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VULNERABLE BODIES? GENDER AND LEGAL NORMATIVITY¹

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Abstract

The plural voices of feminism in the twentieth century, in the construction of the signifier woman, have redesigned in a critical key the relationship between biology, society, culture, problematizing dichotomies traditionally expressive of patriarchy. Today, these dichotomies appear to be strongly in tension in the neo-liberal scenario, in which the use of empowerment devices raises multiple questions about the limits of law with respect to bare life, generating a profound reflection on the boundaries between self-determination and social vulnerability.

Keywords

Patriarchy, sexual difference, gender, juridification, rights

Resumen

Las voces plurales del feminismo del siglo XX, en la construcción del significante mujer, han rediseñado en clave crítica la relación entre biología, sociedad, cultura, problematizando dicotomías tradicionalmente expresivas del patriarcado. Hoy en día, estas dicotomías parecen estar fuertemente en tensión en el escenario neoliberal, en el que el uso de dispositivos de empobrecimiento plantea múltiples preguntas sobre los límites del derecho con respecto a la vida desnuda, generando una profunda reflexión sobre los límites entre la autodeterminación y la vulnerabilidad social.

1. Reception date: 25th Genuary 2021; acceptance date: 26th February 2021. The essay is the issue of a PRIN 2017 Research "The Dark Side of the Law", carried out within the Dipartimento di Scienze Giuridiche, Università degli Studi di Salerno.

Palabras clave

Patriarcado, diferencia sexual, género, juridificación, derechos

Nature and Artifice: From Difference to Gender

The take-up of twentieth-century feminism, based on the thought of sexual difference, meant the problematization of the nature / artifice dichotomy with respect to its traditional configuration and the critical redefinition of the relationship between biology, society and culture. A dichotomy always central to the theoretical debate, a figure of the complexity of decoding social phenomena according to a grid of intelligibility that leads them back to a political will, or, rather, returns them to an immutable destiny, which can be inscribed in terms of gender in mere biological data.

Even if today it is frequent to discuss gender and its cultural dimension thanks to the developments of Gender Studies which, even starting from Butler's analysis, move from the redefinition of the sex/gender binomial in the construction of identities, it is important to underline how to name the sexual difference has led the political discourse on the level of reflection of the body, on the level of the construction of a logos of excess with respect to traditional symbolic language (Irigaray, 1974; Muraro, 1973).

Rooting the woman's body in nature has in fact masked the character of choice of women's subjection, their exclusion from the public sphere, from the social contract (Pateman, 1988) and normalized male sexual law (Rich, 1980, p. 645): law that does not value the plural singularity of women, their subjectivity, but which, precisely in the assimilation, typical of the normative structure, by homologating excludes and reproduces gender hierarchies.

The feminist deconstruction of the twentieth century has, therefore, highlighted how the Western paradigm has traditionally placed the male sex as a representative of the human, emphasizing the concepts inscribed in patriarchal culture, which link sexual difference to "natural" elements and which return positions, social and reproductive functions, as well as seductive images responding to the needs and desires of men, conceived within a traditional symbolic order (Irigaray, 1974).

“Women are not born, they become” constitutes, already with Simone De Beauvoir the antibiological slogan of the feminist theory of the seventies, in the wake of those revolutions already marked, in a different way by Olympe de Gouges (1791), Mary Wollstonecraft (1792) and Virginia Woolf (1929), aimed at a problematization of the ambiguous border between biology and society.

“Thus we must view the fact of biology in the light of an ontological, economic, social, and psychological context. The enslavement of the female to the species and the limitations of her various powers, are extremely important facts; the body of woman is one of the essential elements in her situation in the world. But that body is not enough to define her as woman; there is no true living reality except as manifested by the conscious individual through activities in the bosom of a society. Biology is not enough to give an answer to the question that is before us: why is the woman the *Other*? Our task is to discover how the nature of woman as be affected throughout the course of history; we are concerned to find out what humanity has made to the human female”. (De Beauvoir, 1953 p. 63-64).

Words that denounce the patriarchal representation of humanity, to the point of questioning the human character of women and which critically reveal the dependence of the processes of social differentiation on mere biological data, hypostatized as a natural element.

