In this chapter, I argue that dependency-workers’ relational vulnerability is a direct result of an excessively restrained state that ignores and masks the reality of the embodied human condition. Instead, the state promotes an artificial illusion of invulnerable personhood, whereby the individual is imagined as always at the peak of physical power and capable of existing without depending on the state or other individuals. This illusion is enabled by the state-constructed private family, the institution that assumes primary responsibility for dependency-work, thus removing its visibility and value from public view. The private family allows the state to remain restrained and unconcerned about unequal distribution of work and resources among its citizens. Within the family, dependency-work remains gendered, tied to the idealised female roles of mother, wife, or daughter, which further reduces its perceived value.

I begin the chapter by exploring the notion of inherent embodied vulnerability. I argue that embodied vulnerability is temporal, marked by fluctuations in bodily strength and capability throughout the life course. The biological lifecycle is characterised on the one hand by the inevitability and relentless-ness of time’s passage and its attendant impact on the body, and on the other by the unpredictability and unknowability of the future and its potential harms. The duality of vulnerability’s inevitability and unpredictability necessitates that all persons exist within a wide network of relationships, both with other individuals and with the state and its institutions, including the family (Fineman 2017). Rather than arising naturally and organically, this network is governed and shaped by the state, and has the potential to not only empower but also harm the individual (Nedelsky 2011; Leckey 2008).
I then go on to consider the idealised version of personhood promoted by liberal and neoliberal ideologies: the “autonomous liberal subject” (Fineman 2004, 2008). This is an unrealistic ideal, artificially frozen in time, free of the inevitability and unpredictability characterising the vulnerable human condition. The state stigmatises those who are unable to conform to the ideal, labelling it individual failure and absolving itself of responsibility. The illusion of invulnerable personhood is made possible through the state’s structuring of relations in such a manner as to hide evidence of dependency-work and vulnerability from public view. The construction of the private family with its gendered and sentimentalised roles ensures that the state can absolve itself of responsibility for vulnerability and dependency.

Finally, I consider how the illusion of invulnerability is achieved at the dependency-worker’s expense. Drawing on Fineman’s notion of “embeddedness” (Fineman 2017), I argue that dependency-workers become situated within an unsupportive and potentially harmful relational network, whereby the state’s institutions (primarily the private family) provide insufficient support and resilience. Within this discussion, I acknowledge that the private family itself is a fragile institution, increasingly liable to breakdown, following which the dependency-worker’s relational vulnerability is often exacerbated. Importantly, performing dependency-work also prevents an individual from amassing resources that can provide relief against the inevitability and unpredictability of inherent embodied vulnerability. This places the dependency-worker at considerable disadvantage and exposes her to a range of preventable harms.

**Embodied Vulnerability: Temporality and Rhythms**

The physical and material body constitutes human existence, and, in that sense, we are no different from any other living species on Earth. Yet, as I argue in this chapter, within legal and political thought (based on liberal theories of personhood), the human body is so often overlooked, taken for granted, or regarded as a mere vessel for the more important mind—a mind frequently thought capable of transcending the body. The core tenet of vulnerability theory is that the material reality of the vulnerable body must be at the core of state concern. As this book argues, dependency-workers are subjected to preventable harms precisely because the materiality of the body and its inherent limitations and dependencies are overlooked and ignored. In my theoretical centring of the material body, I could potentially be accused
of promoting a biologically deterministic perspective, or of contradicting the critical and postmodern feminist view that the body is primarily a product of social construction (see, e.g., Butler 1990; Lamble 2009). However, neither accusation would be warranted, in my view. Recognition of the body’s materiality does not in any way preclude recognition that the way that it is understood is socially constructed. Indeed, throughout the book, I expose and critique the harmful gendered norms that constitute the private family—norms that are frequently bolstered by appeals to biological ‘fact’ (which is an example of biological determinism). In particular, this can be seen in the societal and legal depiction of dependency-work as a female vocation and thus devoid of wider social value. Additionally, socially created categories of race, sexuality, and gender-presentation also affect how bodies that deviate from expectation or ideal are viewed by society and experienced by those who inhabit them. In this book, I nonetheless rely on the existence of a ‘pre-social’ body that can be analysed in separation from the body as it comes to be understood in social, cultural, and legal discourses. This biological body will continue to exist and to impose various limitations on us, regardless of how we choose to understand it and regardless of our desire or belief that the mind can transcend and overcome the body’s limitations.

Acknowledging the vulnerable human condition involves recognising the body’s complete dependency on its environmental surroundings. Humans, like any other living creatures, require constant nourishment, rest, and repair in order to function effectively. The human body is vulnerable because, without a careful equilibrium of various natural conditions, it would very quickly perish. As Grear (2011b, p. 40) argues, “the interrelational structure of our embodied existence firmly locates us as part of the living order, continuously intimate with its lived, pulsating movements”. The body depends on the functioning of the ecosystem surrounding it, with even minor imbalances bringing potentially devastating consequences.

In the pursuit of modernity, capital growth, and ‘progress’, the body’s place in, and dependence upon, the natural order is obscured, with humans viewing themselves as independent of, and superior to, the rest of nature and capable of transcending bodily limitations. Sociologists have noted the displacement of the constant rhythms and cycles of the natural body, which have given way to a linear temporality of progress (Adam 1995; Young 1988). This fictional vision of humanity crumbles immediately upon the occurrence of crisis events such as famines caused by crop failures, destruction from flooding, droughts, or fires. A pertinent illustration is that, at the time of writing this, the world finds itself in the grip of the COVID-19 pandemic. This has, in a very short space of time, radically transformed areas of life that
we previously took for granted and brought our inherent bodily limitations into sharp focus. The virus has provided a stark reminder that capitalist societies governed by neoliberal politics of individualism are inherently fragile, founded on mythical notions of permanent strength and invulnerability that become meaningless in the face of incontrovertible evidence of our universal helplessness.

