “empty release or transgression” as a “common language of self-cultivation.”[[48]](#footnote-48) And a kink performance at a leather bar embodies yet another site from which to rethink “social norms.”[[49]](#footnote-49) What is core to Berlant and Warner’s argument is that there is something radical in the mere expression of a repressed and opposed sexuality. Insofar as heterosexuality organizes the public and constrains sexual norms, homosexuality, particularly expressions in public venues it claims as its own, is politically radical through its difference and opposition. But this kind of thinking remains inhibited by its oppositionality to the social. By articulating itself in opposition to a heterosexual public, it overstates the radical nature of public homosexual expression. Consider again their scene from the leather bar: are we to assume that one consents to this spectacle by entering into the space of the bar? More generally, is the mere public expression of homosexuality radical independent of the impact or effect it might have on those (including queer folks) in the public space? The argument, at its core, celebrates a libertine expression of desire, one that assumes those within queer counterpublics are undifferentiated individuals otherwise in agreement with one another or that public expressions of sexual desire are good in their resisting constraints that are necessarily heteronormative. An individual whose desires are repressed by society is figured as politically radical they when express repressed desire.

Leo Bersani is yet another queer theorist with a novel embrace of the radical, libertarian desiring individual. Bersani denies that mere public expression of homosexuality is radical. He readily admits that “to want sex with another man is not exactly a credential for political radicalism” because gay spaces themselves are “ruthless ranked, hierarchized, and competitive environments.”[[50]](#footnote-50) He is therefore skeptical of publics queer or heteronormative.[[51]](#footnote-51) But Bersani embraces a kind of negative subject that authorizes libertine desires in a manner different from Berlant and Warner. For Bersani, sexual pleasure derives from the power that necessarily structures social relations. “The social structures from which it is often said that the eroticizing of mastery and subordination derive are perhaps themselves derivations (and sublimations) of the indissociable nature of sexual pleasure and the exercise or loss of power.”[[52]](#footnote-52) Sex is thus antagonistic by nature; “as soon as persons are positioned, the war begins.”[[53]](#footnote-53) For a man, particularly a gay or bisexual bottom, to engage in sex is to derive pleasure from this antagonism, specifically to embrace the role of *being dominated* and *losing power*. This loss, or negativity, generates the positive experience of pleasure. Gay sex thus “advertises the risk of the sexual itself as the risk of self-dismissal, of losing sight of the self”[[54]](#footnote-54) and represents a celebration of infringement against personhood. Within this discussion of gay sex is an emphasis on desiring individuals. Part of this naturally follows from Bersani’s psychanalytic and phenomenological method of description. But it also expresses his kind of libertarian politics. A conflict between individuals generates power by dominance of one partner over the other; without individual harm there can be no pleasure. Bersani lacks not only a positive social ethic of sex, one that binds us toward groups and communities, but also outright celebrates the harm others might experience as a precondition for the sexual. Such thinking leads him to a novel interpretation of anti-pornography feminism. He writes that Mackinnon and Dworkin see pornography as legalized violence and a performance of the masculine hierarchy of power.[[55]](#footnote-55) But this critique is lauded as a normative good for Bersani: “they have given us reasons why pornography must be multiplied…reasons for defending, for cherishing the very sex they find so hateful” which is “the inestimable value of sex as…anticommunal, antiegalitartian, antinurturing, antiloving.”[[56]](#footnote-56) Thus quite unlike Berlant and Warner, Bersani does not celebrate expressions of gay desire as (publicly) politically radical, but celebrates this desire precisely because it allows certain individuals to efface other individuals. We are embedded in webs of power that constitute and deface us and it’s this process of constitution and defacement that generates our pleasure. For Bersani, my individual desire to conquer others or my individual desire to be dominated is core to any ethic of sexuality.

Other examples in queer theory of the desiring individual occur in discussions of certain anti-social sexual acts. As already noted, Berlant and Warner celebrate kink displays in leather bars, and Bersani himself celebrates “cruising,” particularly in bathhouses.[[57]](#footnote-57) Lee Edelman famously embraces homosexuality as radical precisely in its anti-sociality: as the death drive and “radical dissolution of the contract” for its refusal of “reproductive futurism,” the “only politics” national heterosexuality permits us “to know.”[[58]](#footnote-58) Edelman embraces homosexual acts as radical precisely because they oppose a general sense of the future he conflates with heteronormativity.

Even more radical are queer theoretical embraces of bugchasing (intentionally seeking partners with sexually transmittable infections either because the infected are fetishized or the possibility of becoming infected is fetishized) and barebacking (sex without a condom, usually involving internal ejaculation; often but not necessarily coextensive with bugchasing). Gregory Tomso describes bugchasing or viral sex as a site of biopolitical resistance against liberal and neoliberal discourses of safety. For Tomso, this kind of sex “calls into question the political meanings of life that emerge within the liberal discourse of natural rights and state-centered notions of sovereign power” and thus offers a glimpse of “sexual freedom” against “liberalism’s constraints.”[[59]](#footnote-59) Liberalism and neoliberalism is concerned with life and longevity, particularly as both support the maintenance of social and economic reproduction. Bugchasing, for Tomso, opposes these dynamics. What liberalism thus renders an “ethical or moral crisis” and infringement against public health becomes, for Tomso, “a claim to sexual freedom.”[[60]](#footnote-60) Moreover, Tomso considers bugchasing a “non-instrumental affirmation of life.”[[61]](#footnote-61) Here he means that it is the individual’s pursuit of pleasure regardless, or perhaps because of, the risks, one that celebrates our bodily capacity to seek pleasure against the bodily risk of death. Tim Dean conceives of barebacking similarly. Barebacking is not about “life-and-death stakes” but an activity that complicates the division between “life-giving activities” and those that “engender death.”[[62]](#footnote-62) Like Tomso, Dean sees barebacking as a site of reclaiming agency against liberal, biopolitical discourses of safety and as a further kind of opposition to a conservative homonormativity that only values queer men by their proximity to the traditionalist heterosexual ideal.[[63]](#footnote-63) Both Tomso and Dean articulate the clearest picture of the desiring individual. Here the queer man’s desire goes beyond Bersani’s loss of self or disempowerment toward an active flirtation with death (both texts were written before the widespread use of PrEP). This kind of sexual ethic figures all interventions into sexual desire, including those that risk the self, as iterations of unfreedom.