Critically noting how the definition of woman occurs only by negation involves focusing on the asymmetrical relationship between the sexes, artificially constructed by the political order, between a full and independent subjectivity and the invisibility enveloping the female sphere, in a position of dependence and of subjection. Hierarchy that, not only de Beauvoir, but many voices of the feminism of difference have led back to the “scene” of the slave-master dialectic, expressive of the dual value of the conflict: a conflict placed on a plane of immanence, in which the feminine object function is rigid, and of transcendence, of the projectual, sovereign will of man. A dichotomy, in reality, that can be overcome through a distinction of roles in the society that moves from the recognition of women’s rights and that is capable of pruning the dimension of the Other inherent in the recognition of mere male subjectivity, eliminating the conflict through the call to collective solidarity.

The latter, not by chance a central category in feminist reflection, will be the subject of multiple declinations aimed at the criticism of the abstract subject and at the

construction of a general woman signifier, understood as a category of collective identification (Cavarero, 1987). A singular universal, which while necessarily presenting a basic polysemy and an ontological opacity, undoubtedly has a political matrix, assuming the sense of a subversive strategy of the androcentric logic and of the Enlightenment armamentarium, considered productive of the patriarchal brand.

Undoubtedly, the re-signification of the symbolic constitutes the architrave of the process of construction of that “unexpected subject” (Lonzi, 1982, p. 21), which bursts onto the scene, interrupting a homogeneous and linear monologue. Positionings that, without a doubt, are beyond the level of traditional logos: such as the re-elaboration of the concept of female authority and the symbolic rediscovery of the mother-daughter relationship, as a theoretical fulcrum of feminist self-legitimacy (Muraro, 1973), even against those emancipationist policies, that were making their way and that appeared in contrast with the thought of sexual difference, as based on processes of homologation rather than of differentiation.

The critique of abstraction, carried out in the search for an embodied subject, therefore assumes multiple facets that privilege specific differences as well as the dynamics of female entrustment, requiring the redefinition of the categories structuring the binary economy and the enhancement of the singularity of each woman, the “starting from the self”; in the recognition of the other.

This aspect will be central in the production of practices of freedom that assumes sexual difference as already given, as the original element of a logos that moves from the recognition of the sexual body as the primary aspect of existence.

In fact, one cannot in any way be silent about the emancipatory essence of the thought of sexual difference with respect to the relationship between woman and body. A relationship redesigned in a libertarian key, which makes it possible to renegotiate that relationship between sexuality and reproduction that has always been traced back to the naturalness of the maternal function, through the critical deconstruction of family relationships and the criticism of the forms in which the primary institution of reproduction and socialization of human is practiced and lived (Casalino & Righi, 2015, p. 8). Issues that, especially during the seventies, were extremely controversial in the request for recognition of the rights over one’s own body and in the tension between freedom and female self-determination and legal regulation, implying the problems connected to the decriminalization of abortion and in general to the juridification of life.

In this perspective of vindication, the overthrow of androcentric logic takes place in a theoretical framework that is never completely free from the obsession with the

univocal foundation: it highlights how the theoretical issues relating to sexual difference are redefined within a dense and inhomogeneous theoretical grid, which testifies to the breadth and complexity of the feminist debate as well as the difficulty of building a universal category of female subjectivity.

It is no coincidence, in fact, that on this level of critical deconstruction of the woman signifier, the perspectives of gender studies will be particularly incisive, aimed at a radical rethinking of political representation and ontological constructions of identity, starting from the recognition of the political value of the categories sex and gender. Categories presupposed as relational and erroneously represented as a criterion for the intelligibility of subjects, as effects of a specific formation of power, of the construction of never stable identities, continually redesigned by discursive practices. In this way, the theory of gender studies frees feminist theories from the obsession with the univocal foundation, representing the construction of subjects as an effect of power itself, having in itself an explicitly performative function.