Temporalising Embodied Vulnerability: Inevitability and Unpredictability

I regard embodied universal vulnerability as consisting not only of the material flesh and blood of the human body that is reliant on equilibrium within the natural order, but also of a relationship to time—one where “[i]nstead of containing and controlling time, life succumbs to its rhythms, direction, and forces, to the ever pressing forces of developments, growth and decay” (Grosz 2004, p. 5). As I explore in this section, embodied vulnerability is a temporally fluctuating state, progressing through different stages throughout the biological life course from birth to death. These stages are universal, inevitable, and irreversible. In addition to this inevitability, the human condition is marked by the constant risk and unpredictability, against which humans can never fully protect and insure themselves, of unforeseen accident or injury that forces a change to the individual’s expected life trajectory.

Inherent embodied vulnerability consists partly of the fact that all humans at any given time are situated at a certain point of the life course and all are governed by its “single relentless movement forward” (Grosz 2004, p. 6). Despite the desire to harness and govern time (Adam 1998), humankind cannot ultimately in any meaningful sense control the stages and changes that the body moves through before it eventually dies. As modern technology and techniques develop, it is increasingly possible to maintain a pretence of being able to ‘cheat time’ in terms of its impact on the body, through human interventions such as rejuvenation surgeries, artificial reproduction, and life-prolonging medications (Menzies 2000). Yet, while these measures may give rise to a brief illusion of being able to stop or alter the course of time, they are always limited, ultimately allowing biological reality to catch up. Part of being vulnerable is the fact that this biological ‘march forward’ cannot be stopped or avoided (see Grosz 2004, p. 5). Bodily strength is always a temporary, rather than permanent, state and will ultimately give way to the cycle of decline and decay.
The extent to which the body is dependent on others fluctuates throughout the life course (see Fineman 2017). Newborns are completely helpless, in need of constant care to survive. The dependency of childhood gradually gives way to the relative self-sufficiency of adulthood, which is marked by an increase in physical bodily strength and control. While this time at peak physical power may last some considerable time, there will come a point after middle adulthood when the body begins a gradual process of decline, until it eventually dies. There is a clear intersection between this cyclical experience of the body’s strength, and the notion of dependency. Fineman argues that vulnerability is conceptually distinct from dependency. The former, she argues, is constant, whereas the latter is “episodic, sporadic and largely developmental in nature” (Fineman 2008, p. 9). On the one hand, as discussed above, all human bodies are dependent, at a basic level, upon sustenance, rest, and ecological equilibrium. However, here, Fineman is referring to dependency in a relational sense, whereby one person is either wholly or partly dependent upon others to meet her basic needs (see also Kittay 1999), a state that indeed is episodic and varies between individuals. In contrast to dependency, embodied vulnerability is constantly present, yet it is simultaneously fluctuating in terms of the body’s movement through the life course. Decline in bodily strength may bring about helplessness, rendering the individual dependent on others to meet her basic needs, but, other than in the case of infancy, it is not inevitable. What is inevitable is that there will be a degree of decline in bodily strength during the later part of life, which will affect how the individual experiences her vulnerability and which may necessitate different treatment and protections to those necessary for somebody situated at an earlier state of the lifecycle. This means that it is simultaneously possible to maintain that all persons are vulnerable but to also explain cogently why children and the elderly may require special measures and protections (even though not all elderly persons will be situated within a direct dependency-relationship). Far from undermining the thesis of vulnerability’s universality (as Kohn [2014], for instance, has suggested it does), focusing on an identifiable group experience acknowledges that all humans are situated within the same cycle, but that vulnerability is a condition that fluctuates through life and is marked by periods of varying capabilities. At some stages in our lives, we are helpless and utterly dependent on those around us, whereas at other times, we are imbued with physical strength and can endure hardships that those situated in different stages of the life course cannot. Yet, even if we are currently situated at a point in the cycle characterised by physical strength, we cannot escape the fact that this state is temporary and will inevitably be lost. It is this inescapability that constitutes our inherent vulnerability.
The second temporal tenet of inherent vulnerability consists of the embodied individual’s exposure to risk and unpredictability; what Reith (2004, p. 383) has termed “the state of uncertainty—of not knowing, and therefore being unable to control, the unfolding of the future and the state of the world”. Just as it is impossible to halt the inevitable physical decline brought about by the biological life course, we are also powerless in the face of the risks to the body that the unknown future holds. As Fineman has argued, “[w]e are beings who live with the ever-present possibility that our needs and circumstances will change” (Fineman 2008, p. 12).

The presence of risk of harm is a reminder that we cannot escape our bodies and, try as we might, are unable to eliminate the possibility of falling victim to unforeseen future circumstances. We can try to insure against it through various anticipatory and precautionary mechanisms (see Anderson 2010), and through the material resources that can engender resilience against potential future events, but complete elimination of the risk is impossible. The constant presence of potential future harm illustrates another example of the lack of human control over time’s passage. While humans may have gained knowledge of the biological aspects of the life course through understanding and categorising its temporal phases (Grosz 2004), such understanding can never provide absolute certainty. Unforeseen bodily harms in the form of accident and injury have the power to alter the course of the expected trajectory in an instant, cutting the life itself short or rendering even the strongest individual completely helpless and dependent on the care of those around her. Should these unforeseen events occur, they force a reconceptualisation of the individual self and her previously imagined life path. At this point, it is no longer possible, as we too frequently do, to imagine decline and death as far away in a distant future and of no concern in the present, when the body ceases to function or declines at an unexpected moment of life (see Bury 1982).

