

Introduction

This book is perhaps best introduced through the story of Bara and Nickel. In the 2011 HBO documentary “When Strangers Click,” director Robert Kenner acquaints us with Bara Jonson, a Swede, who looks to be in his fifties. We meet Bara after he has lost his business in the United States and moved to Tärnö, a remote island in the southeast of Sweden, where he now lives with his elderly mother. Becoming bored in this extremely peaceful and secluded place, Bara finds himself visiting the website Second Life, creating an avatar, and setting up a virtual bar. The documentary shows Bara standing in his kitchen, playing the guitar and singing his original songs while plugged into the computer, so his avatar performs live in the virtual bar in front of other avatars.

His performing avatar becomes popular and is soon visited by a gorgeous female avatar who tells Bara that, although his singing is great, his avatar needs a makeover. One thing leads to another, and the two avatars fall in love and get married in the virtual world – in a wedding for which Bara and Nickel, the woman behind the female avatar, pay \$500 in real money.

One day, the owner of an independent record company from New York, who also got to know Bara through Second Life, invites him to the United States to record his songs. Bara accepts the invitation and takes the opportunity to initiate a nonvirtual meeting with Nickel, who lives in a small city in Missouri. After recovering from the shock of seeing how they look in real life, and maybe because of it, Bara and Nickel get drunk, have intercourse, and a very real baby is born as a result, whom they name Christopher. However, since Bara and Nickel are not married according to the law, and as Christopher will be eligible to petition for a visa for his father only when he turns 21,¹ Bara cannot obtain a residency permit in

¹ For US family-based visa regulations, see “Family of U.S. Citizens,” US Citizenship and Immigration Services, www.uscis.gov/family/family-us-citizens. All websites in this book were last visited on August 19, 2016. See also discussion on familial citizenship in Chapter 5.

the United States and reluctantly returns to Sweden. As Nickel says: “The countries don’t make it easy for you to actually live with someone for a while, to see if you want to get married.” Bara claims, “We are still family even though we are just in separate places.” Indeed, the film ends with us watching Nickel watching her computer, in which the couple’s avatars are sitting in a virtual living room, watching a virtual screen onto which pictures of Nickel and baby Christopher, taken in reality, are projected.²

Watching the film, one starts to wonder: Are Bara, Nickel, and Christopher a transnational family, or is Nickel a single mother like so many others? Can people have a significant familial life in virtual dimensions, or should the term *family* be reserved only for physical familial relations? Are we heading for a future in which people will establish and maintain families without ever meeting each other, through communication and fertility technologies? Do sperm and ova exportation and international surrogacy prove that this future is already here?

Indeed, the story of Bara and Nickel is an interesting example of the impact of globalization on familial biographies and on our understanding of what a family is. In this case, cross-border movement of communication and people allowed two people separated by a significant geographical distance to establish what at least they perceived as a family. In other, much more common, cases, globalization brings together people through immigration, studies abroad, and tourism, and some of these interactions lead to the creation of cross-border families. Globalization also separates families, especially as labor migration becomes an opportunity and a necessity for both men and women, who are also spouses, parents, children, or siblings. Moreover, the movement of ideas, through a variety of means such as the media and international law, changes what people know and think about familial possibilities, and eventually how they choose to live their own vision of a family.

Hence, *family* as an adjective – that is, referring to “sets of practices which deal in some way with ideas of parenthood, kinship and marriage and the expectations and obligations which are associated with these practices”³ – cannot be understood in our era detached from globalization. *Familiarity* (my term for how such practices are lived and experienced, which I use throughout this book) is opened up by globalization

² For details on the documentary, see the HBO website: www.hbo.com/documentaries/when-strangers-click. For an interview with the avatars of Bara and the director, see HBO “When Strangers Click” with Documentary Maker Robert Kenner and Bara Jonson on Tonight Live, available at: www.youtube.com/watch?v=mMxbnwIzhjI.

³ David H. J. Morgan, *Family Connections* (Cambridge: Polity Press, 1996), at 11.

and exposed to new options, liberties, and flexibilities, as well as challenged by it and faced with new complexities and confusions.

