

Reimagining Bodily Autonomy: From Regulation to Sexual Liberation

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Abstract

Bodily autonomy, the fundamental right to have control over one's own body, is central to human dignity and freedom. Article 1 of the Universal Declaration of Human Rights affirms that "All human beings are born free and equal in dignity and rights."¹ Yet, in practice, this right is often denied to marginalized genders, especially through the pervasive reality of sexual violence. Far from being isolated incidents, these acts of violence reflect deeply entrenched patriarchal structures that use control over women's bodies as a form of power. These structures, upheld by both societal norms and economic inequalities, operate unevenly across caste, class, and religious hierarchies, particularly in the Indian context. In such a framework, the societal and legal systems designed to address sexual violence often fail to interrogate the deeper structural inequalities that enable this violence. Instead of solely focusing on punitive measures, there is a pressing need to reexamine the institutions, cultural norms, and economic relations that perpetuate these inequalities. This paper critically examines the social and systemic dimensions through which bodily autonomy is structured, arguing that it is not merely a matter of personal violation but of embedded relations of power that also shape the politics of desire and intimacy. Sexual liberation, in this context, is understood not simply as freedom from violence, but as the transformation of the material and social conditions that enable individuals to exercise autonomy over their bodies, desires, and relationships. In doing so, the paper seeks to reframe autonomy as an ongoing and contested process, shaped by the interplay of social structures, economic relations, and the possibilities of reimagining liberation itself.

Keywords: Bodily Autonomy, Sexual Violence, Patriarchy, Sexual Liberation

Introduction

Bodily autonomy can be understood as a foundational aspect of human dignity, having the freedom to make decisions about one's own body. The idea carries with it a sense of control, of ownership, and of the ability to act without interference. It appears as something that

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¹ Universal Declaration of Human Rights, Article 1, United Nations. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

should be basic, even self-evident, to human existence. Yet, when one begins to consider how bodies are actually lived and experienced within society, this sense of certainty begins to loosen. The question of autonomy is never straightforward, and instead draws attention to the ways in which bodies are shaped, regulated, and situated within relations of power. These relations of power do not remain abstract; they are lived and reproduced through everyday practices, norms, and expectations that shape how bodies are seen and treated. They inform what is considered acceptable, who is granted agency, and whose actions are subject to scrutiny and control. In this sense, the regulation of bodies does not always appear as overt coercion, but often operates through more subtle forms of discipline, normalization, and social conditioning. It is within such a landscape that the question of sexual violence begins to take on a different significance. Rather than appearing solely as an exceptional act or individual transgression, it becomes possible to read it as emerging from, and sustained by, these very relations of power that structure social life. In responding to sexual violence, attention is often directed toward legal and institutional mechanisms that seek to identify harm, assign responsibility, and administer punishment. These responses, while necessary in many instances, tend to frame violence in terms of discrete acts and individual perpetrators. As a result, the focus remains on addressing violations after they occur, rather than examining the conditions that make such violations possible. The reliance on punitive frameworks can, in this sense, narrow the scope of inquiry, directing attention toward correction and deterrence while leaving intact the broader structures within which such violence is embedded. This raises a more difficult question: whether the pursuit of justice can be confined to punishment alone, or whether it requires a deeper engagement with the social, economic, and cultural conditions that shape both vulnerability and power. To think in terms of sexual liberation, then, is not simply to imagine the absence of violence, but to consider the conditions under which autonomy can be meaningfully exercised. This involves attending to the ways in which economic dependency, social expectations, and normative frameworks continue to shape intimate life, often constraining the possibilities of choice, desire, and self-determination. Such constraints do not operate uniformly, but are deeply entangled with structures of gender, caste, class, and community, particularly within the Indian context, where the regulation of bodies is closely tied to questions of family, honour, and social order. Engaging with these conditions makes it possible to move beyond a narrow focus on violation and punishment, and toward a more expansive understanding of autonomy—one that is grounded not only in protection from harm, but in the creation of social and material conditions that allow individuals to live, desire, and relate more freely.