### Embodied Vulnerability and Relationality

Feminist scholars have long argued that humans are not merely free-standing, atomistic agents but, rather, are relationally constituted, situated within a “myriad interpersonal and institutional interconnections” (Harding 2017, p. 15). As Nedelsky argues:

> Each individual is in basic ways constituted by networks of relationships of which they are a part—networks that range from intimate relations with parents, friends, or lovers to relations between student and teacher, welfare recipient...
and caseworker, citizen and state, to being participants in a global economy, migrants in a world of gross economic inequality, inhabitants of a world shaped by global warming. (Nedelsky 2011, p. 19)

Acknowledgement of relationality forms a core component of the universal vulnerability thesis. As Butler (2014) notes, “the body…is defined by the relations that makes its own life and action possible”, and “we cannot understand bodily vulnerability outside this conception of relations”. Similarly, Fineman (2017, p. 134) explains that, “as embodied beings, individual humans find themselves dependent upon, and *embedded* within, social relationships and institutions throughout the life course” (emphasis added). The numerous relations between humans, and between humans and institutions, are all intrinsically rooted in the embodied vulnerable condition and its inevitability and unpredictability. At periods of inevitable bodily decline and, in the event of unforeseen harm, the vulnerable subject will be particularly dependent upon her network of relationships. Thus, it is vital that this network is supportive and empowering, operating to mitigate harms that may otherwise ensue.

It is important to stress that recognition of the intrinsically relational nature of personhood does not mean uncritically accepting all these various relationships (see Harding 2017). An individual’s relational network has the potential to be resilience-enhancing, providing empowerment and protection against the negative aspects of embodied vulnerability. However, as I explore in this book, some relational networks can be *dis*empowering and can even directly harm the individual, producing additional harms over and above those of the human condition. I argue that this is the case for dependency-workers within the private family due to the state’s devaluation of the work they perform. In distinguishing between the nature and quality of different networks, it is necessary to note that *all* relationships, no matter how seemingly ‘private’ or intimate, are shaped by various outside influences. This is particularly the case for the private family, which is constructed through numerous laws, policies, and ideologies that define its roles and functions (Nedelsky 2011; Leckey 2008). By contrast, as I explore in more detail below, liberal theoretical accounts depict interpersonal and family relationships as natural, organic and, above all, *freely chosen*, denying the influence of the state and its institutions on their constitution.

Just as the embodied human condition is both inevitable and unpredictable, so too is the constant work required to sustain it. The definition of dependency-work that I employ in this book encompasses all forms of social reproduction and caregiving that occur within the family. It also extends to the wide range of labour involved in producing and maintaining the home
for the benefit of other family members. Providing care for a person who is unable to do so themselves represents the most time-intensive aspect of dependency-work and it is this facet that can be unpredictable. It cannot be foreseen whether our own body will fall victim to future accident or injury, and nor can it be predicted whether this fate will befall someone in our relational network, potentially requiring us to abandon our own expected life trajectory to provide the necessary care and support. While it might be said in loose terms (albeit that not all parenthood is planned), that becoming a parent involves foreseeable dependency-work with relatively clear temporal boundaries and an identifiable endpoint, decreasing in intensity as children gradually acquire maturity and increased independence, the same is not true for elderly care. The existence of a growing ageing population within a neoliberal society that provides relatively minimal state support means that there is an increased likelihood of an adult child being called upon to perform dependency-work for her elderly parents. Orel et al. (2004, p. 39) have termed elderly care a “disruptive life-event” for adult children or other family members, as it has a substantial impact on the dependency-worker’s ability to make provision for her own old age.

Relationality, Temporality, and Reliance on the Future Self

The vulnerable individual’s relational network can provide a protective buffer, or resilience, against potential hardship resulting from embodied vulnerability. While the physical effects of ageing or illness cannot be completely eliminated or avoided, the individual’s experience of these will vary greatly depending on the degree of relational support she has available, both from other individuals, or directly from the state and its institutions. In addition to this, there is a further temporal dimension of human relationality that relates to the extent to which the individual herself can provide some insurance and protection for her future self through amassing resources in the present day that can be used later. As I explored above, our bodily strength fluctuates and follows cycles and patterns throughout the life course. However far away it may appear at times, bodily decline is an inevitability for us all as we age. Accident and illness are not inevitable but remain a constant risk, no matter how prudent we imagine ourselves to be. As a result, as well as relying on others and upon state institutions, our future, less physically powerful selves depend upon the actions and decisions we take in the present day, which will come to affect us in later life. Material resources and assets (in the form of savings, real property, or pensions) can be amassed during times of physical

...
strength in order to ensure that future physical deterioration becomes less of a daunting prospect. It ensures a limited degree of certainty in the face of an otherwise unknown future. It is never a guarantee that these resources will remain available to the individual at a later date (or that they will be sufficient to meet her needs), but they nonetheless provide an element of reassurance that is stronger than reliance on unknown future state support.

Under the restrained state, the future self is particularly reliant on the actions of the present self because there is no guarantee that the state and its institutions will offer any provision in future periods of decline. In the UK, the welfare state has been in gradual retreat for several decades, with successive government policies leading to the erosion of funding for the National Health Service, withdrawal of public legal funding, and a reduction in pension provision. This has been coupled with a rising retirement age and an increased expectation of self-sufficiency into old age. As I explore in more detail below, neoliberal state policies promote individual responsibility throughout life with seemingly little concern for issues relating to bodily decline or dependency. Therefore, in a neoliberal era, the individual is expected, rather than merely advised, to take actions in the present day that will provide a greater measure of material security for old age or for unforeseen illness or accident. Individual ownership of material resources acquires particular significance because the future state and its institutions are unlikely to provide adequate resilience against declining bodily strength.

The State’s Role in Shaping Relational Networks

As I explained above, the relational structures in which we all exist do not arise organically in a state of nature, but rather are shaped and structured by a myriad of external influences, ultimately governed by the state. Here, I employ a broad definition of state, acknowledging that “the domain we call the state is not a thing, system, or subject but a significantly unbounded terrain of powers and techniques, an ensemble of discourses, rules, and practices” (Brown 1992, p. 12). My focus in this book centres particularly on law’s influence on relational networks. Law provides an especially powerful mode of regulation due to the power it claims for itself and the reverence that it is afforded. It lends credence to socially constructed concepts, reinforcing them as true and incapable of challenge (Smart 1989).