This individualist pursuit of pleasure despite public risk is not merely a theoretical motif. The empirical literature demonstrates a large minority of men who have sex with men – gay, bi, queer, and those who refuse to identify with the former – actively pursue risky sex. Of course, it must be acknowledged that any empirical attempt to measure the prevalence of risky sex is difficult, not merely because recruiting participants is hard.[[64]](#footnote-64) Nonetheless, most studies find large minorities of men engaged in seeking anonymous sex, barebacking, and bugchasing (if not intentionally then only through a disregard of becoming infected). An early 2004 study found that HIV+ men were less likely to use condoms during anal sex and, over a four-month period, at least half of men had one anonymous partner.[[65]](#footnote-65) A 2016 study found that 36% of HIV+ individuals reported one anonymous partner in a three-month window.[[66]](#footnote-66) A study of 332 men found that 67.4% admitted to enjoying anonymous sex and that those engaged in anonymous sex were less likely to use a condom than those who did not.[[67]](#footnote-67) In the former two studies there are no demographic differences between those who pursue risky sex and those who do not.[[68]](#footnote-68) And most recently, some have even argued that gloryhole practices adapted during COVID-19 lockdowns constitute sites of “political resistance” and “queer potential to subvert and transgress.”[[69]](#footnote-69)

What emerges in this subset of (white) queer theory is the valorization of individual desire. This libertarian ethos celebrates the freedom from external constrains and sees any kind of external constrain as suspect. In some ways this leads only to benign queer scenarios: mutually consenting partners engaging in sex publicly derided as amoral or abominable. But in it’s most extreme, such an ethos justifies the risky disregard of public health concerns or an embrace of the psychological and emotional harm of inequalities that structure sex. What this libertarian vision ultimately lacks is a queer vision of the public good, the recognition that there might be valid normative interventions into our desire that are justifiably democratic without dismissing such interventions as conservative or homophobic. Ironically, it’s in the same set of anti-porn feminism that Gayle Rubin critiques that we find the origins of an opposite approach to sex: a democratic ethic opposed to the hierarchies which induce violence and risk in sex.

***When Desires Harm; Or, Feminist Articulations of Sex and Violence***

In stark contrast to the queer literature that valorizes individual desire, discussion in feminism have expressed skepticism toward desire. Often these discussions are demeaned as sex-negative or conservative, but such criticisms miss the deeper epistemic frames that guide them: here sex is not first theorized as a private act between individuals, but recognized as already publicly constituted and constrained by gendered hierarchies of power. The release of suppressed desires is not necessarily emancipatory when such desires reinforce hierarchy and power.

Catherine MacKinnon and Andrea Dworkin are two prominent radical feminists occasionally dismissed for their anti-pornography commitments. But it is precisely their opposition to pornography that articulates a feminist conception of sex. For MacKinnon and Dworkin, a feminist approach to sex must wrestle against the way this hierarchy constructs sex. This democratic commitment to rethink sex is misconstrued by other feminists and queer thinkers as conservative precisely because it argues that something social, a better public good, *should* intervene within our consciousness when engaged in sex. But MacKinnon and Dworkin are not arguing for anything positing itself as public good as a constraint to sex; rather, they make clear only a feminist and egalitarian approach to sexuality should intervene in our sexual lives. To reduce their anti-pornography approach to a kind of implicit conservatism is to deny the democratic ethos they are trying to construct contra both conservative gender norms and any libertarian ethos of desire.

Both MacKinnon and Dworkin conceive of sex as inseparably bound to social relations. MacKinnon defines gender as “a question of power, specifically male domination and female subordination.”[[70]](#footnote-70) The “molding, direction, and expression of sexuality” produces gender.[[71]](#footnote-71) There is thus a co-constitutive relationship between sexuality, desire, and gender. “Sexuality is the process that creates, organizes, expresses, and directs desire…created by social relations…and at the same time constructing.”[[72]](#footnote-72) Sexuality here is in no way theorized as a matter of private interest. People do not merely consent to sleep with each other, and sexuality is not a sphere cut off from public concern. Rather, sexuality is an already public act precisely because the way gender inflects desires brings social forces to bear on sex that become reinscribed through sex. For MacKinnon it thus makes little sense to theorize sex from the standpoint of private individuals where privacy would erect a boundary between these social forces and sexual activity. Likewise, Dworkin conceives of gender hierarchy as producing and constraining sex. Sex is “an act of possession – simultaneously an act of ownership, taking, force…the woman is acted on…fucking requires that the male act on one who has less power.”[[73]](#footnote-73) Thus, because of “male-dominant gender hierarchy,” “intercourse itself is immune to reform” and “remains a mans or the means of physiologically making a woman inferior.”[[74]](#footnote-74) While Dworkin is not as explicit as MacKinnon about *desire* connecting both gender and sexuality, there are moments where she similarly expresses such a view. Thus “force” becomes the “purpose of sex”, and women socialize themselves into wanting this force and being made into objects, just as men become turned on by the idea of conquering and exerting force.[[75]](#footnote-75) For both MacKinnon and Dworkin, gender constructs and is constructed as a relation of women’s subordination that occurs through sexual desire. Having sex is always already about power and social hierarchy, and therefore always already public.

That power constrains and produces sex is key to their opposition to pornography. For MacKinnon, porn is violence like rape, sexual harassment, and battery because it shapes the “meaning” of sexual “experience”[[76]](#footnote-76) and encourages both men and women to enjoy women’s “degradation.”[[77]](#footnote-77) Pornography is precisely the constitution and perpetuation of hierarchy. The “way pornography produces its meaning constructs and defines men and women as such…it has no basis in anything other than the social reality its hegemony constructs.”[[78]](#footnote-78) For Dworkin, “the reality of being owned and fucked….frames, limits, sets parameters for, what women feel and experience in sex.”[[79]](#footnote-79) The “major theme of pornography is male power”[[80]](#footnote-80) so the act of watching porn is at once constitutive of male power by shaping male desire in such a way as to aspire toward domination even while it also sets limits upon women’s sexuality by encouraging their being objectified and subdued. Pornography is a celebration of man’s “sexual superiority to women” and is, therefore, “sexual violence against women and girls.”[[81]](#footnote-81) Pornography is violence because it determines the scope of sexuality activity one engages in as well as producing our desire for hierarchy during sex. One cannot simply watch porn and act otherwise because it intervenes on our consciousness in these political ways.