Though families are shaped by globalization in many profound ways and are, at the same time, contributing to the ever-changing meaning of globalization, surprisingly, very little attention has been given to families in the rich literature on globalization. As I write these lines, I have several books on my desk that have *globalization* in their titles and that strive to offer a wide perspective on the phenomenon. I find it almost inconceivable that not even one out of the eleven works that contain a subject index has *family* as a category, particularly as they include a reader⁴ and a handbook,⁵ which hold about 500 pages each, and a book entitled *Globalization and Everyday Life*.⁶ Moreover, although there are growing numbers of studies that look into specific case studies in which families are affected by globalization, especially within immigration studies,⁷ the links between the social institution of the family and globalization are also theoretically underdeveloped within family studies. One goal of the present book is to contribute to the exploration of this “*terra incognita*,” as it has been called by the prominent sociologists Ulrich Beck and Elisabeth Beck-Gernsheim;⁸ in so doing, it adds to the first signs of the much-needed theoretical attention to the current interrelations between globalization and families.⁹

Although Bara and Nickel’s story is about the new, globalized, cross-border movement – which enables us all to even blur the boundary between fiction and reality in novel, exciting, and puzzling ways¹⁰ – it is also about the ongoing existence of borders. Not only the geo-political and

⁴ Frank J. Lechner & John Boli (Eds.), *The Globalization Reader*, 4th edn. (Oxford: Wiley-Blackwell, 2012).

⁵ Jonathan Michie (Ed.), *The Handbook of Globalization*, 2nd edn. (Cheltenham, UK: Edward Elgar, 2011).

⁶ Ray Larry, *Globalization and Everyday Life* (London: Routledge, 2007).

⁷ For example, Deborah Bryceson & Ulla Vuorela (Eds.), *The Transnational Family: New Frontiers and Global Networks* (Oxford: Berg, 2002); Jennifer Cole & Deborah Durham (Eds.), *Generations and Globalization* (Bloomington: Indiana University Press, 2007); May Friedman & Silvia Schultersmandl (Eds.), *Growing Up Transnational: Identity and Kinship in a Global Era* (University of Toronto Press, 2011).

⁸ Ulrich Beck & Elisabeth Beck-Gernsheim, *Distant Love* (Cambridge: Polity Press, 2014), at 7.

⁹ Bahira Sherif Trask, *Globalization and Families Accelerated Systemic Social Change* (New York: Springer, 2010); Harry Goulbourne, Tracy Reynolds, John Solomon, & Elisabetta Zontint, *Transnational Families, Ethnicities, Identities and Social Capital* (London: Routledge, 2010); Beck & Beck-Gernsheim, *Distant Love*.

¹⁰ Tom Boellstorff, *Coming of Age in Second Life: An Anthropologist Explores the Virtually Human* (Princeton, NJ: Princeton University Press, 2008).

legal borders, of the kind that prevent a Swedish man from living with an American woman and their baby for a ‘relationship test period,’ but also the national economic borders that force and allow Bara to move back to his homeland, a generous welfare state, and a gender border that makes the choice of preferring the mother–child dyad over the father–child dyad an unspoken one, entirely taken for granted. Hence, the answers to questions regarding who can cross borders, who wants to cross borders, and who must cross borders, are part of the global movement itself. In that sense, we cannot understand globalization without understanding the current national, social, economic, legal, and other kinds of borders that interrelate with it. Indeed, as this book will argue, we cannot understand families today without contextualizing them within *bordered globalization* – the conceptual framework I develop in Chapter 1 of this book, which includes a typology of the antagonistic, cooperative, and complex interrelations between globalization and borders.

One reason for the ongoing centrality of borders in the familial context is that there is no global moral and normative consensus on what a family is and how family members should be treated by one another, by the country of their nationality, and by other countries. While Bara and Nickel are both from a western secular background, one can only imagine the challenges that could have been added to the already complex story if, for example, Bara had found out that behind the female avatar he married virtually lived a gay man who could not even take the risk of creating a homosexual avatar, let alone experiencing nonvirtual intimate relations with another man, in fear of social and legal retaliation in his country. Or what if Nickel had discovered that behind the avatar she loved hid a man who was already married to three wives, which was perfectly acceptable according to his religion and the law of his country of residency? Although these scenarios sound almost ludicrous, they are entirely possible in an era in which globalization and borders are in constant interplay, bringing together different national, religious, cultural, and legal perceptions of the family, and thus creating familial opportunities and challenges for people all over the world.

As hinted earlier, the law acts as a family-shaping border in itself, as it reinforces cultural borders between the allowed and the forbidden in familial terms, as well as reflects the ongoing global, national, and parochial controversies about what a family is and what the rights and obligations of family members are vis-à-vis each other and the state. Indeed, as will be explained in detail in Chapter 2, the law – national, international, and subnational – on the books and in action – will be

applied in this book as the central analytical perspective from which to explore the interrelations between globalization and borders in the familial context.