A core argument in this book is that the way that the state, through law and legal discourses, chooses to structure the private family can lead to some individuals suffering additional hardship that cannot be directly attributed to the embodied human condition and is therefore a more-than-ordinary
form of vulnerability. I will return below to the concept of relational vulnerability and how it manifests, but before doing so, it is necessary to trace how the body has been defined and construed in liberal political and legal writings, paying attention to how the construction of the body in liberal theories contrasts with the temporally fluctuating, dependent, and fragile body that I have described in this chapter.

Frozen in Time: The Autonomous Liberal Subject

In this section, I want to consider how the body currently appears in liberal legal and political discourses that are based around the foundational principle that the individual is autonomous and self-sufficient rather than vulnerable and dependent. Beneath liberal theory and the restrained state’s law and policies lies a fictional vision of humanity—the ideal autonomous liberal subject that was briefly discussed in Chapter 1. This imagined version of personhood influences law and policy as well as how law is interpreted by judges, lawyers, and other legal actors. The autonomous liberal subject has often been accused of being disembodied, of being constituted completely in separation from the body (Ahmed 1995; Fineman 2008). Yet, as I discuss below, the liberal subject’s body does make various appearances within liberal theoretical writings and it cannot therefore be said to be wholly disembodied. Instead, I suggest, the liberal subject’s body is one that is both materially and temporally artificial, bearing little resemblance to the vulnerable body discussed earlier in the chapter. Laws and policies constructed around this artifice serve to stigmatise and marginalise vulnerability, penalising and blaming those who cannot emulate the ideal.

The physical body features in various liberal legal writings, demonstrating Grear’s (2011a, p. 42) assertion that “bodies can never completely disappear in law”. Within liberalism, and legal liberalism in particular, the body provides “the physical boundary which defines the rights-bearing subject” (Halewood 1995, p. 1335). One example can be found in Locke’s (1689/1978) famous theory of self-ownership, or “property in the person”, which justifies legal ownership of things on the basis of physical labour performed by the body, which subsequently attaches to the property in question. Property in the subject’s body and in tangible things also comes to mark the limits of intervention, either by other individuals or by the state. As Waldron (1988, p. 183) argues, Locke’s theory defines inviolable personhood “in the first instance by the boundaries of one’s body but extendable to comprehend the objects one has appropriated”. Liberal conceptions of
embodiment can also be seen in Nozick's (1974, p. 87) description of a “hyper-plane”, which constitutes the human body as a physical boundary or “moral space” into which others must not intrude.

As Harris (1996) argues, bodily integrity is fundamental to the idea of individual autonomy, which is the core tenet of liberal theories of personhood. He explains that:

> Any society committed to conceptions of universal individual freedom takes it as axiomatic that one of the most fundamental freedoms is what we may call the ‘bodily-use freedom principle’: a person is free to use his body as he pleases and at his say-so, to permit or refuse bodily (and especially sexual) contacts with others. (Harris 1996, p. 62)

However, as I will now discuss, while the body does feature in liberal theories, this is a body that takes a different form, both materially and temporally, from the fragile, constantly in flux, temporally situated vulnerable body that has been described in this chapter.

### The Body as Secondary to the Mind

Within liberal theory, humans are frequently distinguished from the remainder of the natural order by virtue of their capacity for rational thought, which is believed to render them superior to other living things (see, e.g., Kant 1996). In the desire to demonstrate this, the biological and embodied elements of personhood that illustrate the interconnections between humans and the natural world are often denied, “accompanied by disregard for the well-being of the non-human animals and by an exploitative attitude towards the environment” (Greear 2011b, p. 25). As Halewood argues, “liberal rights theory separates itself from the body, basing its universalism on the equality with which it attaches to all legal subjects as abstract wills or personalities, rather than as particularly instantiated or situated bodies” (Halewood 1995, p. 1336). The mind and the ability to reason and think rationally becomes the primary focus within these theories, whereas the body is treated as a mere vehicle that enables the human subject to exercise autonomy and reason, regarded as “surplus material” (Halewood 1995, p. 1337). The abandonment of the material body within liberal theory is not accidental. Rawls’ (1971) theory of justice, for example, which famously positions the subject behind a ‘veil of ignorance’ specifically requires that the individual’s bodily context and situatedness be absent or concealed. Under liberal accounts, the rational
mind transcends and is infinitely superior to the body it inhabits, and it can be said that the liberal subject has a body rather than is a body.

The liberal body’s temporality is also different from that of the vulnerable body that I have discussed above. While the different stages of human biological development may be given cursory attention, the episodes of dependence that they generate are not of central importance to the liberal understanding of personhood. Instead, the emphasis is on the times during life that the individual possesses physical power and control over her body, and this is regarded as a permanent rather than temporary state. Fineman (2010, p. 265) argues that liberal theory imagines the dependency of infancy and childhood that we all experience as “merely a stage that the liberal subject has long ago transcended or left behind and is, therefore, of no pressing theoretical interests as they develop their grand theoretical explorations in legal and political theory”. Additionally, the inevitable decline in physical strength of old age lies too far in the future to be worthy of serious contemplation, and the liberal subject fancies itself as almost immortal in the sense that it fails to acknowledge the universal nature of the ageing experience, which is othered and treated with disdain (see Segal 2013). This is also linked to the liberal tradition’s emphasis on constant economic productivity, which presumes the possession of an able and physically strong body. Even though ageing is a fate that will befall all of us (unless we die prematurely), it is imagined as a societal burden, even denoting blameworthiness on the part of the elderly for failing to live up to the able-bodied ideal (Hayes 2014).