Dworkin and MacKinnon might overstate their case against porn, but their arguments nonetheless provide one basis for justifying a public, democratic intervention into the sexual. Admittedly, both thinkers over-determine the causality between gender hierarchy and pornography via the mediation of desire. Their arguments literally require that hierarchy and subordination occupy the subject of our desire when consuming pornography; and that as viewers we leave porn with such sensitivities permanently impressed upon our consciousness. The post-structuralist can obviously reject this argument by denying that porn has any essential meaning, or that whatever meaning we ascribe to porn does not necessarily linger on our minds to permanently effect a change to our gendered subjectivity. The sex-positive argument criticizes Dworkin and MacKinnon from a different perspective: that engaging in pornography – as well as consensual violent sex that more explicitly embraces hierarchy, like BDSM – can be empowering for women who approach it themselves and with partners in the right state of mind. And since MacKinnon and Dworkin wrote, there have been a proliferation of feminist and queer pornographic studies that challenge the videographic and narrative techniques of the kind of porn they both criticized, lending support to a kind of sex-positive argument. Nonetheless, one does not need oppose pornography in its entirety to derive a key ethical concern about sex from MacKinnon and Dworkin’s opposition to pornography. By accepting that desire is shaped by the public politics of gender and that predominant gender relations subordinate women (and in MSM communities, bottoms), one admits that sex cannot be isolated as merely private circumstances. If we merely seek others out who consent to engage with us sexually, Then we leave undisturbed these discourses that produces and constrain our identities. Moreover, we risk the failure to engage our partners as people by not deliberating with them to think through how their wants and needs, too, are shaped by circumstances. MacKinnon’s and Dworkin’s criticism of pornography implicitly recognizes that we are never private individuals in sexual moments but shaped by our public circumstances and the hierarchies that constrain society. A democratic approach to sexuality begins with this entanglement rather than oppose it in order to valorize the libertine individual.

This tension between democracy and private desire has lately resurfaced in discussions regarding consent, rape culture, and #MeToo. Popular discussions and university policies have leveraged consent as a way to free sex “from violence.”[[82]](#footnote-82) But not everyone agrees that consent is the most useful means by which to negotiate the “messiness” of sex.[[83]](#footnote-83) For some, these discussions of consent over-determine gender relations and subordinate women’s autonomy. For others, the conversations of consent fail to remedy actual, structural issues. Both of these discussions implicitly return to a tension between democracy and desire: that, one the one hand, we have normative commitments to the individual that valorizes their desires; while, on the other hand, as feminists we have a commitment to oppose gender hierarchy and work toward a more robust instantiation of gender equality. These *deliberations* furnish competing claims to locate power in sex, torn between an emphasis on the individual or social context.

Laura Kipnis represents a (self-identified) feminist opposition to discussions of rape culture and consent that – even by her own admission – align with conservative views. Unlike conservative and moderate popular critiques who seek to defend men against what is perceived to be an affront to their entitled sexual needs, Kipnis provides a critique of rape culture that valorizes women’s agency while giving space to men’s mistakes. In earlier work, she juxtaposes her approach to sex against that of MacKinnon. While she recognizes “masculinity’s pathological proximity to violence,”[[84]](#footnote-84) she denies that pornography is necessarily or inherently anti-women because she rejects that it is essentially a manifestation of violence. Rather, she suggests the feminist critics of porn see violence in that they embrace a “static and stable” idea of feminine identity harmed by a “malleable” masculine pursuit of power.[[85]](#footnote-85) In other words, their opposition to porn betrays a sense of femininity that diminishes women’s own potential to change in seeking to totalize male domination. Kipnis further develops this line of argument in her critique of rape culture. For Kipnis, rape culture is a “rhetoric of emergency” that oversimplifies sexuality and diminishes woman’s agency over her own sexual pursuits. Kipnis believes a narrative has emerged that causes women to see the violence of sex everywhere at the expense of their own pleasure. As a consequence, most men are potential perpetrators; any vertical relations of power in sex become sexual assault (or worse); and consent can even be “retroactively withdrawn” by women who have shifting feelings about their prior engagements.[[86]](#footnote-86) Kipnis calls for a greater sense of self-worth for both men and women and for women to stop implicating themselves in a gendered system (and narrative) that removes their responsibility for not only the negative feelings that might result from messy sex but also for embracing their own passivity in moments where they do not stand up for themselves.[[87]](#footnote-87) What’s central to Kipnis’s vision of feminism, however, is an empowered sense of the *individual*. In both texts she recognizes that power is not equally diffuse between genders. But she refuses to conflate this fact with domination, as MacKinnon and Dworkin do. Precisely because she refuses to consider it totalizing, she does not attribute to it the power to limit women in sexual moments. Gender hierarchies exist but they do not determine. In this context individual willpower (and women) can not only take responsibility for its (her) own actions but is also the location of shifting culture toward a better sexual culture.

Kipnis is a useful foil for subsequent conversations that identify her limits. Amia Srinivasan reclaims the importance of gender hierarches in thinking against Kipnis’s argument. Srinivasan accepts women’s agency as always present: women have always “contested” their position and thus a lack of women’s agency is not responsible for what is now deemed rape culture.[[88]](#footnote-88) She agrees that consent is a limited antidote to the problem. But for Srinivasan, consent discussions fail to attend to “psychosocial structures that make men want to have sex with women who don’t really want it, or make them feel that it’s their job to overcome a woman’s resistance.”[[89]](#footnote-89) It’s thus precisely gender hierarchy that returns to structure consciousness, even if it does not totally determine it. We therefore cannot abandon the important of inequality is constraining our sexual intimacy. Likewise, Joseph Fischel opposes consent as the normative limit of sexuality because such norms fail to redress those that “compel” women into bad sex.[[90]](#footnote-90) For Fischel, “consent as an ethical framework takes us nowhere in parsing” the “(white, American) masculinity” of our contemporary moment that bears most responsibility for rape, sexual assault, and sexual harassment (as well as some bad sex).[[91]](#footnote-91) But whereas Srinivasan returns to MacKinnon productively, stating that “many feminists feel the pull of an older, more circumspect approach to sex,”[[92]](#footnote-92) Fischel opposes the “dominance feminism” of MacKinnon for taking us to the “wrong place” at the risk of something more carceral.[[93]](#footnote-93) Despite their differences, Srinivasan and Fischel both recognize that sex is in need of more normative (not legal) regulation, and that such a regulation begins not by demanding women (per Kipnis) assert themselves more, but by demanding men wrestle with the gendered hierarchy that enshrines both their entitlement and superiority. Put another way, sex is in need of a democratic ethos wherein we engage with partners and potential partners deliberatively and, at times, agonistically.