Gender ought not to be construed as a stable identity or locus of agency from which various acts follow; rather, gender is an identity tenuously constituted in time, instituted in an exterior space through a stylized repetition of acts. The effect of gender is produced through the stylization of the body and, hence, must be understood as the mundane way in which bodily gestures, movements, and styles of various kinds constitute the illusion of an abiding gendered self. This formulation moves the conception of gender off the ground of a substantial model of identity to one that requires a conception of gender as a constituted social temporality. (...) The possibilities of gender transformation are to be found precisely in the arbitrary relation between such acts, in the possibility of a failure to repeat, a de-formity, or a parodic repetition that exposes the phantasmatic effect of abiding identity as a politically tenuous construction. (Butler, 1999, p. 179)

With this theoretical outcome, these approaches are placed in clear and open refutation of the feminism of “difference” which contains within itself considerable imprints of the identity reflection, to which it addresses the accusations of metaphysicality and essentialism, thus decreeing the eclipse of a differential identity, through the affirmation of multiple and fragmented subjectivities, incessantly projected and redesigned by the dynamism of linguistic practices and symbolic codes.

New Dichotomous (Re)Meanings? Biological Reproduction and Care Work

What has been said to date, therefore, therefore, highlights how the division between the sexes has been longer considered “natural”, inevitable, getting back in the order of things, as much as incorporated in the *habitus* of the agents, working as scheme of perception, thinking and action and objectivized in the social world, without need of legitimacy speeches. The construction of bodies, which always has a social value, is determined by the processes of the patterns of thought naturalization and their inclusion in a system of differences that appear to be all “natural”, however dictated by the power that the dominated grants to the dominant, power that creates, produces, the symbolic violence that the dominated suffers at the same time (Bourdieu, 2001).

A symbolic violence that is established, therefore, through the adhesion that the dominated cannot fail to grant to the dominant, in the internalization of socially produced patterns of thought and judgment and that when it appears pacified, civilized, as today, in which it seems broken the “closed circle of hierarchical strengthening”, insidiously reintroduces new forms of dysmetria, such as those closely linked to biological reproduction and care work, which reflect a market of symbolic goods dominated by the male vision, in which the rhetoric of the gift feeds relationships of unbalanced force on women’s bodies.

Bodies more and more fragmented, disassembled, in a game often played on the allocation of resources, in a neoliberal perspective that is augmenting and at the same time productive of “docile bodies”. Bodies that suggest a new semantics to the nature / artifice dichotomy in redesigning this differentiation in a problematic key, giving new physiognomies to parenting and breaking down the biological element into practices often lacking in space-time coordinates: in an increasingly stringent link between production and consumption, production-circulation, production-marketability.

New dichotomous meanings that pertain to the woman-technology relationship and that suggest in the sense indicated by Donna Haraway (1991) a relationship of integration and exploitation with a polymorphic domain that incorporates and imposes new social relationships for women on a global level.

While starting from cartography of the current socio-political situation, the representation of female bodies as cyborgs, hybrids between flesh and technology, sheds light on the need for a redefinition of female subjectivities that reveal the paradoxes of a

technocratic culture, rethinking it through our roots bodily. An image that without any doubt catches the pervasiveness of the biopolitical devices and that redefines the modes of output from patriarchy through a feminist revolt that, by stepping the identification with the nature, redefines “a technological *polis* based on the revolution of the domestic *oikos*”

A perspective that therefore reveals the loss of the boundaries between nature/artifice, public/private, organism/machine, social/technical and which removes the construction of identities from the male/female binary, repositioning it in a post-gender context.

A distant context, however, from the subversion of Butler’s identity in the representation of practices of recognition that emerge from the domain of forced hetero-normativity and that goes beyond the fences of the thought of difference in overcoming the sexed body as a primary aspect of existence. We are assisting therefore at the reconfiguration of some functions significantly expressive of the patriarchy respect of which result in tension the great dichotomies of the feminist thinking: *public/private* and *nature/artifice*, central in the philosophical- juridical reflection.

This tension reflects the infinite variables created progressively by the technique, that reveal the versatility of “nature” that result even more separable with difficulty from what is artificial, in a picture that tents progressively to dissociate born, reproduction, life. Today, in fact, the reflection on the body highlights the effervescence of differentiated practices that break it down, fragment it in a continuous process of transformation and redefinition: we have passed from the image of the body as a problematic unit, to a progressive isolation of portions of the self, of fungible pieces, of bodies of law (Hyde, 1997), that is to a variety of forms that the body assumes in the juridical construction.