Before briefly justifying the choice of the legal prism here, allow me to offer another way of contextualizing the relevance and importance of analyzing the interrelations between globalization, borders, and families, while mentioning the themes on which the chapters in this book focus. I wish to point to what I detect as a *new familial dictionary*, which has evolved in recent years and which demonstrates the many ways families shape, and are shaped by, bordered globalization. This dictionary includes entirely new terms as well as new additional definitions attached to existing terms used until recently only in the local or national context. Tracing these terms and definitions, and assembling them together here, illuminate the argument at the heart of this book – that contemporary family structures, practices, and displays¹¹ are affected, with increasing intensity and in many significant ways, by bordered globalization.

One group of terms in this emerging new dictionary is related to spousal relations and how these are established and maintained. *Split household*, *living apart together*, and *long-distance relationship* are three terms describing a situation in which a couple, married or not, have an intimate, more or less exclusive, relationship, while each lives in a different place.¹² Although these terms can describe spouses who live in separate dwellings within the same country, due to globalization these terms are also relevant to more and more people who, like Bara and Nickel, sustain such spousal relations while living in different countries. *Split household* also refers now to situations in which the spouses used to live together but are currently separated due to immigration.¹³ *Mobile intimacy*¹⁴ captures such couples' ability to stay intimate, through technological means, while living apart.

The terms *cross-border marriage*, *multinational marriage*, *mixed-marriage*, *cross-cultural marriage*, *interfaith marriage*, and *interracial*

¹¹ Janet Finch, "Displaying Families," *Sociology*, 41(1) (2007), 65–81.

¹² Irene Levin, "Living Apart Together: A New Family Form," *Current Sociology*, 52(2) (2004), 223–40.

¹³ Cindy C. Fun & San Mingjie, "Migration and Split Households: A Comparison of Sole, Couple, and Family Migrants in Beijing, China," *Environment and Planning*, 43 (2011), 2164–85.

¹⁴ Gerard C. Raiti, "Mobile Intimacy: Theories on the Economics of Emotion with Examples from Asia," *Journal of Media and Culture*, 10(1) (2007), available at: <http://journal.media-culture.org.au/0703/02-raiti.php>.

marriage all refer to the growing number of cases in which people marry outside their group of origin.¹⁵ This phenomenon can be explained first and foremost by the physical and virtual exposure to different nationalities, religions, and races that is the outcome of globalization, as well as by growing tolerance for exogamy rising from the globally spreading Western perception of the family as aimed at fulfilling individual, rather than collective, needs and wishes. This cross-border spousal mixing is part of what Beck and Beck-Gernsheim call the “normalization of diversity,”¹⁶ and, as will be elaborated in Chapters 2 and 3, can also be seen as part of what they describe as the global normal chaos of love, in which people from different places and cultures must negotiate the meaning of their familial relations with no agreed-upon familial social scripts.¹⁷

Intimate citizenship is another term I would add to the evolving dictionary’s spousal section. As developed by Plummer,¹⁸ the notion of intimate citizenship is a broad conceptual framework drawing attention to the interplay between individual intimate choices, such as marriage and procreation, and public debates and constraints, such as those surrounding same-sex marriage and surrogacy. Although this term can relate to many conflicts and dilemmas arising from bordered globalization, I will narrow it here so it echoes the formal term *spouse visa*, and will attribute it a very pragmatic, yet controversial, meaning regarding whether a country should grant citizenship to an outsider because that person is the spouse of one of that country’s citizens. As we shall see in Chapter 5, which centers on what I term *familial citizenship*, the answer to this and other questions related to family-based naturalization reveal many examples of national authorities endeavoring to impose ever-more effective borders between insiders and outsiders. For example, *sham marriage*, *fraudulent marriage*, *fictive marriage*, and *marriage of convenience* are all terms used by the authorities to try to differentiate between marriages based on love and those used merely

¹⁵ Daphna Hacker, “From the Moabite Ruth to Norly the Filipino: Intermarriage and Conversion in the Jewish Nation State” in Hanna Herzog & Ann Braude (Eds.), *Gendering Religion and Politics: Untangling Modernities* (New York: Palgrave Macmillan, 2009), pp. 101–24.

¹⁶ Ulrich Beck & Elisabeth Beck-Gernsheim, “Families in a Runaway World” in Jacqueline Scott, Judith Treas, & Martin Richards (Eds.), *The Blackwell Companion to the Sociology of Families* (Malden, MA: Blackwell Publishing, 2004), pp. 499–514, at 505.

¹⁷ Beck & Beck-Gernsheim, *Distant Love*.