Part of the liberal body’s artificiality can be traced to the theory’s belief that the autonomous individual is in control of time and that the uncertain future can be harnessed and managed through prudent behaviour and rational action (Anderson 2010; Reith 2004). The natural physical decline of old age and the constant risks of injury or disability that form part of the universal human experience become separated from the able-bodied norm in liberal thought. They are too often regarded as things that befall others, who are less fortunate or who have failed to act prudently in order to protect themselves against risk. Here, Giddens’ (1991) idea of “colonising the future” is an apt one, referring to humans’ efforts to overcome their uncertain temporality and maintain the illusion that the future can be controlled after all. It also demonstrates adherence to O’Malley’s (1996) notion of “neoliberal prudentialism”, whereby the rational individual is expected to take control of her own welfare through safeguarding against any future risks, illustrating the various ways that the individual is required to take responsibility in the present day for her dependent future self.
Within liberal and neoliberal accounts of personhood, visible representations of vulnerability, which deviate from the physically strong and able-bodied norm, are stigmatised and blamed on individual failure to exercise prudence. As Wendell has powerfully argued in the context of disability, bodily ‘misfortunes’ are frequently depicted as events that befall others rather than the responsible self, in an attempt to avoid confronting the realities and limitations of embodiment:

The disabled are not only de-valued for their de-valued bodies…., they are constant reminders to the able-bodied of the negative body- of what the able-bodied are trying to avoid, forget and ignore… For example, if someone tells me she is in pain, she reminds me of the existence of pain, the imperfection and fragility of the body, the possibility of my own pain, the inevitability of it. The less willing I am to accept all these, the less I want to know about her pain; if I cannot avoid it in her presence, I will avoid her. I may even blame her for it. I may tell myself that could have avoided it, in order to go on believing that I can avoid it. I want to believe that I am not like her; I cling to the differences. Gradually, I make her ‘other’ because I don’t want to confront my real body, which I fear and cannot accept. (Wendell 1989, p. 113, emphasis in original)

The body’s physicality as imagined in liberal theory differs from the vulnerable one, allowing a bright-line distinction to be made between those who appear to conform to the ideal and those who do not. The liberal perspective persistently regards personhood as a fixed and “bounded” (Nedelsky 1990) state, rather than acknowledging the body’s fluctuations in strength and capacity and its total dependence on its environmental surroundings for sustenance and rejuvenation. As Grear (2011b, p. 28) explains, “[r]eason is…disembodied to such an extent that rationality itself is understood as ‘transcending the structures of bodily experience’”. There are various examples within the theory where visible vulnerability and embodiment is used to ‘other’ and associate with the material those that do not correspond to the autonomous ideal and therefore deny their rationality. Historically, this has often been the case with women and people of colour, whose inferior societal status has sought to be justified through references to their visible embodiment and, by analogy, their irrationality (see Bottomley 2002). The hypothetical liberal body exists separately to, rather than intertwined with, the bodies of others, as Naffine (2003, p. 364) has noted in her remark that law’s body with its clearly demarcated boundaries is one that could never be pregnant. It is also liberal theory’s persistent denial of bodily interconnectedness that has led feminist critics to remark that law’s body is a male one, with
sexual differences being employed as justifications for denying female agency and autonomy (Bottomley 2002; Duncan 1996). The male body is seen as the neutral default, whereas the female or otherwise non-conforming body becomes its troublesome ‘other’ (Ahmed 1995; Lamble 2009).

The liberal body’s boundedness also means that it is considered atomistic and independent, detached from relational networks and removed from the notion of dependency-work. Instead of considering the impact of inherent human interconnectedness, liberal theories focus on the potential risk of encroachment on human boundaries, both from other individuals and from an over-zealous state. Foundational principles of human freedom seem to suppose that the human subject is capable of acting and existing without impacting upon the freedoms of those around her. Nor is liberal theory concerned with the body’s dependence on the constant cycles of rejuvenation, rest and repair that I discussed earlier in the chapter. The liberal body is regarded as always ‘complete’, rather than an entity requiring constant care and nurture, much of it performed by others, in order to be able to present itself as the liberal ideal. The constant work involved in nurturing and sustaining the human body either is not mentioned at all or is considered to lie outside the purview of public concern.

As discussed in this section, the body as imagined in liberal thought stands in stark contrast to the vulnerable body and thus bears relatively little resemblance to the life course that we all experience. Yet, despite this, the liberal, frozen in time body forms the foundation for legal and political thought in Western neoliberal societies. Although an invulnerable body is an impossibility, this has become the expectation, with deviations stigmatised and labelled as a failure to attain autonomous personhood. The question is, given the universality of embodied vulnerability, how is this image of constant strength and independence able to subsist? I argue that it is made possible through the state’s structuring of relations in such a way as to conceal the realities of human vulnerability. One of the key ways that this is done is through the social, legal, and political construction of the private family as the institution with chief responsibility for the dependency-work necessary to sustain humanity. The state has a strong vested interest in perpetuating a myth of invulnerability and personal responsibility because such a myth allows it to remain restrained and unconcerned about numerous societal inequalities. Dependency-work becomes hidden within the family, sentimentalised and depicted as a vocation for its female members, with the artificially constructed temporality governing the family obscuring the rhythms of the biological life course. However, this is only made possible due to the work
carried out behind the family’s external facade. The liberal illusion of invulnerability depends heavily on vital dependency-work remaining unexposed and revealing the reality of universal vulnerability.

The Private Family: A Cloak for Dependency-Work

The private family, its gendered roles, and its state-mandated responsibility for dependency-work allows the illusion of autonomy to be maintained, while masking the biological reality of vulnerable personhood. In the liberal theoretical distinction between private and public, the family represents the private realm. It is characterised through discourses of privacy, imagined as a sacred place, a refuge from the stresses of the public sphere, into which the state should not interfere (see Okin 1989; Bartlett 1999). Although there are laws that define and regulate the family, for example those governing marriage, divorce, and parentage (some of which will be considered in more detail in subsequent chapters), the private family is generally presumed in liberal theories to be something that lies beyond legal and political reach. Famously, Rawls’ (1971) theory of justice expressly excludes the family from its reach, presuming it to be a natural phenomenon, based on love and affection and therefore beyond the scope of the principles of justice that he sees governing the public sphere (for critique, see Kearns 1983; Okin 1994).