Others have more explicitly challenged the liberal and gendered limits of consent. Jennifer Nash begins with race: that consent is problematic because it exists within racialized gender hierarchies rendering black women historically “unable to offer or withhold consent.”[[94]](#footnote-94) But beyond racial hierarchies, consent produces “self-aware” and “entrepreneurial” individuals who align “with neoliberal ideas of risk mitigation and self-management.”[[95]](#footnote-95) It mobilizes desiring individuals as actors precisely as a means to avoid implicating structural responsibility. Similarly, Emily Owens bemoans discussions of consent that relocate the “violence” of sex away from “structural” factors by emphasizing the individual.[[96]](#footnote-96) For Owens consent “indexes a transaction, such that the scene of consensual exchange can only pretend to ensure the unfettered expression of individual will.”[[97]](#footnote-97) Both Nash and Owens agree that the problem with sex is social and hierarchical and that discussions of consent draw our attention away from the democratic norms we need cultivate to ensure a more reciprocal sexual life toward liberal measures that suppress the way our privacy is always already socially imbricated. Empirically there is also reason to doubt the effectiveness of consent as a norm. A small study at a Midwestern university that had enacted “affirmative” consent measures found that training programs “reinforced – rather than destabilized – hegemonic gendered systems of power” by encouraging men to think of themselves as protectors of passive women and seek to merely “avoid being accused of rape” instead of rethink their engagement with sex.[[98]](#footnote-98)

What the early anti-pornography feminists share with these recent critics of consent (Kipnis excepted) is the recognition that sex is not merely an act that occurs between private individuals. We cannot and should not conceive of sex as merely or exclusively private. Sexuality is deeply embedded in gendered webs of power that produce and constrain it. In this way I disagree with Kipnis that gender does not in many ways constrain sexuality. We do not diminish women’s agency by recognizing that psychosocial pressures originate in social patterns of male dominance. Hegemonic masculinity bears more (the most) responsibility for women’s discomfort in sex, including when such sex is not necessarily assault or rape. A democratic ethos of sex needs to begin with the prevalence of inequality that structures instances of sex rather than begin with a libertarian ethos that sanctions anything within the bounds of consent.

***Democratic Sex and the Public Good***

Having critiqued the idea that suppressed desires are themselves emancipatory and retrieved a way to think about sex from feminist theory, I now want to think through what a *democratic* ethic of sex looks like. What does thinking democracy and sex together mean? I think two norms best express a democratic ethos of sex: first, that partners *know* each other; and second, that partners actively work against sexualizing hierarchy. Both principles encourage partners to have a sense of how they are embedded socially and in public systems before and during sex, rather than isolating the sexual encounter from politics and reasserting the problematic dimensions of sex.

Knowing one’s partner means aspiring toward familiarity with their wants, their emotions, and their personal history. One cannot know one’s partner (or partners) without a kind of deliberation: of not only identifying and articulating one’s own wants and needs, but in actively engaging others as equals to hear out their wants and needs too. Moreover, such deliberation does not occur only once. Rather, knowing consists of the ongoing process of deliberating. We must be susceptible, through self-reflection, of changing our own preferences as much as we expect our partner(s) to do the same. Deliberative knowledge contrasts with anonymous sex. We might consider anonymous sex a spectrum of sexual acts: on the more extreme end, a gay man who establishes a blank grindr profile to invite nameless persons to his hotel for casual sex practices strictly anonymous sex. On the other hand, a man – gay, straight, or bi – who swipes on tinder, quickly exchanges snapchat names, and goes on a brief date that ends in casual sex is also practicing a kind of anonymous sex. In the former scenario the man probably does not know the names or even the faces of the persons he sleeps with. In the latter the man might know the names and some brief biographical information, but there is not sufficient connect to *know* the partner. This spectrum of anonymous sex shares the pursuit of sexual pleasure largely at the expense of any emotional commitment or awareness of the partner’s mannerisms and wants. It’s nearly perfectly contractual. Anonymous sex contrasts with partners who spend time getting to know one another – to recognize the connectedness of their partner’s emotions with facial expressions and bodily responses; to know enough of their background to make sense of what conditions their sexuality, like trauma or body shaming; and to have discussed sexual preferences and desires.

Unlike public deliberation between strangers who are members of a community, deliberation at the intimate level should also require some kind of emotional engagement so as to ensure equality and reciprocity. Knowing one’s sexual partner and anonymous sex are both practices of a kind of equality, but only the former practices what Adriana Cavarero refers to as the “inclination”[[99]](#footnote-99) toward the other. It involves an emotional connectedness with the other that draws on the ways bodies are interconnected and dependent. Here I think of Ellie Anderson’s recent re-defining of consent as “feeling-with,” one that takes into consideration embodied notions of communication and awareness which require some knowledge between partners of each other’s bodies and desires.[[100]](#footnote-100) Anonymous sex, on the other hand, privileges a liberal ontology of personhood that is focused largely on individual pleasure and using (consenting) others as tools to achieve release. Knowing the other is democratic here while anonymous sex is not because the former draws on social imbrication while the latter valorizes antisociality. Of course, this is not to say that anonymous sex is in every instance “bad.” Perhaps, for reasons of trauma or repression, anonymous sex is a useful therapeutic tool for certain individuals to work on their own sexuality and self-understanding. In these instances, anonymous sex might be a prerequisite for participation in a better more socially inclined sexuality. Nonetheless, I think these exceptions do not justify the rule. Knowing one’s partner, rather than anonymity, should be democratically aspirational in sex.

Empirically, many people seem to think that knowing one’s partner is better for sexuality than anonymity. A survey of women expressed “emotional connection” as a necessity for “good sex,” and found that “women felt sexually happy and joyous when they had reciprocity, equality, and connection, not when they felt passive, dominated, or ‘done to.’”[[101]](#footnote-101) These feelings might relate to why heterosexual men identifying as feminist were more likely to have sex – because they practiced reciprocal strategies aimed at fulfilling the partner, rather than merely using the woman for their own sexual ends.[[102]](#footnote-102) A survey of Black people found that “intimate” was the second-most used word to describe “good sex,” with the related “reciprocal” and “connected” being sixth and seventh.[[103]](#footnote-103) And a survey of 986 “sexual minority” persons in Rome found that higher rates of risky sexual behavior – which included anonymous sex and frequent casual sex – was associated with higher levels of self-hatred.[[104]](#footnote-104) Fulfilling sex, it seems, means knowing oneself and one’s partner(s).

