

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

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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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conceptual implications. By following a life-course perspective and analysing areas of intimacy tracking a lifespan (Reczek *et al.*, 2009), Hacker paves the way for understanding the legal regulation of family as not merely about discrete doctrinal subcategories, but also about passage across legal status categories deeply connected to one another (Kim, *forthcoming*). These connections provide opportunities to think through the connective tissue within legal systems (Kim, *forthcoming*). Moreover, this approach rebuts the conceptualisation of doctrinal areas such as family law, and its sub-areas, as being somehow exceptional to other bodies of law and society. This type of framing highlights the centrality of family to inquiries within law and society, as it tracks universal questions that arise in a life course.

This integrated approach towards understanding family law also pervades Hacker's conceptualisation of what 'counts' as part of this doctrinal package. Once we connect family to a life course, we can see better the connections between the various areas of law bearing on family, as individuals and families move through life embedded within societies across time. Hacker rebuts the 'methodological nationalism' (Hacker, 2017, p. 14) that can characterise the study and perception of 'family law', bringing into the fold not just what she calls 'classical family law, such as marriage and divorce laws', or what can often be thought of as 'private family law', but also more 'public' areas of law, like criminal law, labour, human rights and immigration (p. 14). This framing highlights the synthetic relationship between the public and private stakes in the legal regulation of families. Rejecting a more literal nationalism, Hacker also leans into the international aspects of family law, pushing us to look at legal regulation beyond domestic borders.

In doing so, Hacker provides a means of piercing other forms of methodological insularity. The substantive concept of bordered globalisation connects with Hacker's deliberately socio-legal method – one that breaks down barriers between disciplinary domains while also exhibiting a self-awareness about their persistence. Hacker bolsters law and society's central claim about law as socially embedded, as any other field (Kim, *forthcoming*). This insight is as critical here, as it is in any socio-legal work, rendering visible the choices that drive so-called neutral legal principles and their application. Her approach yields space for a decidedly interdisciplinary conversation.

This conversation presages a searching inquiry about the construction of fields – whether they be the legal, the sociological or other. For instance, just in the way that Hacker urges us to maintain a socio-legal commitment to understanding the law as a social field, notwithstanding claims to neutrality, she also presses the case for more methodological pluralism by other scholars in law and society, demarcating a space both for qualitative and quantitative work and for a vision of critical studies that allows 'critical, reflexive, interpretive, and pluralist' modes of gathering and interpreting information about the world (Hacker, 2017, p. 66). Hacker's contribution is *intra*-disciplinary, as well as *inter*-disciplinary.

Beyond method, Hacker challenges us to embrace a nuanced understanding of the fluidity and fixity of boundaries and borders. This duality pervades her book's main theme – that of *bordered globalisation*. Rather than treating borders and globalisation as 'two oppositional forces', Hacker suggests 'a more multifarious perception of the interrelations between the two' (2017, p. 17). She argues that one cannot be understood without the other and notes that 'we live in an era in which globalization and borders are two extremely important forces that interrelate in ways that affect every aspect of our lives, including the familial dimension' (Hacker, 2017, p. 17). Hacker departs from the view that 'our world is a global village, in which people, capital, and ideas move with little interruption across geo-political borders' and also from the view that 'borders and boundaries are so significant that globalization should be perceived as a phenomenon affecting only the mobile elite or only specific areas of activity, such as commerce or technology' (Hacker, 2017, p. 17). She persuasively suggests that the two phenomena (of borders and globalisation) are not only antagonistic to one another, but also cooperative (Hacker, 2017, pp. 17–18).

Hacker illuminates diversity within the concept of globalisation. Broadly speaking, 'globalization is first and foremost about intense movement across national borders' (Hacker, 2017, p. 19). But its component parts are:

‘movement of capital (virtual and physical money, commodities, products, and other kinds of economic goods); movement of people (due to voluntary and forced emigration, tourism, business trips, studies abroad, and other personal and political circumstances); and movement of messages (private, commercial, political, cultural, and other kinds of communications).’ (Hacker, 2017, p. 19)

She rightly observes that ‘[never] in human history has the movement of all three components of globalization been so massive, so intense, and so much a part of everybody’s lives as in our era’ (Hacker, 2017, p. 20).

Despite the intensity of international movement, Hacker notes the resilience of borders, as demonstrated by the fact that ‘only 3.2 percent of the world’s population, as of 2013, liv[ed] outside their country of birth, whereas, at the beginning of the twentieth century, a tenth of the world’s population were immigrants’ (2017, p. 28). These barriers are not necessarily preordained, but influenced by ‘global inequality’, with ‘many who would like to internationally relocate to better their lives ... blocked by physical and legal borders that separate them from their wished-for destination’ (Hacker, 2017, p. 28). Hacker’s exploration of the meaning of borders includes social impediments to crossing them, but also the significance of borders to ‘people’s everyday lives and to their sense of identity’ (2017, p. 30).

Demonstrating her attention to nuance in legal and social categorisation, Hacker also identifies the constructedness, alongside the persistence, of the concept of borders. She previews her later examination of borders themselves as ‘relational, contextual, and dynamic’ (Hacker, 2017, p. 33), themselves the product of ‘power relations’ (p. 34). While her main focus is ‘national borders’, a form of ‘social hierarchical categorization, reinforced by physical or symbolic violence’ (Hacker, 2017, pp. 36–37), Hacker also helpfully connects this framing with ‘social borders – in particular the law – that reinforce gendered, economic, ethnic, and religious symbolic boundaries, and ... their interrelations with the national ones and with globalization’ (p. 37).

In exploring tensions within and between borders and globalisation, as well as their dynamic relationship to each other, Hacker foreshadows her thoughtful subsequent examination of another set of categories and their relationships with one another – that of ‘family’ and ‘law’. Again, in rich interdisciplinary fashion, Hacker outlines the descriptive and normative positions of both law and sociology on family. The context of bordered globalisation, and the process of moving across borders (or the lack of ability to do so), brings into relief the social constructedness of ‘family’ and its basis in what Hacker calls ‘such vague notions as care’ (Hacker, 2017, p. 48). To the extent that family is based on notions of care, what count as socially recognised forms of care? What kinds of intimacy, relatedness and personal life produce validated forms of care that suggest identifiable family relationships? These are the types of foundational questions that Hacker’s theoretical framework helps us to address.

The socio-legal framing Hacker sets forth here makes a valuable contribution to interdisciplinary scholarship. Often lost in conventional legal scholarship is the sense of law as a social field itself. In true law and society fashion, Hacker’s distinct socio-legal perspective illuminates how law is shaped by policy and social forces, just as any other domain in society. As she describes it, the book is composed of ‘methodological bricolage’ (Hacker, 2017, p. 15) – drawing from law, theory and sociology. I am moved by Hacker’s earlier chapters, for the deep connection they display between theory and method. Hacker writes capaciously and intimately. She creates a conceptual paradigm for understanding bordered globalisation and families, but also talks about why it matters. She explores these topics, but also helps us to think about how we talk about these topics and the best means by which to do so.

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