Within a society constituted of clearly demarcated public and private spheres, the family is given the task of carrying out the dependency-work necessary to ensure that its members become and remain economically productive citizens. The restrained state demands that its citizens be autonomous and self-sufficient, an illusion that is only possible through the unpaid and invisible work performed by dependency-workers. Additionally, as Fineman (2004, p. 57) argues, “it is not just the individual but also the family that is cast as ideally independent by society”, illustrating that the family is expected to fulfil its functions largely without assistance from the state. In societal and political discourses, distinctions are frequently drawn between ‘functional’ families, which are invariably those corresponding to the gendered, heterosexual ‘ideal family’ image (see Brown 2019), and less desirable, ‘dysfunctional’ forms, including families headed by single mothers (see Wallbank 1998). The latter are more likely to struggle to conform to expectations of familial self-sufficiency and are more likely to require state-assistance in the form of benefits and subsidies. Thus, they are stigmatised within liberal and neoliberal discourses, with their visible dependency being labelled a sign
of their failure to attain autonomy. In reality, of course, the married mother is no less dependent than her single counterpart. The difference is merely that her dependency is concealed behind the structures of the family, removing it from state view and concern.

The Role of Law and the Fallacy of Family Privacy

Within liberal theory, the existence of a private sphere is considered essential for the self-development and self-determinism that characterises liberal autonomous personhood. The family (and the home that it occupies) is imagined to be a place and space where the individual can be herself, free from state scrutiny (Chapman and Hockey 1999). Yet, as various feminist theorists have remarked, the private realm is a fallacy and is inevitably shaped and governed by external forces, including the state and its institutions (see Fineman 1995; Smart 1989; Nedelsky 2011). While liberal theory maintains that individuals are free to organise their ‘private’ lives as they choose, this book exposes the extent to which the family and the remainder of the private sphere are shaped by the state and its institutions. My predominant focus is how state power is exercised through law—the relations and truths that it creates through its perpetuation of the idealised private family and its designation of dependency-work as a private, sentimental, and, above all, gendered, endeavour. Law, as a state institution, has considerable force in terms of governing the behaviour of its subjects, creating power structures, even within supposedly private relationships. As Berkovitz has remarked:

“Law embodies and expresses specific social ideologies through its assumptions about society and its various members. At the same time, law also plays an active role. Through its discourses it reproduces and constitutes both the societal subjects and their interrelations. (Berkovitch 1997, p. 607)”

Rather than being neutral, English family law is based on a dominant conception of the ideal family and its gendered roles, an aspect to which I will return in Chapters 4 and 5. As Gordon (1988, p. 15) argues, legal discourses “help us make sense of the world…fabricate what we interpret as reality. They construct roles for us…and tell us how to behave in those roles”. The legal framework governing the family consistently reinforces dependency-work as being inferior to economic work, which contributes to dependency-workers’ relational vulnerability.
Exposing and challenging the power structures that law creates is a difficult task, complicated by the fact that law maintains a thick veneer of impartiality, insisting that it treats all its subjects equally. It is true that law’s ‘black letter’ strives to be neutral, with legislation usually avoiding unnecessary references to age, sex, race, or socio-economic background. However, law is inevitably situated within a substantially broader context, which must be accounted for. The black letter falls to be interpreted by judges and other legal professionals, who inevitably draw on a substantial background tapestry of ideologies, beliefs, and assumptions about society and human behaviour when doing so. Due to the reverence and authority afforded to law, judges possess a unique ability to construct ‘truth’ and to lend legitimacy to certain viewpoints, while simultaneously discrediting and silencing others (see Davies 2013). As Smart (1989, p. 11) argues, “law exercises its power not simply in its material effects (judgments) but also in its ability to disqualify other knowledges and experiences”. However, this power is a subtle one that is difficult to interrogate and challenge. Indeed, any attempt to expose ideologies, assumptions, and biases in the way law is interpreted is likely to be viewed as a direct attack upon its legitimacy. As Rackley has argued:

The merest glimmer of recognition that judges may be political actors with substantial power and opportunity to enact their personal political preferences surely threatens to render unstable the whole edifice of law, introducing unsavoury elements of arbitrariness and partiality into a system which rests on its distance from such human/system failings. (Rackley 2002, p. 616)

Thus, for law’s integrity, as it is imagined within liberal legal theories, to remain intact, it is necessary to mask or blur the subjective and fluctuating background against which judicial decisions are made. As a result, biases and ideologies that are continually perpetuated by law are imbued with a substantial degree of authority.

The Family’s Gendered Roles

The private family is governed by a gendered ideology that assigns responsibility for dependency-work primarily to women. This ideology is also reinforced and legitimised within legal discourses. Thus, there are different expectations placed on men and women as part of their family roles, with the former being associated with the public sphere and the latter with the private realm (see Gordon-Bouvier 2019a). This remains the case even in the modern era of free choice and proclaimed equality between the sexes. It is notable that,
while women’s participation in paid economic work has increased substan-
tially over the past fifty years, there has been no corresponding seismic
shift within the home. Across the globe, the distribution of caregiving and
housework remains stubbornly gendered (see, e.g., Mundlak and Shamir
2008; Sepúlveda Carmona and Donald 2014; Chopra and Sweetman 2014).
Within this, there also exist important classed and racialised intersections
of inequality, with women of colour and those from lower socio-economic
groups bearing a heavier burden and lacking the resources to ‘buy freedom’ in
the form of delegating dependency-work to less privileged women in order to
take a more active part in the workplace (see, e.g., Hondagneu-Sotelo 2007).
However, even taking into account racialised and classed aspects, women of
all backgrounds perform more dependency-work in the home than men do.