Precisely starting from these new configurations of the body and its decompositions—which reflect the ancient dualism between the abstraction of the person and bodily materiality—the hypothesis of its juridification takes shape, focused on the possibility of keeping the unitary reference firm even when the body and its parts realize a condition of reciprocal autonomy. This is the case of the surrogate motherhood, that constitutes a practice acted in precarious and blinking boundaries of international legality and that invest the feminist reflexion of the task of showing the ambivalence of self-government, by realizing it from the image equivocally liberogene that goes along with the devices of *empowerment*.

Juridification of Bodies and Normative Categories

Among the risks of objectification of the women body, strengthening of patriarchy and rhetoric of autonomy or risk and safety management, practices are affirmed that highlight the problematic nature of a distinction made by legal science between natural realities and juridical artifices, between causality and imputation, underlining the continuous theoretical effort to regulate social facts through structures of juridical qualification.

An effort, today, particularly powerful in a legal context innovated by the affirmation of biotechnology and which proceeds to a continuous fragmentation of the body, to its reconfiguration far beyond the traditionally conceived areas, as well as to a continuous pursuit of the biological in a deeply changed paradigm. An aspect that translates into an ever more evident subsumption of life, in its infinite manifestations, in the legal sphere. In fact, we are witnessing a crisis of categories based on a naturalistic-biological concept, as in reference to the theme of procreation, with respect to which the relevance of medical techniques and the increasing use of genetic material external to the couple is recorded. At the same time, the stages of a natural motherhood are chasing, through the institution of gestation for others, which highlights how the dimension of the body in its biological valence is often radicalized in the name of a naturalistic conception of parenthood (Giordano, 2018).

Problems that intersect in the nature/artifice dialectic, revealing the multiple forms of bioethical discourse and the difficulty of regulating life in its most immediate significance. They lay bare the finiteness of law, the limits of the formal structures of legal qualification against which the concreteness of human existence tends to replicate infinite and unpredictable variables from the abstractness of the norm (Resta, 2011).

In fact, if the contingency of life requires an infinite series of responses from the law that were unimaginable almost twenty years ago, the expectation of recognition of subjective positions has grown strongly in an enigmatic context, because it is in profound evolution. An example is the recognition of the rights of gay couples who, as is known, in Italy, have found a regulation with the Cirinnà decree, which has allowed their civil union, which is accompanied by the request for the juridification of effective practices, which highlights the gap that can never be neutralized between normativity and effectiveness.

With respect to the succession of multiple instances of tracing life back to the subject of the legal, the law shows itself in trouble in an attempt to extend its categories to situations that involve interests different from those for which they were built.

On the other hand, it is at the intersection between life, health and body that the coordinates of complex legal choices are traced, destined to generate cultural divisions that outside and within the law strongly affect the models of society, putting a severe test the balance of powers. In fact, there is progressively an expansion of bio-law in areas previously pertaining only to the private sphere. In a context in which the new frontiers of medicine make practicable actions and practices that require difficult choices, the sphere of ethical-legal dilemmas raised by the relationship between bioethics, life science and law is in strong expansion.

Choices that are placed today among interrupted paths of the juridical (Rodotà 2006), which reflect the perplexities on the juridical regulation of effective practices. They launch new challenges to legal science and question its artificial constructs, in a game of continuous normativization, of practices acting outside the legislative provisions, with respect to which the intervention of the courts is decisive.

It is a question of a normativity of the factual, of a normativity detached from the legal form, from the abstract regulation of legislation, but which emerges from the need to give voice to multiple controversial legal situations, in the persistence of an incessant question of law, raised against jurisprudence from the emergence of life. This aspect tends to strengthen the work of judges in a growing imbalance between control and reciprocal balancing of powers, according to the traditional model of check and balance, undoubtedly making enigmatic the predictability of a legal regulation based on the specificity of the case.

The irreducible problematic nature of the law that affects life therefore emerges alarmingly in the courts, called from time to time to decide on complex issues that call into play the harmonization of interests, often in antithesis, between the request for the implementation of new rights and the requirements of public order, in a climate that charges the legal culture with an arduous task.

The jurisprudential path in finding solutions that link individual expectations and choices with the conditions foreseen by the legal language is only at times linear and based on processes of resemantization of the lexicon of rights; moreover, it tends to lead to solutions that are frequently generating political-cultural tensions in a delicate balance between rights and powers.