My second principle of democratic sex is to work against hierarchy: racial hierarchies that privilege white bodies; gender hierarches that privilege men and masculine LGBTQ persons; body standards that elevate the able-bodied and athletic over those who cannot compare; and more general imbalances of power that occur within institutions, such as between a boss and employee or teacher and student. Contrary to Bersani, I do not think sexuality must or should draw its pleasure from sexualizing domination. Hierarchy most immediately has impacts on the self-worth of those at the bottom: racial minorities, women, femme queers, etc. Many in the MSM community are already having these conversations because we “know that who we have sex with, and how, is a political questions.”[[105]](#footnote-105) And social media, particularly TikTok, has only recently begun to circulate these discussions outside of activist communities within straight, predominately college-aged, communities. A commitment to democracy means continuing this process. We should attenuate our desires to refuse devaluing others with whom we share a common political project. Furthermore, hierarchy constrains possibilities for consent. This constraint is obvious in both professional and cross-generational circumstances. Is the younger person, student, or employee actually consenting to sex with the elder, teacher, or boss because they desire that boss, or is their consent animated by status concerns or other pressures consequent of the relationship? And even if we could clearly isolate the desire as primary, we would still need ask in what ways this desire is simply sexualizing power. Is a person lusting after power necessarily aware of the way such an encounter might affect them? Both (or all) partners in this scenario need to be aware of the subordinate’s possible good and the inability to clearly determine that in situations constrained by hierarchy. A fulfilling and meaningful sexual encounter here is democratic: it occurs between equals with reciprocity. What then of interracial encounters or different-sex partnerships? As I much earlier said, I consider democracy to be an unfolding, incomplete process. Such encounters would need to strive to know each other as preconditions for working against the hierarchies that inflect them; but perfection is not necessarily possible. Equality and reciprocity are messy aspirations.

Additionally, opposing hierarchy is not just a principle for the bedroom. Insofar as hierarchies produce and constrain desire before sexual acts, opposing hierarchy need take place in those public venues that give way to sexual encounters. Bars, dating and hookup apps, and cruising locations are all sites where people need to be conscious of the hierarchies they inhabit and exert active effort to make such locations inclusive. These moments are where deliberation occurs prior to and constructs sex. We enter into these conversations as equals allowing others to contest the terms of our conversation as much as contribute to our sense of self. In this way, an opposition to hierarchy reintroduces a public concern to sex even though such concern might not occur contemporaneously with sex. We need to be living out the mutually affirming and inclusive lives in public spaces where sex might result.

There are a few exceptions to this principle against hierarchy. BDSM practices, some even veering into race play, might serve – like anonymous sex – as therapeutic for certain individuals. But even here, partners involved must have the awareness of what they’re doing and not merely pursue it for the sake of fantasy. Those involved in BDSM communities are well-aware of the ethics involved and the communication necessary both prior and during sexual scenarios in order to render them pleasurable experiences. These exceptional circumstances, however, do not challenge the more general principle that most of us in our daily lives should pursue reciprocity and horizontality in sex rather than mapping ourselves onto a hierarchy that we sexualize.

Both principles, knowing one’s partner and striving against hierarchy, challenge the libertine notion of sexual desire. Consent is no longer sufficient for justifying anything that takes place within its confines. We cannot and should not use others as objects to pursue our own wants without taking into consideration who they are and what they, too, desire. Moreover, “knowing” a partner means bearing some responsibility for the way one’s actions might affect them. Obviously, we cannot totally control the effect we have on others. But such a recognition is not justification or abandoning any responsibility toward the other. Do I know my partner well enough that my place in social hierarchies and the way we mutually negotiate our stations does not damage their self-worth? Does my pursuit of sexual pleasure risk harming them in other ways? These questions ultimately connect my two principles back to a notion of the public good. By bearing responsibility for the scenarios we engage in we must take into consideration the way our partners will carry with them the consequences of sex. Are our encounters encouraging norms of reciprocity and self-affirmation, or are they retrenching hierarchies or normalizing risky behaviors that harm (physically or psychologically) others? While risk will never be absent and harm will always be possible, we should nonetheless aspire toward something better.

Of course, this ethos attends to the ways we engage others intimately. There is also one principle that should govern the relationship between sex and the public: namely, that we can and should intervene into sex for the sake of a democratic good. Our relationship as sexual beings to an anonymous public is mediated by various institutions like law, medicine, and education. When these institutions put forward restrictions – such as teaching sexual education or adopting a sexuality inclusive curriculum, mandating short periods of interpersonal isolation in the wake of a virus, our outlawing sexually explicit shows or shutting down cruising venues – we should ask whether or not such policies are *democratic*. Do they emerge from a place whereby all members of the effected community had equal participation and are assumed to have equal dignity? Or, if hotly contested, do they at least see their opponent as adversaries and not as an existential threat? If yes, then we should accept such policy interventions related to sex as democratic. Of course, we know from some of the examples I listed that, by my definition of democracy, these policies are not democratic. The recent wave of anti-Trans and anti-Drag legislation is explicitly predicated on seeing LGBTQ persons as *enemies*, not adversaries, and eliminating them from public life. So, too, with restrictions to public education curriculums, the desire to shut down gender and sexuality studies departments as universities, and bills purporting to protect female athletes. Even if a majority of the public might support such policies in a given locality, such aggregation of interests is predicated on antagonism and not agonism and mutual dignity. A democratic public is justified in intervening in sexuality. Historically, however, most publics that do intervene are not democratic.

***Conclusion***

I began this essay with the dilemma public health officials face in currently framing their monkeypox messaging. As is now probably clear, I do not think calls for temporarily engaging in less risky sexual behavior – having fewer partners and knowing one’s partners – is homophobic. Public health officials are justified in promoting a concept of the public good that minimizes viral risk. As long as the disease is not framed as essentially gay or driven by gay sex, there is no homophobia implicit in calls for sexual restraint when they serve a public good – in this case, mitigating a physical harm that most people want to avoid.

Nonetheless, I expect some readers to conflate my perspective with that of a generally sex-negative, conservative impetus in our culture to restrain sexuality. As the monkeypox narrative shows, a homophobic, straight public is interested in suppressing the expression of homosexual attraction. But this suppression is not coincident with all iterations of “public” concern. We cannot and should not collapse the distinction between public antagonism and public care. Some elements of queer theory want to so broaden this “public welfare” that it becomes a menace to one’s freedom: that all iterations of public concern are interventions into personal expressions of desire. But there are qualitative differences between hate-sustained structural antagonism and the expressions of sexuality that inadvertently (or explicitly) trespass against someone else’s dignity. We can identify a public hostile to homosexuality as “bad” while retaining the recognition that other dimensions of the “public” should factor into our sexual ethic: women, the sexually traumatized, those with greater susceptibility to STIs, etc. Restraining or constraining our desires for this more inclusive understanding of the public good is democratic and a worthwhile aspiration for the sexually active.