Historically, dominant discourses have relied on biological essentialism to
justify the distinct roles and women’s supposed affinity for dependency-work.
Women’s biological reproductive capacities label them as natural caregivers,
thought, by virtue of their embodiment, to possess the necessary qualities and
temperament to carry out this work (see Tronto 1987, p. 645). Women’s iden-
tities remain bound up in their relational roles within the family, being judged
according to societal standards set for the ideal wife, mother, or daughter.
The appeal to biological essentialism also serves to reinforce the perceived
liberal distinction between the body and the mind. Because women are asso-
ciated with caregiving within the private sphere, together with their othered,
less bounded bodies, it is seemingly ‘proven’ that they do not possess the
same capacity for rational thought that men do. This argument was used to
restrict women’s access to the public and political realm, unable to vote or
to own property in their own names (see, e.g., Auchmuty 2011; Gordon-
Bouvier 2019a). The female psyche was considered inherently unsuited to
public endeavours and would take her away from her true vocation in the
home as a caregiver and mother, with detrimental consequences for society
(Roberts 1997, p. 55).

Like the autonomy-based illusion of invulnerable personhood that charac-
terises the public sphere, the gendered construction of care and dependency-
work is difficult to challenge. It is ingrained in the social and legal fabric to
such an extent that it is accepted as a natural phenomenon. The construction
of dependency-work as a feminine virtue reflects what Fudge (2005, p. 265)
has termed a “gender contract”, comprising “a set of normative understand-
ings, practices and policies about the appropriate roles and expectations of,
and rewards for men and women that is institutionalised in sites like fami-
lies, firms, schools, state policies and the market”. Under the gender contract,
women are expected to perform dependency-work as part of their relational
role and, by consequence, it cannot have any value beyond the private family context (see also Pateman 1988).

Within the family context, individuals are “moralized” (Friedman 1987, p. 90) from a young age and encouraged to develop conduct and characteristics that are typically ‘male’ or ‘female’. Dependency-work is socially reproductive. It sustains people but, equally importantly, it sustains and reproduces ideologies and myths that serve dominant interests. Women are taught from infancy that they are (or should be) natural caregivers and, throughout their lives, they are defined by their relational roles in a manner that men are not. Women who perform childcare in the home are also socialising the next generation of women to become dependency-workers and to take over responsibility for sustaining society. This indirect socialisation is necessary for society to continue to reap the benefits of women’s unpaid work. The state therefore benefits greatly from women’s dependency-work being presented as a natural phenomenon, preventing excessive probing as to who ultimately benefits from its unequal distribution.

Even where dependency-work is performed in a professional setting (which lies largely outside the scope of this book), women are overrepresented in the ‘hands-on’ jobs such as home-carer, nurse, nursery-nurse, and midwife. These jobs are also traditionally associated with women, meaning that male performance is often perceived as out of the ordinary, deterring men from pursuing them (see Loughrey 2008). Professional caring roles that are traditionally associated with men tend to be of a higher social status and more distant from the embodied experience of caring for another, such as doctor, head teacher, or surgeon.

**Chrononormativity: The Temporal Arrangement of the Private Family**

The biological temporality of the embodied human condition intersects with the socially constructed and highly gendered temporality that forms the idealised, “chrononormative” (Freeman 2011) life course that defines the family and is upheld as the ‘correct’ way of ordering private life (Freeman 2011; Grabham 2014). The chrononormative life course sets the expectations of certain key events that are considered life-defining, as well as dictating the ideal time or restricting the time frame in which these should be achieved. Examples of life events include leaving home, employment, partnering (ideally heterosexual and ideally in the form of marriage), parenthood, and retirement. Not undertaking these or undertaking them at the ‘wrong’
time is stigmatised and viewed as a deviation from the norm. The chrononormative life course is gendered in that it imposes different expectations for men and women, meaning that their temporal experiences of life will not be the same, even if their biological vulnerability is shared. While this idealised life course is ultimately a construct, it interacts with and draws upon the biological lifecycle as a means of positing itself as a natural and ideal way of ordering life. For instance, the inevitable dependency of infants on their primary caregivers, which forms a part of the biological life course, is seized upon as setting standards of behaviour for the “ideal mother” (McGlynn 2000; Fineman 2004).

The gendered roles ascribed by the private family ideology; those of mother, wife, daughter, or daughter-in-law are temporally loaded in a way that male roles are not. The ‘good mother’ or ‘good wife’ is expected to sacrifice her time to dependency-work, her worth being measured by the extent of her physical presence in the home. Whereas men are able to demonstrate caring sentiment without significant corresponding temporal sacrifice—what Fisher and Tronto refer to as “caring about” rather than “caring for” (Fisher and Tronto 1990, emphasis added)—women who work (and enjoy working) outside the home are often labelled as falling short of the ideal (see Gorman and Fritzscbe 2002). The temporal expectations of motherhood are given further force by references to biological notions of child development, reinforcing the narrative that only parents (and predominantly mothers) can give a child the care necessary for him or her to thrive and that maternal presence in the home is vital for development. In this way, the image of the ideal mother becomes elevated to the status of an irrefutable truth rather than a social construct that directly benefits the restrained state.

I refer to the gendered nature of dependency-work throughout this book and use the female pronoun to refer to the dependency-worker. By this, I do not mean to suggest that all dependency-workers are female, nor that relational vulnerability is something that can only affect women. Rather, my point is that dependency-work itself is gendered within the discourses that govern and construct it. This also operates to prevent men from undertaking this work in significant numbers, thus significantly preventing equality in this area. However, research that has been conducted on men who do undertake dependency-work suggests that their experiences differ from their female counterparts and they do not face the same obstacles. In particular, it has been found that men, even when primary caregivers, perform fewer hours of dependency-work and receive more social support in carrying out their work in comparison with women (Pinquart and Sörensen 2006; Yee and Schulz 2000). The research also suggests that men who are dependency-workers
experience a lower degree of physical and psychological stress from that work than women (Penning and Wu 2015). Thus, dependency-work and its impacts cannot be analysed without reference to its gendered nature. I return to this point in Chapters 4 and 5, discussing the distinctions that judges make between male and female dependency-workers when determining property rights following relationship breakdown.

