



## Review symposium of Daphna Hacker, *Legalized Families in the Era of Bordered Globalization* (Cambridge: Cambridge University Press, 2017, 385 pp. ISBN: 978–1–107–14499–6 Hardback)

Guest Edited by Susan B. Boyd, Peter A. Allard School of Law, University of British Columbia

### Introduction

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When Daphna Hacker pitched me her idea for this book to be published in the Cambridge University Press series on Global Law, I could not have imagined that what she outlined would turn out to be such a remarkable tour de force. Her wide-ranging text not only amply fulfils her own project of rethinking issues in family law through a transnational lens. It also provides a template for how to interrogate other areas of law that are likewise subject to the variety of stresses produced by what she describes as 'bordered globalization'. Instead of a conventional division of topics in family law – focused on the obligations of partners towards each other and their children – we are offered cutting-edge insights into intimate law in all its richness and complexity at different stages of the life-cycle. As with the best works of sociological imagination, the picture she paints of current aspirations and difficulties in living together and looking after each other will allow many to connect biography and social structure.<sup>1</sup>

The reader of the book's well-crafted chapters will come to appreciate the challenges presented to legal thinking by social and technical changes in the way we live, and get some idea of the different responses and obstacles that are found in various legal cultures. In building her arguments and marshalling her data, Hacker draws deftly on a variety of disciplines, describing and enacting the bridging and transgressing of intellectual boundaries and participating in feminist and other debates. Nor does she fight shy of policy dilemmas. She is careful not to assume that experts from the global 'North' have the right answers for all times and places. But she also keeps clear of the opposite premise that existing local cultural and social choices must be uncritically endorsed. She shows us why some of the solutions adopted in wealthy countries to difficulties in having children or managing the care of the young, the elderly and the infirm too often exact a devastating toll on family life in poorer countries – for which she coins the vivid phrase 'immoral outsourcing'.

But, as with her discussion of attempts to abolish child labour, she also argues that solutions proposed by the West have to take better account of the specificities of local contexts and not assume that what is right in economically developed countries can simply be applied elsewhere.

Like many of us, Hacker strives to move between a 'view from nowhere', such as that which posits supposedly invariant scientific links between causes and consequences, for example in establishing what contributes to a child's health; the 'view from somewhere' – recognising the need to engage in dialogue with views found in other cultures, for example about good child-rearing practices; and

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<sup>1</sup>Certainly this is true also for me, living as I do between Italy and the UK, married to someone from another country and religion, with children who have chosen likewise, and elderly religious parents looked after exceptionally well, first in the UK, by a carer from the Philippines (together with her Turkish husband and their child), and now in Israel, by a carer from India whose children, with the help of her remittances, are being put through private education back home.

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the ‘view from everywhere’ – the attempt to formulate and enforce standards and values that ought (nonetheless) to be universally respected, such as those concerning children’s rights (Nelken, 2016).

In their contributions to this review symposium, a strong group of scholars provide their reactions to different chapters in the book. As some of them note, basing themselves on Hacker’s own arguments, if we need to avoid thinking that ‘one size fits all’, it is also moot how far it is appropriate or possible to craft solutions that could be applied on only one side of a permeable border. If, according to Hacker, the local practice of child labour can sometimes be defended, why does she insist that beauty pageants must always be banned for those under the age of sixteen? Does it not all depend on given circumstances in specific places and different families? Likewise, even for adults, the question of when and whether consent is genuinely given under conditions of objective unequal bargaining power is an issue that transcends borders. These helpful commentaries and incisive questions show us how many of the important issues that are touched on by Hacker in her necessarily panoramic overview need to be further clarified and researched.

### Reference

Nelken D (2016) From pains-taking to pains-giving comparisons. *International Journal of Law in Context* 12, 390–403.

## Book Review

### Intimacy in bordered globalisation: theory and method

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I am honoured by this opportunity to reflect on the first two chapters of Daphna Hacker’s award-winning book, *Legalized Families in the Era of Bordered Globalization*. These chapters address foundational issues in the book’s framing – both theoretically and methodologically. In these, Hacker sets the stage for her book’s exploration of the significance of borders and globalisation as individual topics – and as connected to one another. Even more importantly, Hacker brings the under-examined topic of *families* to the study of borders and globalisation. This dearth of attention to families is perplexing indeed, given the pervasive nature of family and its obvious susceptibility to regulatory forces on both the national and international stages. Hacker’s book is a welcome and long-overdue intervention into the conversation about families’ relevance to borders and globalisation and the latter’s relevance to families.

Theoretically and methodologically, Hacker takes on the tendency towards *over-determination* in conventional thinking about globalisation and borders and about families. She does so in a variety of important ways, all of which build nuance into the fields of globalisation, borders, and families and their interrelationships with one another. Hacker’s concept of *bordered globalisation* as it relates to the legal regulation of families highlights the fluidity, as well as the fixity, of borders. The methodological approach Hacker takes is particularly well suited for the study of this dynamic conception of boundaries.

I am grateful for and inspired by the book’s organisation. Rather than proceeding based on the classic division of marriage, divorce, property, child custody and support, Hacker pursues a more thematic approach, based on co-ordinating familial expectations, transnational reproduction services, familial citizenship, familial violence and older age (Hacker, 2017, p. 13). This framing bears productive

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