Ultimately, those of us in queer and feminist spaces need to push for a more democratic approach to sex. Discussions of consent and pleasure have largely limited us to affirming or opposing liberal and libertarian frames. The three principles I propose – knowing one’s partner(s), interpersonal opposition to hierarchy, and adhering to a democratic public good – are steps toward a democratic ethic of sex seeking to move beyond liberal-libertarian frames. Identifying a democratic approach to sex would help us more constructively negotiate reprehensible sexuality without falling back onto problematic models that embrace homophobia and queer antagonism. Moreover, this kind of democratic thinking pushes for a sense of public justice that more readily connects queer and feminist theories of sex to formal politics. It is my hope that my proposal contributes to this discussion.

***Works Cited***

Abad-Santos, Alex. “The US monkeypox response is failing queer men.” *Vox* 4 August 2022. <https://www.vox.com/culture/23292430/monkeypox-outbreak-us-gay-men>.

Anderson, Ellie. “A Phenomenological Approach to Sexual Consent.” *Feminist Philosophy Quarterly*. Vol.8 , No. 2 (2022) pp/ 1-25.

Ashford, Chris and Gareth Longstaff. “(Re)regulating gay sex in viral times: COVID-19 and the impersonal intimacy of the glory hole.” *Culture, Health, & Sexuality*. Vol. 23, No. 11 (2021), pp. 1559-1572.

Benhabib, Seyla. “Toward a Deliberative Model of Democratic Legitimacy,” in *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton 1996), pp. 67-94

---. *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*. New York: Routledge, 1992.

Berlant, Lauren and Michael Warner. “Sex in Public.” In Michal Warner, *Publics and Counterpublics*. New York: Zone Books, 2005.

Bersani, Leo. *Is the Rectum a Grave? And Other Essays*. Chicago, IL: University of Chicago Press, 2009.

Cavarero, Adriana. *Inclinations: A Critique of Rectitude*. Stanford, CA: Stanford University Press, 2016.

Chabria, Anita. “Column: Why are e botching the monkeypox response? Blame homophobia.” *Los Angeles Times* 21 July 2022 <https://www.latimes.com/california/story/2022-07-21/monkeypox-government-response-we-can-do-better>.

Chambers, Simone. “Deliberative Democratic Theory.” *Annual Review of Political Science* Vol. 6 (2003), pp. 307-326

Dean, Tim. *Unlimited Intimacy: Reflections on the Subculture of Barbacking*. Chicago, IL: University of Chicago Press, 2009.

Derrida, Jacques. *The Politics of Friendship*. New York: Verso, 2005 [1994].

Downey, Caroline, “San Francisco Declares State of Emergency over Monkeypox Outbreak,” *National Review* 29 July 2022 <https://www.nationalreview.com/news/san-francisco-declares-state-of-emergency-over-monkeypox-outbreak/>.

Dworkin, Andrea. *Intercourse*. New York: Basic Books, 1987 (2006).

---. *Pornography: Men Possessing Women*. New York: Plume, 1989.

Dworkin, Andrea and Catherine Mackinnon. *Pornography & Civil Rights: A New Day for Women’s Equality.* Minneapolis, MN: Organizing Against Pornography, 1988. Feminists-radicales.org/wp-content/uploads/2012/05/Catharine\_A.-MacKinnon-Andrea-Dworkin-Pornography-and-Civil-Rights-A-New-Day-for-Women’s-Equality-1988.pdf

Edelman, Lee, *No Future: Queer Theory and the Death Drive*. Durham, NC: Duke University Press, 2004.

Euben, Peter J. *Platonic Noise*. Princeton, NJ: Princeton University Press, 2003.

Fahs, Breanne and Rebecca Plante. “On good sex and other dangerous ideas: women narrative their joyous and happy sexual encounters.” *Journal of Gender Studies* Vol. 26, no. 1 (2017), pp. 33-44.

Frankis, J. and P. Flowers. “Men who have sex with men (MSM) in public sex environments (PSE): A systematic review of quantitative literature.” *AIDS Care* Vol. 17, No. 3 (2005), pp. 273-288.

Fischel, Joseph J. *Screw Consent: A Better Politics of Sexual Justice*. Berekely, CA: University of California Press, 2019.

Flynn, Daniel J. “Monkeypox: The Real ‘Don’t Say Gay.’” *The American Spectator* 4 August 2022, <https://spectator.org/monkeypox-dont-say-gay/>.

Hargons, Candice N., et. al. “Black people’s constructions of good sex: Describing good sex from the margins.” *Sexualities* Vol 25, No. 5 (2022) <https://doi-org.proxy.library.upenn.edu/10.1177%2F13634607221101854>

Khatsenkova, Sophia and Isabella Jewell, “Is public health messaging around Monkeypox homophobic?” *Euronews.* July 29 2022 <https://www.euronews.com/my-europe/2022/07/27/is-public-health-messaging-around-monkeypox-homophobic>.

Jewell, Zach. “California Dem Senator on Monkeypox Response: ‘I Know People Who Normally Go to Sex Parties Who Will Not’” *Daily Waire* 4 August 2022 <https://www.dailywire.com/news/california-dem-senator-on-monkeypox-response-i-know-people-who-normally-go-to-sex-parties-who-will-not>.

Kipnis, Laura. *Bound and Gagged: Pornography and the Politics of Fantasy in America.* Durham: Duke, 1998.

---. *Unwanted advances: sexual paranoia comes to campus.* New York: Harper, 2017. E-Pub.

Klein, Hugh. “Anonymous sex and HIV risk practices among men using the Internet specifically to find male partners for unprotected sex.” *Public Health* Vol. 126 (2012), pp. 471-481.

Kupferschmidt, Kai. “We Can Fight Monkeypox Without Hysteria or Homophobia.” *New York Times* 4 August 2022 <https://www.nytimes.com/2022/08/04/opinion/monkeypox-communication.html>.

MacKinnon, Catherine. *Feminism Unmodified: Discourses on Law and Life*. Cambridge: Harvard University Press, 1987.

Metz, Julia, Kristen Myers, and Patricia Wallace. “Rape is a man’s issue: gender and power in the era of affirmative sexual consent.” *Journal of Gender Studies* Vol. 30, No. 1 (2021), pp. 52-65.