¹⁸ Ken Plummer, *Intimate Citizenship, Private Decision and Public Dialogue* (Seattle: University of Washington Press, 2003).

as an immigration license, as if it were possible to separate authentic spousal feelings from material and other interests.¹⁹

Two additional terms, which can be found in the group of spousal-related terms, are *mail-order brides*²⁰ and *leftover women*.²¹ These terms remind us that mixed marriages are not gender-neutral since, in most cases, it is the woman who leaves her country of origin to live with the man in his country.²² Among other reasons for this gendered tendency is that, in some countries where women have gained some degrees of freedom and independence, men are seeking women from less developed countries, whom they perceive as more traditionally-minded women. Hence, the industry surrounding mail-order brides is much more significant than that of *mail-order grooms*, and there are also *leftover women* – those in the more developed country who are left single, among other reasons, because of this male preference for foreign brides. In some countries, such as Singapore, Korea, and Taiwan, this phenomenon is very significant. In Singapore, about 35 percent of marriages are of local men with women from less developed Asian countries, leaving many local women unmarried. In the case of Taiwan, in 2004 some 22 percent of marriages were between Taiwanese men and foreign women. By 2008 this had declined to around 10 percent due to government-strengthened immigration policy aimed at discouraging the importation of brides.²³ Notwithstanding, in the poorer countries from which the brides emigrate, such as Vietnam, there are *leftover men*, who either import brides from even poorer countries or remain single.²⁴

¹⁹ See also Viviana A. Zelizer, *The Purchase of Intimacy* (Princeton, NJ: Princeton University Press, 2005).

²⁰ Yu Kojima, “In the Business of Cultural Reproduction: Theoretical Implications of the Mail-Order Bride Phenomenon,” *Women’s Studies International Forum*, 24(2) (2001), 199–210.

²¹ Xin Meng, “In the ‘New China’ Educated, Unmarried ‘Leftover Women’ are Still Stigmatized,” *Xpat Nation* (April 18, 2016), available at: <http://xpatnation.com/in-the-new-china-educated-unmarried-leftover-women-are-still-stigmatized/>.

²² Catherine Dauvergne, “Globalization Fragmentation: New Pressures on Women Caught in the Immigration Law-Citizenship Law Dichotomy” in Seyla Benhabib & Judith Resnik (Eds.), *Migration and Mobilities: Citizenship, Borders and Gender* (New York University Press, 2009), pp. 333–54.

²³ Daiji Kawaguchi & Lee Soohyung, “Cross Border Marriages and Female Immigration,” Harvard Business School, Working Paper No. 12–082 (2012), available at: www.hbs.edu/faculty/Publication%20Files/12–082.pdf.

²⁴ Danièle Bélanger & Tran Giang Linh, “The Impact of Transnational Migration on Gender and Marriage in Sending Communities of Vietnam,” *Current Sociology*, 59(1) (2011), 59–77.

Finally, in the spousal-related group of terms, I would suggest importing *portability*, used mainly in social security law,²⁵ to family law and family-related legal documents. *Portable spousal agreement* and *portable divorce agreement* can be useful terms that point to the need to draft such legal documents in a way that will secure their meaning and enforceability in different countries. As will be demonstrated in Chapter 3, which centers on the theme of coordinating expectations, the relevance of prenuptial agreements is relatively obvious for cases in which the spouses are from different countries, have different expectations of the marriage, and are connected to competing legal systems. However, the questions surrounding prenups' desirability and portability, as well as the portability of other familial legal agreements and documents, such as last testaments, become relevant to all couples in an era in which one cannot be sure that both parties will live in the same country all their lives. *Divorce tourism* is another relevant term that relates to forum shopping on the part of ex-spouses in an attempt to secure the jurisdiction most favorable to them.²⁶ For example, according to *The Times*, London is a global capital for divorce tourism, with marriage break-ups involving foreign nationals accounting for a sixth of all divorce cases put before the courts.²⁷ Apparently, ex-wives, and their lawyers, are aware of the English courts' reputation as being more generous than others toward the domestic partner when it comes to splitting the matrimonial property.²⁸

Another group of terms in the new familial dictionary relates to the different cross-border ways of bringing a child into the world. The terms *fertility tourism*, *procreative tourism*, *infertility exile*, *reproduction emigration*, and *cross-border reproduction care* all refer to the same phenomenon in which people in one country travel to another to buy gametes (mostly ova) or pregnancy-related services (surrogacy or delivery).²⁹ People can also stay put, and import gametes (ova and sperm) from another country.³⁰ For the first time in human history, a child can be born from sperm

²⁵ For example, see "General Rules of Portability," Australian Government website, available at: <http://guides.dss.gov.au/guide-social-security-law/7/1/2/10>.

²⁶ Beck & Beck-Gernsheim, *Distant Love*, at 180.

²⁷ Frances Gibb, "Divorce Tourists' Take Over the Court," *The Times* (April 10, 2012), available at: www.thetimes.co.uk/tto/law/article3379227.ece.