Bodily Autonomy and the Regulation of Bodies

The language of bodily autonomy has, in recent years, found explicit recognition within constitutional discourse, often articulated through the framework of dignity and privacy. In *Justice K.S. Puttaswamy v. Union of India*², the Supreme Court affirmed that the right to privacy is intrinsic to life and personal liberty, and in doing so, located control over one's body within the domain of fundamental rights. Such recognition appears to secure bodily

² Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017), available at <https://translaw.clpr.org.in/case-law/justice-k-s-puttaswamy-anr-vs-union-of-india-ors-privacy/>

autonomy as a protected and legitimate claim. Yet, this articulation also raises a more difficult question: what does it mean for autonomy to be recognized in principle, when the conditions under which bodies are lived continue to be shaped by relations of power that extend far beyond the reach of law? If autonomy is articulated within constitutional discourse as a matter of rights, its meaning begins to shift when placed within the textures of everyday life. The body, in this sense, does not exist as an abstract bearer of rights, but as something constantly read, interpreted, and positioned within social contexts. How one's body is seen, the legitimacy it is afforded, and the degree of control one is able to exercise over it are shaped through norms that operate long before any question of legal protection arises. These norms, structured through relations of gender, caste, class, and community, inform not only external forms of regulation but also the ways in which individuals come to understand their own bodies and possibilities. The regulation of bodies, therefore, does not operate only through explicit restrictions or visible forms of control. It is sustained through everyday practices that appear ordinary and often go unquestioned. Expectations around behavior, appearance, mobility, and conduct are continually produced and reinforced, shaping the boundaries of what is considered permissible. These forms of regulation do not always present themselves as constraints; rather, they are frequently internalized, becoming part of how individuals perceive themselves and their choices. In this way, control is not only imposed from the outside but is also negotiated from within, making it difficult to distinguish between what is freely chosen and what is socially conditioned. To understand bodily autonomy in these terms is to recognise that it is mediated through a range of concrete social arrangements that organize everyday life. The ability to make decisions about one's body is often entangled with structures such as the family, kinship networks, and community expectations, where questions of obedience, honour, and responsibility frequently take precedence over individual choice. Decisions around mobility, sexuality, relationships, and even appearance are rarely exercised in isolation; they are negotiated within systems that attach value and legitimacy to certain ways of being while disallowing others. In many instances, autonomy is not simply denied outright but is reshaped, permitted within limits, conditional upon conformity, or withdrawn when it threatens established norms. This conditionality is not experienced uniformly. The extent to which one can exercise control over one's body is deeply stratified, shaped by caste hierarchies, economic dependency, and gendered expectations that structure access to space, resources, and social legitimacy. For some, autonomy may appear as a matter of personal decision-making, while for others, it remains tightly regulated through both overt restrictions and subtle forms of surveillance. What emerges, then, is not the absence of autonomy, but its uneven distribution where control over one's body is continuously negotiated within constraints that are socially produced and historically sustained. In this sense, bodily autonomy cannot be understood apart from the institutional and cultural contexts that give it form. It is not simply a question of whether individuals possess the right to make choices, but of the conditions under which such choices become thinkable, permissible, or possible at all. The exercise of autonomy is thus inseparable from the structures that shape it, making it necessary to examine not only the language of rights, but the material and social realities that determine how, and for whom, those rights can be lived.

Sexual Violence and the Politics of Punishment

If bodily autonomy is unevenly distributed and continually negotiated within structures of power, then the question of sexual violence cannot be approached as an isolated or exceptional phenomenon. It must instead be situated within the same social conditions that shape how bodies are regulated, valued, and controlled. Sexual violence, in this sense, does not emerge outside these relations, but is deeply entangled with them, reflecting the hierarchies and inequalities that organize social life. To treat it solely as an aberration is to overlook the ways in which it is made possible, and at times even normalized, within the very structures that govern everyday interactions. Such an understanding also brings into focus the ways in which violence is differentially recognized and responded to. Not all violations are seen with the same seriousness, nor are all experiences granted equal legitimacy. Social location plays a decisive role in determining whose suffering becomes visible and whose remains obscured, often mediated through existing hierarchies of caste, gender, and class. The question of violence, therefore, is inseparable from the question of recognition—of who is heard, who is doubted, and whose experiences are rendered inconsequential. In many instances, what is acknowledged as violence is already filtered through these structures, while other forms remain unarticulated or normalized within everyday life. These processes of recognition and normalization are closely intertwined. The very norms that regulate bodies also shape the thresholds at which harm becomes visible or actionable. Conduct that restricts movement, enforces conformity, or disciplines behavior is often absorbed into the fabric of everyday life, making it difficult to distinguish between what is tolerated and what is contested. In such contexts, control does not always appear as a clear violation; it is diffused across practices that are socially sanctioned and routinely reproduced. This has important implications for how violence is understood, as it reveals that what is recognized as an event is often sustained by conditions that remain unquestioned. The focus on identifiable acts can therefore obscure the ways in which power operates more continuously, structuring interactions long before they are named as harm.