Mouffe, Chantal. “Deliberative Democracy or Agonistic Pluralism,” *Social Research* 66(3): 745-758 (1999).

---. *The Democratic Paradox*. New York: Verso, 2005.

Nappa, Maria Rosaria, et. al. “I Do Not Like Being Me: the Impact of Self-Hate on Increased Risky Sexual Behavior in Sexual Minority People.” *Sexuality Research and Social Policy*. Vol. 19 (2022), pp. 737-750

Nash, Jennifer C. “Pedagogies of Desire.” *Differences: A Journal of Feminist Cultural Studies*. Vol. 50, No. 1 (2019), pp. 197-217.

Owens, Emily A. “Consent.” *Differences: A Journal of Feminist Cultural Studies*. Vol. 50, No. 1 (2019), pp. 148-156

Parry, Josh. “LGBT groups demand more action on monkeypox.” *BBC News*. 5 August 2022. <https://www.bbc.com/news/uk-62425720>.

Perez-Brumer, Amaya G, Catherine E. Oldenburg, Eddy R. Segura, Jorge Sanchez, Javier R. Lama, and Jesse L. Clark. “Anonymous partnerships among MSM and transgender women (TW) recently diagnosed with HIV and other STIs in Lima, Peru: an individual-level and dyad-level analysis.” *Sexually Transmitted Infections* Vol. 92, No. 7 (2016), pp. 554-557.

Pettit, Philip. “The common good.” In Keith Dowding, Robert E. Goodin and Carole Pateman, eds. *Justice and Democracy*. Cambridge: Cambridge University Press, 2004. pp. 150-169.

Rubin, Gayle. “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality.” *Deviations: A Gayle Rubin Reader*. Durham, NC: Duke University Press, 2011.

Semple, Shirley J., Thomas L. Patterson, and Igor Grant. “Psychosocial Characteristics and Sexual Risk Behavior of HIV+ Men Who Have Anonymous Sex Partners.” *Psychology and Health*. Vol. 19, No. 1 (2004), pp. 71-87.

Srinivasan, Amia. *The Right to Sex.* New York: Bloomsbury, 2021.

Stick, Man and Tina Fetner. “Feminist Men and Sexual Behavior: Analyses of Men’s Sex with Women.” *Men and Masculinities* Vol. 24, No. 5 (2021), pp. 780-801.

Thornhill, et. al. “Monkeypox Virus Infection in Humans across 16 Countires – April-June 2022” *The New England Journal of Medicine* 21 July 2022 https://www.nejm.org/doi/full/10.1056/NEJMoa2207323.

Tomso, Gregory. “Viral Sex and the Politics of Life.” *South Atlantic Quarterly* Vol. 107 No. 2 (Spring 2008), pp. 265-285.

Warner, Michael. *Publics and Counterpublics*. New York: Zone Books, 2005.

Wolin, Sheldon. *Fugitive Democracy: And Other Essays*. Edited by Nicholas Xenos. Princeton, NJ: Princeton University Press, 2016.

World Health Organization. “Joint ECDC-WHO Regional Office for Europe Monkeypox Surveillance Bulletin.” *European Center for Disease Prevention* 3 August 2022 <https://monkeypoxreport.ecdc.europa.eu/>