²⁸ Cecilia Rodriguez, "Divorce Tourism: London Is Still the Top Destination," *Forbes* (August 23, 2013), available at: www.forbes.com/sites/ceciliarodriguez/2013/08/22/divorce-tourism-london-is-still-the-top-destination/.

²⁹ Richard F. Storrow, "The Pluralism Problem in Cross-Border Reproductive Care," *Human Reproduction*, 25(12) (2010), 2939–43.

³⁰ Marcia C. Inhorn, "Rethinking Reproductive 'Tourism' as Reproductive 'Exile,'" *Fertility & Sterility*, 94 (3) (2009), 904–6; Eric Blyth, "Fertility Patients' Experiences of Cross-Border

produced in one country and an ovum retrieved in another country, which are then transplanted as an embryo into a woman from a third country, who gives birth in a fourth country, to a baby designated to be handed over to intended parents from a fifth. However, as the different terms demonstrate, this new option is not normative-neutral.

Chapter 4 frames abortion as another cross-border reproduction service, and discusses it together with inter- and multinational surrogacy. I will argue that the ability to purchase reproduction services abroad, and the disagreement about the moral acceptability of abortion and surrogacy, lead to what I call *familial globordered hypocrisy* – a situation in which one country enacts restrictive family-related legislation while assuming this will not lead to active external or internal opposition since that country's citizens can satisfy their familial needs in another country where there is different and more enabling legislation. In this case, globalization and borders are in symbiotic relations, as a nation-state can preserve its *nomos* thanks to the global supply of reproduction services, while the global reproduction industry profits from national restrictive policies.

The final group of terms in the new familial dictionary relates to parent–child relations. *Left-behind child* is a term referring to cases in which one or both of the parents emigrate, leaving the child to be raised by the remaining parent or grandparents or other family members. There are millions of left-behind children around the world, living in countries with a markedly high incidence of emigration such as the Philippines, Sri Lanka, Moldova, and Mexico. Millions more, especially in China, are left behind because of their parents' need to emigrate afar within their own country, a phenomenon also reinforced by global capitalism and its impact on agriculture and urbanization.³¹ *Transnational motherhood* is the mirror term of *left-behind child* as well as another example of the parentally gendered border that leads to greater emphasis being placed on the mother–child dyad,³² though the gender-neutral term *transnational families* is increasingly in use, describing families that are split

Reproductive Care,” *Fertility & Sterility*, 94(1) (2010), e11–e15, available at: [www.fertstert.org/article/S0015-0282\(10\)00106-8/fulltext](http://www.fertstert.org/article/S0015-0282(10)00106-8/fulltext).

³¹ See “Migration, Displacement and Children Left Behind,” The International Center for Migration, Health and Development (August 12, 2013), available at: <http://icmhd.wordpress.com/2013/08/12/migration-displacement-and-children-left-behind-clbs/>.

³² Sarah K. van Walsum, “Transnational Mothering, National Immigration Policy, and European Law: The Experience of the Netherlands” in Seyla Benhabib & Judith Resnik (Eds.), *Migration and Mobilities, Citizenship, Borders and Gender* (New York University Press, 2009), pp. 228–51.

between two countries or more.³³ Additional related terms are *teleparenting* and *mobile-phone mum*, which captures the technology-assisted attempts of transnational parents to keep in touch with their left-behind children on a regular basis.³⁴ Chapter 6 will look at remittances, sent by parents working abroad to their left-behind children, and place this phenomenon, together with child labor and international adoption, in the broader context of the question of who should be obliged to secure children's economic needs in our era.

Parachute kid is another term in the lexical parent–child group, developed to capture the phenomenon of children sent to live in a new country, alone or with a distant family member or a paid caregiver, while the parents stay in the country of origin. If the child is accompanied by one of the parents and siblings while the breadwinner parent stays behind in the country of origin, he or she is termed a *satellite kid*, and the absent breadwinner is referred-to as an *astronaut parent*, left detached to provide for the rest of the family.³⁵ In both cases, the children's change of location is usually aimed at securing good schooling and higher education for them. For example, during the 1990s it was estimated that about 40,000 unaccompanied Taiwanese minors aged 8–18 were studying in the United States.³⁶ Although in most cases the family's assumption is that the child will return to the homeland, in others the expectation is that the child will remain in the host country and, possibly, will be joined at some point by his or her parents and other adults.³⁷ Two further terms, used to derogate parents who try to secure citizenship of another country by a short-term move, are *anchor baby* and *birth tourism*.³⁸ These terms relate to cases in which expectant parents deliberately time the baby's delivery and choose its location to coincide with a country that grants citizenship on the basis of geographic place of birth, such as the United States.

