
Preface to 'Legal Constructions of Body Work'

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A. Stewart, 'Legal Constructions of Body Work' in C. Wolkowitz, R.L. Cohen, T. Sanders and K. Hardy, eds, *Body/Sex/Work: Intimate, Embodied and Sexualised Labour* (Basingstoke: Palgrave Macmillan, 2013) 61-76.

This chapter appears in an edited collection which 'focuses on intimate, embodied and sexualized labour in body work and sex work, exploring empirically and theoretically the labour process, workplace relations, regulation and resistance in some of the many work sites that together make up these types of work. It seeks to tease out similarities and differences in the ways that sexual and physical intimacy are organized, managed and experienced across different employment contexts, and in doing so provides ways of reframing key questions in critical studies of work and employment' (Cohen et al., 2013: 3). My chapter explores the way in which two examples of body work – the labour involved in caring for the vulnerable elderly and in providing commercial sex – are regulated. It highlights the challenges that body work presents for labour law and exposes the wider conceptual limitations that this area of law faces in a consumer based market economy in which the boundaries between production and social reproduction are being reconstituted.

The contributions to this book all address the idea of body work which is conceptualized as work on *others'* bodies not on one's own. It involves 'assessing, diagnosing, handling, and manipulating bodies that become the object of the worker's labour' (Twigg et al., 2011:1). Body work is increasingly incorporated within market relationships and involves paid workers in social reproduction. Sex work raises some conceptual challenges for scholars developing this concept because it encompasses a 'range of activities in which sexuality is explicitly being sold' and therefore, although many of these activities involve work on or with another's body, some do not (Cohen et al., 2013: 4). My chapter is concerned with the regulation of commercially provided direct sexual services which clearly is within the definition of body work.

The focus for the book is on the labour processes involved. It considers 'the paid work that takes other people's bodies as its focus or 'material of production'; the inter-subjective relations involved ...; and the conflicts and organizational problems that arise when work involves bodies working on bodies' (Cohen et al., 2013: 4). Thus while the bodies of workers are necessarily involved in all labour, here the focus is on the relationship with other bodies – the object of that labour. The proposition is that such work raises important issues for labour studies generally and, as argued in my chapter, for feminist labour lawyers not least because, historically, working on the bodies of others has largely been the responsibility of women. It remains so even though it is increasingly provided through the market. As such the form and extent of provision (for example the growth of the cosmetic, beauty, pampering and sex industries and with it, the commodification of intimacy more generally) have changed. Body work now constitutes a significant proportion of the service sector in market economies but often remains invisible due in part to its continuing association with the unvalued socially reproductive work of women. It is often performed by socially marginalized groups (working class women, minorities and migrants) in non-work like spaces (street, brothel, salon, behind a curtain, within homes) and involves contact with bodily fluids and messiness. As I argue in my contribution it does not 'fit' easily within labour law and tends to attract other forms of regulation.

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References

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Twigg, J., Wolkowitz, C., Cohen, R.L. and Nettleton, S. (eds) (2011) *Body Work in Health and Social Care: Critical Themes, New Agendas*, Chichester: Wiley-Blackwell.