

Whose Body?

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Emily Ratajkowski, [My Body](#) (2021).

Who owns one's body? What kinds of intimate activities generate value? These questions appear in a number of discrete family law subjects, like whether to remunerate housework, or to compensate surrogacy, but they also shape the very existence of family law as a field, defined by opposition to the exchanges that take place in the market.¹ This opposition, it turns out, is illusory: while legal rules construct the family as a site of altruism and affection, they also explicitly and routinely recognize economic exchanges. Indeed, family law is deeply implicated in the project of determining what has quantifiable value, who gets to decide, and who benefits as a result.²

Emily Ratajkowski's *My Body* provides a nuanced, deeply personal, and unexpectedly moving take on these core questions. Her book — part-memoir, part-cultural critique — struck me as relevant for family law scholars and teachers for its treatment of the gendered ways one can lay claim to one's body; the precarious boundary between professional and personal relationships, or between “work” and everything else; and the double-edged sword of commodification.

Ratajkowski “catapulted to [] global fame” after her appearance “writhing—and almost naked” in the 2013 music video for the song “Blurred Lines” (P. 41) (which was later [held](#) to infringe on Marvin Gaye's “Got to Give it Up”). At the time, Ratajkowski made headlines not only for her nearly-nude antics, but also for confidently riding the bumpy third wave of feminism, defending her choice to undress as “empowering” and not “anti-feminist” (P. 2), and decrying anyone arguing otherwise as controlling and “anti-woman.” (P. 3.) Now, she is a [famous](#) model; a founder of a clothing company offering “[easy body-conscious essentials](#)”; a writer; and a mother. Since her rise to celebrity, Ratajkowski has also complicated her understandings of her body and her work.

Ratajkowski's book, which she dedicates to her son, is divided into twelve essays, each an attempt to process and to name her experiences. They are also attempts to reclaim them as her own. As Ratajkowski details, ownership is ascribed and value is assigned to the detriment of already-vulnerable groups – in her case, young women. In her essay titled “Buying Myself Back,” she describes her experience with a photographer who sexually assaults her and, years later, publishes a book with the Polaroid pictures he took of her that same night. She did not consent to his touch, nor did she consent to his using and selling her images. (Pp. 171, 174.) Yet she is powerless to stop him. “I watched,” she recounts, “as [his book] *Emily Ratajkowski* sold out and was reprinted once, twice, and then three times.” (P. 176.) The theme recurs. She is repeatedly prevented from controlling her self, her image, and her worth. When she posts a picture on Instagram – of her walking outside her apartment in New York City, taken by paparazzi – she is sued. The photograph, as it happens, is not hers. (Pp. 154-55). In the most meta of these examples, the contemporary artist Richard Prince copies an image from Ratajkowski's Instagram, prints it onto a large canvas, and then sells it for \$80,000. Ratajkowski details the incongruity of it all: “I make a living off posing for photographs, and it felt strange that a big-time, fancy artist worth a lot more money than I am should be able to snatch one of my Instagram posts and sell it as his own.” (P. 156.) Nevertheless, she decides to purchase one of the prints he made of her (there are several) and splits the cost with an ex-boyfriend; she also requests and receives a smaller study of another of her Instagram pictures. She ends up having to pay for that too. When she and her ex separate, he claims she owes him \$10,000 for it, “a price he'd arrived at from his ‘knowledge of the market’” – even though, she exclaims, the study “was a gift to me!” (P. 159.) Men (and they are all men), repeatedly profit from her, mostly without her consent and at times from her directly. “I have learned,” Ratajkowski deplors, “that my image, my reflection, is not my own.” (P. 155.)

This mechanism – preventing individuals from accessing material goods in predictably gendered ways – ought to be

familiar to any family law scholar. Courts regularly refuse to distribute property, or otherwise apportion wealth, and in so doing cleave apart who does the work from who gets to benefit from it. Outside of marriage, for example, courts often decline to distribute property at the end of a relationship. One reason they provide is that certain activities – namely, homemaking and childrearing – are rendered gratuitously, without expectation of pay.³ Despite the use of non-market rhetoric, these decisions do not prevent an exchange from taking place, nor do they deny that such activities have economic value; rather, they prohibit the individual who undertook the work to recuperate its worth. Ratajkowski's experience, it turns out, is the rule, not the exception.

But injecting money into these relationships, without more, does not appear sufficient to improve unequal conditions. Ratajkowski shows how money touches all interactions and establishes a hierarchy of control that few can escape. As Ratajkowski observes, "in my experience, all the friends of famous men seem to be on their payroll." (P. 209.) What exactly Ratajkowski herself is getting paid for, and what her work entails, is a shifting proposition. Ratajkowski recounts a trip where she was flown from Los Angeles to London for a "job opportunity" that ended with her in the backseat of a car, watching a video of the "famous man" who invited her, having sex. (P. 209.) Another work event involved Ratajkowski being paid \$25,000 to "go to the Superbowl" with Jho Low, the Malaysian businessman and current international fugitive. (P. 137.) Upon receiving her assignment, she asks: "I don't have to, like, do anything *specific*, right?" Lines are never explicitly drawn, which means that consent is also a moving target. When the sexualization that underlies her job comes close to materializing into actual sex, Ratajkowski struggles to understand what she, and others around her, are expected to do, and which relationship categories, like employer-employee, they might fit into.⁴ On an all-expense paid trip to Coachella, she realizes that some of her traveling companions have a more specific set of responsibilities. Ratajkowski describes an interaction where the man who organized the outing tells a fellow model to entertain the male guests; wondering what that might entail, Ratajkowski asks "Was Sacha Kim's boss? Or were they cohorts? And what was she expected to go and do exactly?" (P. 148.)