The turn toward legal redress and punishment must also be understood within this broader context. Demands for stricter laws and accountability have emerged from sustained feminist struggles that have sought to make sexual violence visible and punishable, challenging long-standing cultures of silence and impunity. In this sense, punitive frameworks cannot be dismissed outright, as they represent important efforts to secure recognition and justice. Yet, the operation of these frameworks remains deeply shaped by the same social structures within which violence is embedded. The law does not stand outside these relations; it reflects and reproduces them in specific ways. This becomes particularly evident in the uneven manner in which legal protections are extended. While certain forms of violence are recognized and criminalized, others continue to remain outside the ambit of punishment. The absence of legal recognition of marital rape in India, for instance, reveals the limits of a framework that claims to protect bodily autonomy while simultaneously upholding the sanctity of marriage as a social institution. Within such a structure, consent is not treated as central to intimate relations, and the autonomy of individuals is subordinated to normative expectations of marital obligation. What is at stake here is not simply a gap in legal reform, but the persistence of a deeper logic in which control over bodies is organized through institutions

that the law itself is reluctant to unsettle. The politics of punishment, therefore, cannot be understood as a neutral or complete response to violence. While it identifies and penalizes certain acts, it also draws boundaries around what counts as harm and whose experiences are deemed actionable. In doing so, it individualizes violence, locating it within discrete acts and perpetrators, while leaving intact the broader conditions that enable it. Justice, in this framework, is often tied to correction and deterrence, but remains limited in its ability to transform the structures that produce vulnerability in the first place.

Political Economy of Control

The question of bodily autonomy cannot be fully understood without considering the economic arrangements within which social life is organized. Relations of power are not only cultural or normative; they are also material, shaping access to resources, opportunities, and forms of dependence that structure everyday existence. The ability to exercise control over one's body is often closely tied to these conditions, particularly where economic insecurity limits the range of choices available to individuals. Autonomy, in this sense, is not only a matter of recognition or rights, but is deeply connected to the material circumstances within which decisions are made. These material conditions extend into the domain of intimate life in ways that are not always immediately visible. Relationships that appear personal are often shaped by forms of dependence and exchange that structure how individuals relate to one another. Economic inequality can influence not only who enters relationships, but also the terms on which they are sustained, including expectations of care, obligation, and reciprocity. In contexts where survival and stability are at stake, the boundary between choice and compulsion becomes increasingly difficult to draw. What is often described as intimacy may therefore be deeply entangled with structures of need, vulnerability, and unequal access to resources, suggesting that the possibilities of mutuality and freedom within relationships are closely tied to the material conditions in which they are embedded. This has been suggested in feminist analyses of the relationship between economic arrangements and the conditions of intimacy.

Within such a framework, the concentration of economic and social power enables particular forms of access and control that are not evenly distributed. The networks of exploitation revealed in the Epstein case³, for instance, are significant not because they represent an exceptional form of violence, but because they make visible how such arrangements can be organized, mediated, and sustained within elite structures. What becomes apparent is not simply the existence of exploitation, but the ease with which it is accommodated within systems that are already structured by inequality. Exposure, in this sense, does not necessarily produce disruption. Instead, it reveals a social order capable of absorbing critique while leaving its underlying logic intact. This persistence is closely tied to the ways in which economic dependence, legal discretion, and institutional priorities operate together, often extending protection to structures of power rather than to those subjected to harm. The uneven distribution of accountability where consequences are more readily imposed in some