³³ For example, Laura Meria (Ed.), *Transnational Families, Migration and the Circulation of Care: Understanding Mobility and Absence in Family Life* (New York: Routledge, 2014).

³⁴ Burghardt et al., in Beck & Beck-Gernsheim, *Distant Love*, at 112; Ernesto Castañeda and Lesley Buck, "Remittances, Transnational Parenting, and the Children Left Behind: Economic and Psychological Implications," *The Latin Americanist*, 55(4) (2011), 85–110, at 91.

³⁵ Yuying Tsong & Yuli Liu, "Parachute Kids and Astronaut Families" in Nita Tewari & Alvin N. Alvarez (Eds.), *Asian American Psychology: Current Perspectives* (Mahwah, NJ: Erlbaum, 2008), pp. 365–79.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ See Wikipedia entry, *Birth Tourism*, available at https://en.wikipedia.org/wiki/Birth_tourism (as of August 14, 2016).

Indeed, in the United States, the authorities are trying to combat the phenomenon,³⁹ and the question of abolishing birthright citizenship was part of the recent presidential campaign.⁴⁰ Recently, a new term has emerged in the global sphere of children crossing borders. *Unaccompanied minors* relates mainly to the tens of thousands of teenagers from Africa and the Middle East who, since 2010, have reached European countries without their parents. They seek asylum or try to stay unnoticed by the authorities. The motivations of these minors and their families, which fuel the decision to take this highly risky route, include the need to escape war or poverty, and are still in need of a much deeper study, both in the countries of origin and the destination countries.⁴¹

A very different term in this parent–child lexical group, and the last one I will refer to in relation to the emerging and dynamic new familial dictionary, is *left-behind parent*. This term refers to cases in which a child is kidnapped from one parent, by the other, and taken to another country.⁴² This reminder of the dark side of family life will be discussed in Chapter 7, together with other forms of familial violence and abuse affected by bordered globalization.

Interestingly, in my research for this book I did not come across any new shared familial terminology related to the growing proportion of the elderly population separating from their family due to ‘return migration’, in which older people who emigrated when they were younger choose to retire to their birth country or, due to immigration to a warmer or more affordable country. Nor did I find any new terms that reflect the familial impact of elderly people’s reunion with their children, where the latter immigrated in the past and now bring their parents across so they can care for them in old age. Likewise, I did not detect any new familial terms related to the rising phenomenon of elderly people cared for by workers

³⁹ For example, Leo Timm, “Chinese ‘Birth Tourists’ Getting Attention from US Authorities,” *Epoch Times* (Sep. 11, 2013), available at: www.theepochtimes.com/n3/283563-chinese-birth-tourists-getting-attention-from-us-authorities-2/.

⁴⁰ Tal Kopan, “Birthright Citizenship: Can Donald Trump Change the Constitution?,” CNN (August 18, 2015), available at: <http://edition.cnn.com/2015/08/18/politics/birthright-citizenship-trump-constitution/>.

⁴¹ European Commission, *Policies, Practices and Data on Unaccompanied Minors: In the EU Member States and Norway* (2015), available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_policies_practices_and_data_on_unaccompanied_minors_in_the_eu_member_states_and_norway_synthesis_report_final_eu_2015.pdf.

⁴² “International Child Abduction: A Guidebook for Left-Behind Parents,” Government of Canada website, available at: <https://travel.gc.ca/travelling/publications/international-child-abductions>.

who have emigrated from another country, that will be discussed in the eighth and final chapter of the book. This might be so since many people in the developed world would like to continue to treat these caregivers as invisible migrant workers. However, the little research that exists on this phenomenon shows that, in some cases, these foreign paid caregivers eventually become *child substitutes* or *surrogate grandchildren* and establish significant semifamilial relations with the cared-for person, who might become a *grandparent replacement* to the caregiver.⁴³ The intense daily and intimate care of the elderly in the destination country, on the one hand, and the distance of the caregiver from his or her family in the country of origin, on the other hand, create new identities and roles that cross the socially constructed border between family and strangers, and the legally constructed border between employment contracts and intimate ties. Like *split household*, *mail-order bride*, *transnational motherhood*, and *parachute child*, *child substitute* in the context of the elderly is an example of the new challenges to familial care, intimacy, authority, obligations, and rights in the era of bordered globalization, to be explored in this book.

Like the story of Bara and Nickel, the new familial dictionary detailed here demonstrates the many ways in which bordered globalization is part of contemporary families' biographies. Moreover, terms such as *spouse visa*, *portable spousal agreement*, *divorce tourism*, and *anchor baby*, also point to the role of law in shaping the interrelations between globalization, borders, and families. Indeed, this book strives to provide answers to the following questions:

- What are the opportunities that bordered globalization offers families?
- What are the difficulties and challenges faced by families due to bordered globalization?