Therefore, it is evident a weakening of the protection mechanisms to guarantee citizens which is accompanied by a change in politics, that appears increasingly marked by a break with society: by a reduction in the forms of participation of citizens in political institutions, as well as from a weakening of the guarantee of fundamental rights,

which derives from the loss in the political perspective of the normative force of the Constitutions, which tend to emancipate themselves at the level of the supranational courts.

This is an evidently central caesura when we talk of the body, since the claims on corporeality are claims of powers negotiated in the folds of the global market between a plurality of more or less visible subjects. Undoubtedly a non-negligible issue that links the regulation to emergency logics and that entrusts the legal choices to the evaluation of the interpreters, linked to a particular context and to the weighting of the interests at stake in the concrete case. This aspect removes the personal choices of individuals from the dimension of public ethics, opening up to a complete subordination of its function to a daily management tool (Agamben, 2003; Catania, 2008) This pervasiveness of the organic in the political sphere has further implications: the widening of the “area of mass vulnerability”, the spread of an unprecedented kind of insecurity that establishes temporary regimes of existence, the increase in relevance and palatability of human capital. At the same time, however, it reveals the precarious dimension of a de-cultured, de-symbolized politics that lives on rent between the hypertrophy of the promise and the obtuseness of an existence without metamorphic capacities. (Bodei, 2014, p. 173).

Crisis of Welfare policies between family and market

The increase in the centrality of the female body and its self-valorization in a biological-political sense as a source of inseparable surplus value from life is recorded when we witness the weakening of highly disciplinary and coercive productive mechanisms and the weakening of welfare policies in support of the family.

The post-Fordist economy crosses and redraws the boundaries between the reproductive and productive spheres to respond to the access of women to the sphere of the paid workforce and the consequent disintegration of the models of the working householder and the housewife: housework, sexual performances, the care and the process of biological reproduction come out from the private space of the family to extend to the labor market.

We are therefore witnessing a movement of the family towards the public sphere and an unprecedented redistribution of care functions, which thus becomes an essential moment for the redefinition of a series of social roles and related organizational methods,

with immediate influence also on the problem of costs and therefore the allocation of scarce resources. This problem appears particularly emphasized by the Welfare State crisis which has left wide margin for social models of self-organization.

In this perspective of spatial reconfiguration of the Fordist family, in which re-productive labor is no longer distant from the dynamics of work, there is not only a radical restructuring of the market around services previously limited to the private sphere, but also a problematic externalization of the work that transfers risk-sharing strategies from the company to the worker, radicalizing social stratification processes along the lines of gender and race. From this point of view, the renegotiation of bodily limits and reproductive possibilities tends to link up in a powerful way with the progressive increase in the demand for care and with the denationalization of the reproductive sphere, coming from local racial minorities and female migrants and with their release into global markets.

In the grip of a stringent logic between scarcity and needs, therefore, the generative power of bodies is expressed, with respect to which theoretical reflection highlights the ambivalence of practices that oscillate between forms of exploitation and empowerment devices: both are located within of a broader logic that implies the control and management of people's lives, through the selection—or even better—the selective evaluation of bodies (Giordano & Tucci, 2017).

The body thus becomes, in an ever more pervasive way, the object of claims of a power of self-management inherent in the satisfaction of needs but also in the forms of governmental discipline and control. These mark a fundamental point of reflection in the reading of contemporary complexity and, despite the provocative accent, they reveal dynamics that today present a challenge to the juridical:

The disciplines of the body and the regulations of the population constitute the two poles around which the organization of power over life has developed. The creation during the classical age, of this great two-sided technology—anatomical and biological, acting on the individual and on the species, aimed at the activities of the body and towards the processes of life—characterizes a power whose most important function now it is perhaps no longer a question of killing, but of investing one's life entirely. (Foucault, 2012, p. 183)²

2. My translation.

“Bodies that matter” according to the function and weight attributed to them, with heavy consequences on medicine and law, called upon each time to deal with concrete and specific cases, difficult to be traced back to general cases, but which in each case responds to a logic of continuous and unstoppable subsumption of the biological in the sphere of law and consequent juridification of bodies.