³ The "Epstein case" refers to the prosecution of Jeffrey Epstein and the subsequent unsealing of court documents, testimonies, and investigative materials that pointed to networks of sexual exploitation involving powerful individuals.

contexts than others points toward a system in which power shapes both the conditions of exploitation and the limits of response. Within such an arrangement, bodies can come to be treated as available, replaceable, and manageable, not as a deviation from the system, but as part of how it functions. This process, however, does not operate uniformly. The commodification of bodies is unevenly distributed, shaped by hierarchies of class, caste, race, nationality, and age that determine whose bodies are rendered more vulnerable to extraction and control. What emerges is not a neutral market dynamic, but one that is calibrated—assigning differential value to bodies and structuring their accessibility accordingly. In certain contexts, this logic becomes explicit in the language through which bodies are described and circulated, revealing a framework that treats them as consumable rather than as subjects with agency. Understood in this way, the commodification of bodies cannot be reduced to individual moral failure or addressed solely through stricter regulation. It is embedded within an economic order that relies on inequality to function, where insecurity and dependence create the conditions through which value can be extracted. As long as these conditions persist, control over bodies will continue to be organized through systems that are both materially grounded and institutionally sustained.

Structures such as marriage, family, and social norms do not merely reflect existing inequalities; they actively reproduce them by defining acceptable forms of intimacy, obligation, and belonging. Within such frameworks, control over bodies is often embedded within expectations of duty, respectability, and social order, making it appear natural rather than imposed. What might otherwise be recognized as constraint is frequently reframed as responsibility, care, or moral obligation, thereby obscuring the power relations that underlie it. This institutional grounding ensures that systems of control are not experienced as external impositions but as part of the normal functioning of social life. As a result, the regulation of bodies becomes difficult to contest, not because it is invisible, but because it is deeply normalized and continuously reinforced through everyday practices and shared beliefs.

These social structures, however, do not operate in isolation; they are embedded within, and sustained by, broader economic relations that shape their form and persistence, a point long emphasized within socialist feminist analyses of the relationship between economic organization and the regulation of social life.

What becomes difficult within such a framework is the very imagination of relations that are not structured through hierarchy, dependency, or extraction. When systems of control are deeply embedded across economic arrangements and institutional life, they shape not only the conditions of existence but also the limits of what can be conceived as possible. Forms of intimacy, care, and attachment come to be understood within the terms available to them, often foreclosing the possibility of alternatives that might exist outside these constraints. The question that emerges, therefore, is not only how control operates, but how it might be unsettled, what it would mean to think of autonomy and relational life beyond the logics that currently organize them. It is within this space that the question of sexual liberation begins to take on significance.

Reimagining Sexual Liberation

In *The Autobiography of a Sexually Emancipated Communist Woman*, Alexandra Kollontai makes clear that women's liberation cannot be realized in isolation from broader transformations in social and economic life. This insight remains crucial for thinking about sexual liberation today. Sexual liberation is often invoked as the endpoint of struggles against violence and constraint, suggesting a condition in which individuals are free to make choices about their bodies and desires without coercion. Yet, when situated within the structures that organize social and economic life, such a formulation begins to appear insufficient. If autonomy is shaped by material conditions, institutional arrangements, and unequal relations of power, then the question of liberation cannot be reduced to the mere removal of prohibition. It must instead engage with the conditions under which freedom itself becomes possible, and the extent to which those conditions are unevenly distributed.

Feminist engagements with sexual violence have long grappled with the question of how harm is to be recognized and addressed. Demands for legal reform and stronger punitive measures did not emerge in abstraction, but through sustained struggles that sought to make violence visible and to secure acknowledgment within institutions that had historically denied it. In this sense, the expansion of legal frameworks around sexual violence marks a significant shift, reflecting efforts to assert women's autonomy and to challenge entrenched cultures of silence and impunity. These interventions were neither incidental nor superficial; they were central to reconstituting the terms on which harm could be named and contested. At the same time, these developments have also generated critical reflection within feminist thought itself. The reliance on punitive mechanisms has been questioned not as a rejection of accountability, but as recognition of their limits in addressing forms of harm that are structurally produced. The problem, then, is not simply how to respond to individual acts of violence, but how to understand injustice in contexts where harm is embedded within the very organization of social and economic life.