⁴³ The term *surrogate daughter* is used by Liat Ayalon in the context of older Israelis cared for by Filipina migrant workers. See Liat Ayalon, "Family and Family-Like Interactions in Households with Round-the-Clock Paid Foreign Carers in Israel," *Ageing & Society*, 29(5) (2009), 671–86, at 681. Another term used in the literature to describe the relations that develop between elder care recipients and their paid care providers, though not necessarily in the context of globalization and migrant care workers, is *fictive kin*. See Tracy X. Karner, "Professional Caring: Homecare Workers as Fictive Kin," *Journal of Aging Studies*, 12(1) (1998), 69–82. Interestingly, *fictive kin*, a term developed by anthropologists to describe family-like relations that are not based on blood or marriage but on religious rituals or close friendship, is also the term used by Helen Rose Ebaugh and Mary Curry to describe the web of relations that immigrants constitute in the destination country. See Helen Rose Ebaugh & Mary Curry, "Fictive Kin as Social Capital in New Immigrant Communities," *Sociological Perspectives*, 43(2) (2000), 189–209.

- What role does the law play in shaping these opportunities, difficulties, and challenges?

Hopefully, this investigation will also provide substantial food for thought about what role the law should play in the lives of families in the bordered globalization era. Here I am inspired by Robin West's claim that legal scholarship should not be satisfied only by answering the question 'what is the law?'. Rather, it must also insist on trying to understand why the law is what it is, and what the law should be, so that it contributes to a humane and just society and world.⁴⁴ However, this book does not point to concrete desired legislative reforms. Rather, it highlights the importance of legal contextualization as well as the lack of satisfying empirical knowledge on families in the era of bordered globalization, needed for informed policy making.

Although the choice to use the law as the prism through which to study families in the era of bordered globalization is explored in detail in Chapter 2, I will end this Introduction by referring to the main differences between this book and other books on family law.

First, unlike most books on family law, the chapters of this book are not organized around the classic division of marriage, divorce, property, and child custody and support. Rather, as mentioned earlier, after developing the concept of bordered globalization in Chapter 1 and connecting it, generally, to families and law in Chapter 2, its impact on spousal and parental relations will be discussed in subsequent chapters that center on the themes of 'coordinating familial expectations', 'transnational reproduction services', 'familial citizenship', 'feeding children', 'familial violence', and 'old age'. This thematic organization echoes the familial life-span stages – establishing spousal relations, conceiving a child, caring for one's children (or sadly neglecting them), and being cared for in old age. It also allows us to look afresh at issues that, at first glance, might appear unconnected – for example, prenuptial agreements and relocation conflicts as part of the challenge inherent in coordinating expectations between spouses before marriage or after its breakdown; spouse visas and labor migrant-family rights as part of the interrelations between citizenship and family; or remittances and child labor as part of the question about who should be responsible for supporting children – and to see the conceptual connections they share within the bordered globalization framework.

⁴⁴ Robin West, "A Reply to Pierre," *Georgetown Law Journal*, 97 (2009), 865–75.

Second, unlike most family law scholarship that centers on one particular national legal system, this book looks at family law in different countries. It will explore mainly three legal systems – namely, those of the United Kingdom (UK), as an example of a Western country that was still a part of the European Union (EU) when this book was written and that is challenged by incoming immigration and a recent decision to enhance its national borders (following the Brexit referendum); the United States (US), as an example of a Western superpower, which faces massive legal and illegal emigration; and Israel, as an example of a relatively multicultural traditional society, with a dual system of religious and secular family law. In addition, many more countries and legal systems will be discussed in this book, both from the Global North and the Global South, to provide a panoramic and contextual analysis of the impact of bordered globalization on families and the role the law plays in shaping it.

Third, in contrast to most other works on family law, law in this book does not just refer to family law in the traditional sense, but to *families laws* – that is, all laws that impact families affected by bordered globalization. These include, of course, family law, but also other branches of law such as immigration law, labor law, criminal law, and public and private international law. In saying that, I join those who argue that, even from a narrow doctrinal perspective, one can no longer understand the law as it pertains to families only by looking at national family law.⁴⁵ The era of bordered globalization forces family lawyers and judges to become acquainted with these other branches of law, as well as with relevant laws of other countries and the religious laws of minority groups, otherwise they are left trapped by “methodological nationalism,”⁴⁶ unable to properly attend to the family members with whom they come into professional contact.