1. World Health Organization. “Joint ECDC-WHO Regional Office for Europe Monkeypox Surveillance Bulletin.” *European Center for Disease Prevention*. [↑](#footnote-ref-1)
2. Thornhill, et. al. “Monkeypox Virus Infection in Humans across 16 Countries – April-June 2022” *The New England Journal of Medicine*. [↑](#footnote-ref-2)
3. Kupferschmidt, Kai. “We Can Fight Monkeypox Without Hysteria or Homophobia.” *New York Times*; Chabria, Anita. “Column: Why are e botching the monkeypox response? Blame homophobia.” *Los Angeles Times* 2; Khatsenkova, Sophia and Isabella Jewell, “Is public health messaging around Monkeypox homophobic?” *Euronews.* [↑](#footnote-ref-3)
4. Jewell, Zach. “California Dem Senator on Monkeypox Response: ‘I Know People Who Normally Go to Sex Parties Who Will Not’” *Daily Wire*; Flynn, Daniel J. “Monkeypox: The Real ‘Don’t Say Gay.’” *The American Spectator* 4; Downey, Caroline, “San Francisco Declares State of Emergency over Monkeypox Outbreak,” *National Review* [↑](#footnote-ref-4)
5. Abad-Santos, Alex. “The US monkeypox response is failing queer men.” *Vox*; Parry, Josh. “LGBT groups demand more action on monkeypox.” *BBC News*. [↑](#footnote-ref-5)
6. Rubin, *Deviations: A Gayle Rubin Reader*, 154. [↑](#footnote-ref-6)
7. Srinivasan, *The Right to Sex*, 36. [↑](#footnote-ref-7)
8. Fischel, *Screw Consent*, 15-16. [↑](#footnote-ref-8)
9. Benhabib, “Toward a Deliberative Model of Democratic Legitimacy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, 68. [↑](#footnote-ref-9)
10. Chambers, “Deliberative Democratic Theory,” 308. [↑](#footnote-ref-10)
11. Benhabib, 70. [↑](#footnote-ref-11)
12. Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*, 74. [↑](#footnote-ref-12)
13. Chambers, 309. [↑](#footnote-ref-13)
14. Mouffe, “Deliberative Democracy or Agonistic Pluralism,” 749 and 751. [↑](#footnote-ref-14)
15. Mouffe, *The Democratic Paradox*, 95. [↑](#footnote-ref-15)
16. Mouffe, “Deliberative Democracy or Agonistic Pluralism,” 753. [↑](#footnote-ref-16)
17. Mouffe, ibid., 755-756. [↑](#footnote-ref-17)
18. Davis and Dean, *Hatred of Sex*, 16-17, 20. [↑](#footnote-ref-18)
19. Derrida, *The Politics of Friendship*, 306. [↑](#footnote-ref-19)
20. Derrida, ibid. [↑](#footnote-ref-20)
21. Wolin, *Fugitive Democracy*, 100. [↑](#footnote-ref-21)
22. Wolin, 107. [↑](#footnote-ref-22)
23. Wolin, 100. [↑](#footnote-ref-23)
24. Wolin, 102. [↑](#footnote-ref-24)
25. Wolin, 107. [↑](#footnote-ref-25)
26. Euben, *Platonic Noise*, 115. [↑](#footnote-ref-26)
27. Euben, ibid. [↑](#footnote-ref-27)
28. Euben, 116. [↑](#footnote-ref-28)
29. Euben, 119. [↑](#footnote-ref-29)
30. Fischel, Screw Consent, 15-16, 83 [↑](#footnote-ref-30)
31. Benhabib, “toward a Deliberative Model of Democratic Legitimacy,” 67. [↑](#footnote-ref-31)
32. Pettit, Philip. “The common good.” In *Justice and Democracy*, 155; 163-164. [↑](#footnote-ref-32)
33. Rubin, 160. [↑](#footnote-ref-33)
34. Rubin, 144. [↑](#footnote-ref-34)
35. Rubin, 147. [↑](#footnote-ref-35)
36. Rubin, 147. [↑](#footnote-ref-36)
37. Rubin, 146-147. [↑](#footnote-ref-37)
38. Rubin, 147. [↑](#footnote-ref-38)
39. Rubin, 151. [↑](#footnote-ref-39)
40. Rubin, 172. [↑](#footnote-ref-40)
41. Rubin, 154. [↑](#footnote-ref-41)
42. Rubin, 153. [↑](#footnote-ref-42)
43. Rubin, 160-161. [↑](#footnote-ref-43)
44. Warner, *Publics and Counterpublics*, 219-221. [↑](#footnote-ref-44)
45. Berlant and Warner, 189-190. [↑](#footnote-ref-45)
46. Berlant and Warner, 199. [↑](#footnote-ref-46)
47. Berlant and Warner, 199. [↑](#footnote-ref-47)
48. Berlant and Warner, 202. [↑](#footnote-ref-48)
49. Berlant and Warner, 208. [↑](#footnote-ref-49)
50. Bersani, *Is the Rectum a Grave?,* 10-12. [↑](#footnote-ref-50)
51. Bersani, ibid., 9. [↑](#footnote-ref-51)
52. Bersani, ibid., 23. [↑](#footnote-ref-52)
53. Bersani, 25. [↑](#footnote-ref-53)
54. Bersani, 30. [↑](#footnote-ref-54)
55. Bersani, 19-20. [↑](#footnote-ref-55)
56. Bersani, 22. [↑](#footnote-ref-56)
57. Bersani, 59-60. [↑](#footnote-ref-57)
58. Edelman, 9, 16, 134. [↑](#footnote-ref-58)
59. Tomso, 267. [↑](#footnote-ref-59)
60. Tomso, 268-270. [↑](#footnote-ref-60)
61. Tomso, 280-281. [↑](#footnote-ref-61)
62. Tim Dean, 6. [↑](#footnote-ref-62)
63. Dean, 11, 19-21, 67. [↑](#footnote-ref-63)
64. Frankis and Flowers, “Men who have sex with men in public sex environments,” 282. [↑](#footnote-ref-64)
65. Semple, et. al., “Psychosocial Characteristics and Sexual Risk Behavior of HIV+ Men Who Have Anonymous Sex Partners,” 77. [↑](#footnote-ref-65)
66. Perez-Brumer, et. al., “Anonymous partnerships among MSM and transgender women…” 555-556. [↑](#footnote-ref-66)
67. Klein, “Anonymous sex and HIV risk practices among men using the Internet…,” 475. [↑](#footnote-ref-67)
68. Semple, et. al., 82-83; Klein, 476. [↑](#footnote-ref-68)
69. Ashford and Longstaff, “(Re)regulating gay sex in viral times,” 1561-1562. [↑](#footnote-ref-69)
70. MacKinnon, *Feminism Unmodified,* 40. [↑](#footnote-ref-70)
71. MacKinnon, 49. [↑](#footnote-ref-71)
72. Ibid. [↑](#footnote-ref-72)
73. Dworkin, *Pornography*, 23. [↑](#footnote-ref-73)
74. Dworkin, *Intercourse*, 174. [↑](#footnote-ref-74)
75. Dworkin, *Pornography*, 23-24, 164. [↑](#footnote-ref-75)
76. MacKinnon, 85-87. [↑](#footnote-ref-76)
77. MacKinnon, 91. [↑](#footnote-ref-77)
78. MacKinnon, 149; Dworkin and MacKinnon, *Pornography & Civil Rights*, 38. [↑](#footnote-ref-78)
79. Dworkin, *Intercourse*, 83. [↑](#footnote-ref-79)
80. Dworkin, *Pornography*, 24. [↑](#footnote-ref-80)
81. Dworkin, *Pornography*, 45, 57. [↑](#footnote-ref-81)
82. Nash, “Pedagogies of Desire,” 213. [↑](#footnote-ref-82)
83. Kipnis, *Unwanted Advances*. [↑](#footnote-ref-83)
84. Kipnis, *Bound and Gagged*, 27. [↑](#footnote-ref-84)
85. Kipnis, *Bound and Gagged*, 199-200. [↑](#footnote-ref-85)
86. Kipnis, *Unwanted Advances*. [↑](#footnote-ref-86)
87. Kipnis, ibid. [↑](#footnote-ref-87)
88. Srinivasan, *The Right to Sex*, 21. [↑](#footnote-ref-88)
89. Srinivasan, 29. [↑](#footnote-ref-89)
90. Fischel, *Screw Consent*, 15-16. [↑](#footnote-ref-90)
91. Fischel, 133. [↑](#footnote-ref-91)
92. Srinivasan, 36. [↑](#footnote-ref-92)
93. Fischel, 15, 133. [↑](#footnote-ref-93)
94. Nash, “Pedagogies of Desire,” 201. [↑](#footnote-ref-94)
95. Nash, 201; 204-205. [↑](#footnote-ref-95)
96. Owens, “Consent,” 150. [↑](#footnote-ref-96)
97. Owens, 149. [↑](#footnote-ref-97)
98. Metz, Myers, and Wallace, “Rape is a man’s issue,” 53-54, 58. [↑](#footnote-ref-98)
99. Cavarero, *Inclinations*, 10-11. [↑](#footnote-ref-99)
100. Anderson, “A Phenomenological Approach to Sexual Consent,” 3, 14-15. [↑](#footnote-ref-100)
101. Fahs and Plante, “On good sex and other dangerous ideas,” 38 and 41. [↑](#footnote-ref-101)
102. Stick and Fetner, “Feminist Men and Sexual Behavior,” 792. [↑](#footnote-ref-102)
103. Hargons, et. al., “Black people’s constructions of good sex.” [↑](#footnote-ref-103)
104. Nappa, et. al., “I Do Not Like Being Me,” 743. [↑](#footnote-ref-104)
105. Srinivasan, 85-86. [↑](#footnote-ref-105)