Personal and professional relationships collide in other ways that defy neat categorization. One of the most important relationships that enables the women Ratajkowski works with to succeed is marriage. As she explains, it is a direct vector to achieving professional goals: "I watched models and actresses guarantee themselves financial success and careers by dating or marrying rich and famous men. . . . The *Vogue* cover they thought they'd never have? After a wedding and a big diamond ring, there it was on newsstands, the model softly wrapped in her high-flying partner's arms." (P. 150.) That marriage is *the* relationship that secures access to wealth and opportunity is entirely consistent with a legal regime that makes marriage the locus of so many material benefits. But it is only one of many sites where money and sex coexist. Ratajkowski places her work along "the same spectrum of compromise" as marriage – while some women marry rich men, she "post[s] paid Instagram ads for skincare and clothing brands owned by rich men," all of which are variations on "commodifying [one's] physical presence." (P. 151.) The primacy of marriage in this space also reveals how achieving recognition for women is still limited: "The world celebrates and rewards women who are chosen by powerful men." (P. 150.)

Ratajkowski is well-aware that she has benefitted from the ability to sell her body and capitalize on her particular set of attributes. She sits uneasily with this fact. On a fancy vacation in an exclusive resort in the Maldives, for which she is getting paid, she tries to convince herself that she has "worked the system" – as opposed to being a part of it. (P. 91.) She never, however, questions the conditions that make her body so marketable in the first instance. Instead, she mostly naturalizes her figure, and provides only glimpses of the pressure she feels to look a certain way ("At Ford Models, a woman in her late thirties with curly hair measured my hips over [] jeans . . . [t]hen she said more quietly, just so I could hear, 'We'll take a few inches off because of these pockets.'" (P. 72); "I fastened a thin belt as tightly as I could around my midsection—punching new holes in the belt's fake leather with a pen and cinching it so that it dug into my flesh when I exhaled." (P. 107); "I recently started smoking cigarettes and skipping meals to maintain a tiny waist." (P. 206)).

While Ratajkowski, a succinctly self-described "white girl" (P. 10), does not pay any sustained attention to the shape of what sells, or reflect on how the images she posts of herself online might be contributing to the harm that [teenagers](#) especially seem to be experiencing, she convincingly shows how she has been trapped by her body in a way that

defies derision or dismissal. Ratajkowski's experience might seem unique and, insofar as she is a successful model, unrepresentative. But it is far from it. "*Model or influencer or actor or not, all women know what it's like to use their sexuality for security in some capacity, I thought.*" (Pp. 89-90.)

My Body provides a poignant example of how women's roles are still limited by the men who look at them, and how sheer commodification is an incomplete response to the problem of inequality. Ratajkowski asks, "What is the power of my body? Is it ever *my* power?" (P. 206.) These are questions I will continue to consider as I teach how family law defines value, distributes wealth, and allows – or, as more often the case, denies – women the ability to exert control over their bodies.⁵

1. See, e.g., Frances E. Olsen, [The Family and the Market: A Study of Ideology and Legal Reform](#), 96 **Harv. L. Rev.** 1497 (1983).
2. Take sex. Within marriage, sex has quantifiable value; outside of it, the presence of sex foils attempts at property distribution. See Albertina Antognini & Susan Frelich Appleton, [Sexual Agreements](#), 99 **Wash. U. L. Rev.** (forthcoming 2022) __ (identifying the different legal rules that regulate agreements for sex within and outside of marriage). Even in the latter situation, effect of the law is not to prevent sex from being subject to a market exchange, but rather to define who gets to secure its value.
3. See, e.g., [Morone v. Morone](#), 413 N.E.2d 1154, 1157 (1980) ("The major difficulty with implying a contract from the rendition of services for one another by persons living together is that it is not reasonable to infer an agreement to pay for the services rendered when the relationship of the parties makes it natural that the services were rendered gratuitously.").
4. Sex work, which Ratajkowski does not describe herself directly engaging in, further challenges the division between affective and economic activity, and thus also what counts as family law. Lorelai Lee describes their experience of sex work as work, which also shapes their decision to engage in it: "I did sex work for the same reason I had always done wage labor: because I needed the money. There was no glorifying that. And yet I knew that needing the money did not feel the same as not choosing." Lorelai Lee, [Cash/Consent](#), **N+1 Mag.** (2019).
5. "The destiny of the woman must be shaped to a large extent on her own conception of her spiritual imperatives and her place in society." [Planned Parenthood v. Casey](#), 505 U.S. 833, 852 (1992) *overruled by* [Dobbs v. Jackson Women's Health Organization](#), No. 19-1392 (S. Ct. June 24, 2022).

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