Fourth, and perhaps most importantly, unlike most other books on family law, including those few that escape the methodological nationalism trap,⁴⁷ in this book the law is not only an interesting research subject

⁴⁵ Barbara Stark, *International Family Law: An Introduction* (Aldershot, UK: Ashgate, 2005); Ann Laquar Estin & Barbara Stark, *Global Issues in Family Law* (Eagan, MN: Thomson/West, 2007); Marianne D. Blair, Merle H. Weiner, Barbara Stark, & Solangel Maldonado, *Family Law in the World Community: Cases, Materials, and Problems in Comparative and International Family Law*, 2nd edn. (Durham, NC: Carolina Academic Press, 2009); David Hodson, *The International Family Law Practice*, 2nd edn. (Bristol: Family Law, 2012); Zvi Triger, “Introducing the Political Family: A New Road Map for Critical Family Law,” *Theoretical Inquiries in Law*, 13(1) (2012), 361–84.

⁴⁶ Ulrich Beck, “Unpacking Cosmopolitanism for the Social Sciences: A Research Agenda,” *The British Journal of Sociology*, 57(1) (2006), 1–23.

⁴⁷ See supra note 45.

matter in itself but also an analytical perspective and a methodological prism through which the social, cultural, and moral dimensions of familial lives in our era are explored. As a scholar trained in both law and sociology, I cannot understand the law but as a social field, and a relatively weak one, because it is shaped by political and economic forces.⁴⁸ Yet, the law is meaningful enough to limit our imagination and to contribute to the creation of relatively consensual social scripts – and more rarely to open up our minds to challenge these scripts.⁴⁹ Moreover, as our collectively agreed-upon private conflict solver, the law highlights the falseness of the alleged separation between the private and the public spheres, as well as the problematic treatment of family members as belonging to one harmonious unit, while ignoring power relations and conflicting interests within families – two insights well developed by feminist jurisprudence.⁵⁰ Finally, as the law is perhaps the last meta-narrative to survive postmodernism and identity politics on the national level,⁵¹ and the dominant language in the international sphere,⁵² it is a fascinating public discursive arena in which global forces, nations, communities, families, and individuals meet and different perceptions related to families interact, clash, converse, and are reshaped. Hence what better a lens than the law through which to study the interrelations among globalization, borders, and families?

The socio-legal perspective of the book leads to its *methodological bricolage*. This is not a family law doctrinal book, limited to the analysis of legal rules and cases. Rather, it offers a synthesis of innovative theoretical conceptualization, empirical and legal literature integrative reviews, focused and overview comparative analyses, qualitative research, cultural artifacts analysis, and historical socio-legal genealogy. All this is tailored to provide what I consider the most important, thought-provoking, and challenging narratives of the phenomenon of legalized families in the era of bordered globalization.

⁴⁸ Pierre Bourdieu, “The Force of Law: Towards a Sociology of the Juridical Field,” *Hastings Law Journal*, 38 (1987), 814–53.

⁴⁹ Patricia Ewick, “Consciousness and Ideology,” in Austin Sarat (Ed.), *The Blackwell Companion to Law and Society* (Malden, MA: Blackwell Publishing, 2004), pp. 80–94.

⁵⁰ For example, see Frances E. Olsen, “The Myth of State Intervention in the Family,” *University of Michigan Journal of Law Reform*, 18 (1985), 835–64; Suzan Okin Moller, *Justice, Gender, and the Family* (New York: Basic Books, 1989).

⁵¹ Shulamit Almog, *Law and Literature* (Jerusalem: Nevo, 2000) (Hebrew). All translations from Hebrew are either official or those of the author.

⁵² Orna Ben-Naftali & Yuval Shany, *International Law between War and Peace* (Tel Aviv: Ramot, 2006) (Hebrew).

Allow me to end this Introduction with two warnings. First, this book aims to provide a panoramic overview of the interrelations between globalization, borders, families, and laws. Each chapter could have been developed further to include many more topics, arguments, examples, and references, and there is no presumption to exhaust any of the issues raised, let alone refer to all the relevant literature. I hope this task will be ably performed by others convinced by the basic arguments in the book and enriched by the synthesis and analysis it provides. Second, reality changes so fast in the era of bordered globalization that sociological data, legal descriptions, and socio-legal analyses can become obsolete even days after they are presented. The Brexit debate and resolution, the candidacy and triumph of Donald Trump, and the massive and frequent terrorist attacks in Europe are but three examples of the more dramatic and unpredicted events that took place while this book was written, and which might have significant implications for legalized families affected by bordered globalization. Hence, the data in this book should be consumed with caution, in context, and in light of updated information, and in no event should be confused with legal advice.