Relational Vulnerability

As explored above, the promotion of the idealised private family represents one of the chief ways that the state structures and governs relations between its citizens. The family permits the artificial image of the liberal subject to appear a reality to the outside world by masking the realities of the inherently vulnerable human condition within its folds. However, this illusion comes at a considerable cost. The private family, as the institution with primary responsibility for dependency-work, exposes those who perform this work to various avoidable harms and hardships. I employ the umbrella term relational vulnerability to refer to these harms. I argue that the harms that constitute relational vulnerability are state-created and avoidable rather than inevitable. They arise when the dependency-worker is situated within a harmful network of relationships that expose her to harm rather than provide her with support and resilience. However, inherent biological vulnerability and ‘more-than-ordinary’ relational vulnerability are very closely intertwined. It is the reality of the former (and the state’s desire to conceal it) that causes the latter to occur.

I will explore the various components of relational vulnerability in further detail in Chapter 3. My aim in this section is to consider how it arises and its intersection with inherent embodied vulnerability. As argued above, the private family’s temporality is constructed so as to uphold the autonomous ideal of personhood, whereby inevitable dependencies arising from the biological life course are privatised and removed from the province of state concern. Thus, it masks the rhythms of the biological life course, allowing the frozen in time image of personhood to be perpetuated, whereby infancy has been left behind and old age lies in a distant future, as well as the possibility of unforeseen harm being capable of being avoided by taking prudent action.

Dependency-workers are sacrificed in order for the unrealistic image of individualistic autonomy to survive. Dependency-work is essential in order to sustain and regenerate the population but work that is performed in the designated private sphere of the home reduces the state’s liability to fund and
support it. By emphasising the private nature of dependency-work, the state reinforces a rhetoric that the work is freely chosen by those who perform it and that the state should not interfere in private life. Additionally, it emphasises the notion that dependency-work is devoid of any value outside the private family context. Its depiction as sentimental, akin to a personality-trait or an essential characteristic of female relational roles, allows for the myth that ‘love is all you need’ to perform dependency-work (Gordon-Bouvier 2019b), without regard for the dependency-worker’s “derivative dependency”, referring to the material resources upon which she depends to carry out her work (Fineman 2004). The privatisation of dependency-work and the lack of state support inevitably leads to patterns of partial or total dependency by the dependency-worker on her (usually) male partner, or on the state.

The labour performed by the dependency-worker ensures that the dependency of those in her immediate relational network does not become the concern of the state, providing what Fineman (2004) has described as a public subsidy for the state. Yet, in performing her work, the dependency-worker herself cannot conform to the expectation of self-reliance, whereby the individual is expected to make provision for future periods of bodily decline, whether as a result of the life course or an unforeseen accident or illness. Thus, the dependency-worker’s own relational network is weakened as a direct result of the support she provides to others. The family’s temporal constitution means that certain roles within it demand a sacrifice of time that could otherwise be spent developing a career. This is coupled with the assumption in the workplace that the ideal or typical worker is an individual who is unrestrained by caring obligations (Smith 2014). Thus, the ‘good motherhood’ that is perpetuated in various ways entails necessary time out of the workplace, reducing the ability to make provision for the future. Furthermore, as I will explore in greater detail in Chapter 4, the legal married or civilly partnered family is becoming increasingly temporally uncertain, as it moves away from its history of lifelong obligations towards a more autonomy-based equal partnership (albeit that the roles that it continues to proscribe are not equal in value in the eyes of the state) that can be terminated at will and with limited financial consequences. The unmarried family, discussed in Chapter 5, provides even less in the way of financial security on relationship breakdown. Therefore, the dependency-worker is placed in an increasingly precarious position by the legal framework, where her sources of future relational support are uncertain or unknown.
Conclusion

In this chapter, I have explored the temporality of the embodied biological vulnerability to which we are all subject. I have drawn on various researches on the biology of the human life course to show the distinction between biological reality of the human condition and the sanitised and frozen in time version of personhood that is espoused by liberal theories and perpetuated by the state. Human vulnerability is inherently temporal, consisting of the human inability to control the passage of time and the uncertainties of the future.

The liberal state needs to mask the temporal human condition, for its reality would threaten to interrupt the logic and rationality of its view of autonomous personhood. It would also expose the state’s responsibility towards its inherently vulnerable citizens. The state is able to uphold the ideal of autonomous personhood through delegating responsibility for dependency-work to the ‘private family’, which consists of gendered norms and expectations, each with their own temporal dimensions. While liberal theories depict the family as a sacred realm, lying beyond the state’s reach, it represents a powerful construct that allows the state to remain restrained and unconcerned about issues of vulnerability and dependency. The family allows the ideal of liberal personhood to be upheld by concealing, gendering, and sentimentalising dependency-work.

I have also provided an introduction to the concept of relational vulnerability that will form the remainder of this book, predominantly exploring its interrelationship with embodied vulnerability. As I have stressed, inherent vulnerability and relational vulnerability are distinct concepts, albeit inextricably bound up with one another. The harm that the dependency-worker faces is extraordinary and not merely referable to that arising as a result of her embodiment. Relational vulnerability is the direct consequence of the actions of the restrained state—actions that it takes to avoid fulfilling its obligations to its citizens.

In Chapter 3, I will build on the discussion in this chapter through a more detailed exploration of the nature of the harms that constitute relational vulnerability and the different ways that they impact on dependency-workers. In doing so, I will also employ the temporal lens that has been introduced in this chapter. I will argue that relational vulnerability, like inherent embodied vulnerability, is a temporal concept that fluctuates throughout the dependency-worker’s life course, intersecting with the various stages of strength and dependency that constitute the human condition.
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