This pervasiveness of the biological in the political sphere has further implications: the widening of the “area of mass vulnerability”, the spread of an unprecedented kind of insecurity that establishes temporary regimes of existence, the increase in relevance and palatability of human capital. In this perspective, reproductive outsourcing becomes a form of self-capitalization in which the relationship between freedom and equality appears strongly unbalanced and inevitably generative of inequality dynamics, which risk hiding behind the reassuring image of self-government, the danger of a radicalization social vulnerability and social, economic and gender discrimination.

A New Way Out of Patriarchy?

Undoubtedly, the interpretation offered by some feminist approaches to pregnancy outsourcing cannot be neglected, which mean this type of contract as the maximum expression of procreative autonomy (Robertson, 1983, p. 405), to be implemented in the forms of assistance or, again, as a new form of global bio work that requires a radical transformation of the political order (Cooper & Waldby, 2014). In other approaches, moreover, it is reinterpreted as a service to be regulated in the forms of a free market that allows the affirmation of a new source of productive activity, for women with scarce income possibilities and the realization of new distributional effects. In the latter hypothesis, which in reality constitutes a synthesis of the other two currents of thought, the idea of the remuneration of surrogate motherhood challenges the traditional division between public and private, between market and family, which constitutes the foundation of the patriarchal order of post-industrial economy, attributing economic value not to the product of the gestational process but to the reproductive activity itself (Shalev, 1989).

A market choice that on the one hand bases reproductive outsourcing on a solidarity option that takes into account the maximization of social utility, on the other on a form of distributive justice that realizes a reallocation in favor of surrogate mothers of the profits earned today by intermediaries starting from the recognition of an authentic autonomy of the woman in the discernment of this practice. Obviously we are faced

with a feminist approach that overcomes the dichotomies public-private, market-family, production-procreation, attributing not to the subjective right but to the responsibility and legitimacy of the patrimonial element the possibility of recovering that biological power of control over the procreative activity.

This position attributes not to the subjective right but to the responsibility and legitimacy of the patrimonial element the possibility of recovering that biological power of control over the procreative activity. While aiming, in reality, to emphasize the equality of women in the assumption of responsibilities and contractual commitments, understood as overcoming the barriers of patriarchy and the attribution of a subjectivity free from emotionality and biological destiny, it seems, however, to replicate the biological-reproductive, obsession attributing it an economic value and functionalizing it to the realization of a purpose.

This is a vision that, while focusing on the biological and sexual data, does not seem to show the same weight that this data assumes, for example, in the theories of feminism of difference. Furthermore, if in relation to this aspect the analogy between surrogacy and prostitution has been supported, since in both cases they are practices through which to obtain money from the provision of a service, it is also true that the door opens to those dynamics of objectification of the body (Mackinnon, 1989; Nussbaum, 2000, p. 213 ff.) on which a large part of feminist criticism has based its *raison d'être*.

In fact, that of outsourcing pregnancy appears to be a market not only at very high risk for women's rights but it is also a rigged market, or a rigged market where the same liberal-individualist and contractualist logic reveals that its symbolic result has reached its end race, to the benefit of mere power relationships that sooner or later will not be embarrassed to reveal themselves as such (Dotti, 2016).

Today, moreover, there is an exponential growth in the vulnerability of subjects and their progressive transition from a state of relative stability to one of ordinary insecurity. This aspect manifests an enlarged and much more complex physiognomy of vulnerability, which leads us to unveil the rhetorical aspect that often accompanies the liberality of empowerment devices, not ignoring, in fact, the exponential reproduction of inequalities and asymmetries rooted in the pockets of global poverty.

If, in fact, the use of biopolitical devices of empowerment generates a transformation of the private sphere, from a traditional space of subjugation of women to a place of expansion of individual freedom, the risk is to hide in the rhetoric of free choice (Facchi-Giolo 2020) a progressive functionalization of female bodies to a purely economic logic.

The Narrative of Vulnerability

The discussion on the border between self-determination and exploitation has triggered an essential reflection on the growing dimension of vulnerability, determined by the specter of scarce and alienating work and by the weakening of the mechanisms set up to protect individuals, which seem to leave a great deal of room for maneuver to the wild powers (Castel, 2004, p. 172).