This raises a more difficult question whether justice can be achieved through frameworks that isolate acts from the conditions that sustain them, or whether it requires a rethinking of those conditions themselves. The limits of a purely punitive approach become clearer when the nature of injustice itself is reconsidered. As Iris Marion Young has argued, not all injustice can be understood in terms of individual wrongdoing or deliberate harm. Structural injustice operates through social processes that systematically position some groups in conditions of constraint and vulnerability, while enabling others to exercise greater power and opportunity. These processes are not necessarily the result of a single actor's intent, but emerge from the routine functioning of institutions, norms, and economic arrangements that shape how individuals live and act. Within such a framework, harm cannot be fully captured by identifying perpetrators alone. The focus on individual liability, while necessary in certain contexts, risks obscuring the broader conditions through which injustice is produced and sustained. Structural injustice persists not because of isolated acts, but because it is embedded in the ordinary operations of social life through patterns of dependency, exclusion, and unequal access to resources and decision-making. Responsibility, therefore, cannot be limited

to those who commit visible acts of harm, but extends to the collective processes that make such harm possible.

It is at this point that the question of sexual liberation acquires a different significance. If injustice is structural, as Young suggests, then it cannot be addressed solely at the level of recognition or redistribution. It also shapes the more intimate domains of life, including how individuals come to desire, relate, and find meaning in their interactions with others. Amia Srinivasan engages precisely with this difficulty, drawing attention to the ways in which desire is not formed in isolation, but within contexts marked by inequality, exclusion, and hierarchy. What individuals come to want cannot be separated from the social conditions within which those desires are produced. And if desire itself is structured by unequal relations, then the language of freedom cannot simply rest on the ability to choose or to act. At the same time, attempts to regulate or correct desire risk reproducing new forms of control, imposing normative expectations under the guise of justice. Sexual liberation, therefore, cannot be located either in the uncritical affirmation of desire or in its regulation. It requires a deeper engagement with the conditions that shape both. It becomes necessary, then, to examine the existing social and economic arrangements that render the question of sexual liberation difficult to articulate, let alone realize. The issue is not simply the absence of freedom, but the ways in which prevailing structures shape what can be imagined, discussed, or pursued as possible. Engaging with the question of liberation, therefore, also requires thinking beyond these arrangements not by turning away from earlier efforts, but by learning from them as sites of insight and possibility, and reworking them in relation to the conditions of the present.

It is in this context that Kristen Ghodsee, in *Why Women Have Better Sex Under Socialism*, draws attention to the relationship between economic arrangements and women's lived autonomy. Through case studies from Eastern Europe, she shows how the absence of social safety nets in capitalist societies places a disproportionate burden of unpaid care work like childcare, elder care, and care for the sick on women, while simultaneously reinforcing economic dependency. This dependency is not without consequence. Lower wages, unequal access to resources, and the privatization of care create conditions in which relationships are shaped by necessity as much as by choice, often intensifying pressure toward marriage as a site of economic security. In this sense, autonomy cannot be separated from the economic arrangements that shape its exercise, making sexual liberation contingent upon transformations that extend beyond the individual.

Sexual liberation, then, cannot be understood as a condition that is once achieved and secured. It is better approached as an ongoing practice, one that requires a continuous engagement with both the self and the structures within which the self is formed. It involves holding together what often appears contradictory: the insistence on autonomy, and the recognition that desire is never entirely one's own, but shaped through histories of inequality and exclusion. To remain with this tension is not a failure of resolution, but a refusal to simplify what cannot be simplified. It opens up the possibility of thinking about freedom not as the absence of constraint alone, but as the presence of conditions that allow different forms

of life, intimacy, and relation to emerge. Such a vision does not promise a complete break from structures of power, but it does insist that they are neither natural nor inevitable.

What is at stake, then, is not the attainment of a final state of liberation, but the ongoing effort to transform the conditions under which bodies are lived, desired, and related to. It is within this unfinished and contested space that the meaning of autonomy continues to be reworked, shaped by struggle, by imagination, and by the refusal to accept existing limits as definitive.

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