If, in fact, the progressive diffusion of practices of subjection and domination tends to leave little space for the self-regulating illusion of the market, an objectification of the self is risky prevailing in the neoliberal idea of empowerment and enhancement. Ultimately, it revolves around the characteristics of the instrumentality and fungibility of women's bodies. Finemann (2008), in this regard, denouncing how contemporary political systems are characterized by dysfunctions and distortions in access to equal opportunities, proposes a re-problematization of subjectivity in the light of the universal condition of vulnerability, to be understood as the most stringent paradigm of the approach based on equality, because it is based on a reconceptualization of the role of the state and institutions in the distribution of privileges and opportunities within society and on the strengthening of democracy and public participation.

In this perspective, it is a question of re-semanticizing the political-judicial discourse through the construction of a relational category (Pastore, 2021 p. 15) that leads us back to the fragility of human existence and to one's own corporeality, overcoming the public/ private division that borders the burden of care within the family, socially imposing it and making it invisible at the same time.

We are certainly in the presence of a complex issue that sheds light on the gender asymmetry in social reproduction that the dismantling of welfare and the neoliberal turn have inevitably contributed to realize, radicalizing forms of inequality and discrimination and which reflects the increasingly complex relationship that occurs between the dimension of corporeality, which has always been understood as a place where personal desires and claims sink and therefore exquisitely identifying, and the condition of fragility, dependence and precariousness that characterizes the horizons of our contemporary lives, increasingly compressed by unstable mechanisms of redistribution of resources.

At this point, therefore, it becomes essential to consider the theoretical relevance of that concept of vulnerability which is the foundation of the minimum content of

natural law (Hart, 1961), which reveals the structural aspects of the human species and the necessity—for the survival of the human species—that law and morality guarantee a system of reciprocal abstention from the use of force.

However, it is not only a question of reading vulnerability as an anthropological category—in which exposure to bodily attacks originates from the constitutive limitation of human nature—but of grasping the political and social forms that it covers today and which originate from the contraction of individual and collective capacities of subjects, threatened more and more often by an unstable insertion into the main systems of social integration and distribution of resources (Ranci, 2002).

Vulnerability is to be understood, here, therefore, in a very complex sense that amplifies that peculiar dimension of the species, characterized by the fragility and finiteness of human existence, naturally exposed to permanent damage, absorbing within it the versatility of its social, cultural, political and economic forms, generated by the contraction of social rights and which involve the risk of an injury to the dignity and integrity of persons, requiring the protection of legal systems and new political imaginaries.

Thorny issues that lead us to a careful reflection on the forms of exploitation and on the practices of objectification of the body, increasingly originating from conditions of vulnerability. Questions that are increasingly complex and difficult to resolve, relating to bare life and the limits of law, confined to that coercion-freedom dichotomy that innervates its regulatory structure. Particularly eloquent are the words of Judith Butler, who gives voice to a narrative of vulnerability that brings with it traces of the dimension of the other, in the confrontation but also in the conflict arising from the political nature of corporeality.

The body implies mortality, vulnerability, agency: the skin and the flesh expose us to the gaze of others, but also to touch and to violence, and bodies put us at the risk of becoming the agency and instrument of these as well. Although we struggle for the rights over our bodies, the very bodies for which we struggle are not quite ever only our own. The body has its invariably public dimension. Constituted as social phenomenon in the public sphere, my body is and is not mine. Given over from the start to the world of other, it bears their imprint, is formed within crucible of social life; only later, and with some uncertainty, do I lay claim to my body as my own, if, in fact, I ever do. Indeed, if I deny that prior to the formation of my “will”

my body related me to others whom I did not choose to have in proximity to my self, if I build a notion of 'autonomy', on the basis of the denial of this sphere of a primary and undwilled physical proximity with others, then am I denying the social conditions of embodiment in the name of autonomy? (Butler, 2004, p. 26)

Words that express the political matrix of human vulnerability as it relates to an image of subjectivity that is always in transition and changing, but in any case linked to dynamics of social interaction, linguistic devices and symbolic practices. A new way of understanding collective identities and their exposure to the risk of exploitation and marginalization and which goes beyond the traditional representation of the abstract subject through the genealogical analysis of the mechanisms of political subjectivation and the emancipation of feminist discourse on the level of the theory of gender, considered more neutral and inclusive of multiple sexual orientations.

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