

# What Does it Mean to 'Engender' the Study of Borders?

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HEENA MOHAMMED, MAR 25 2014

This essay will highlight how a gender-sensitive analysis of the study of borders can enhance our current understanding of borders and those issues that are intrinsically linked with border studies, i.e. citizenship and migration. Looking at the case of transnational female labour migration and domestic workers, we will conclude that engendering border studies only advances our understanding of bordering practices.

Recognising that definitions themselves can shape an argument, this essay will first deal with the issue of defining politically loaded terms such as *borders*, *citizenship*, *identities* and *gender*, in order to help us structure our argument.

This essay will take on two parts. First, it will look at the theoretical background upon which border studies have been framed historically, and the bias that has arisen from this. Focusing particularly on how our views of borders, migration and the nation-state have been influenced by gender, we can proceed to analyse recent migration and citizenship trends from a gender-sensitive perspective. Based on Carol Pateman's sexual contract theory we will establish that the socially constructed binary between the public and private sphere has led to citizenship being traditionally centred on a male-bias, foregoing neutrality. This has long put women at a disadvantage as the state has failed to offer full protection to its female citizens and migrants.

Using this framework, we will approach the second part of the essay which will look specifically at transnational female labour migration and how this poses both a challenge to traditional views of citizenship and also reinforces it. Using a gender-specific analysis, we can then highlight issues that require questioning and reform in order to establish balance and equality in the current territoriality-divided state system.

### Definitions

Contemporary post-modernist approaches to border studies have led to a reconceptualisation of the way we think about borders in terms of physical territory (Horvat, 2013, p. 106). We now view borders as a process of territorialisation by which state and society practice inclusion and exclusion through the construction of new political identities, in which the definitions of citizenship, nation and state vie with identities such as gender, which have acquired a new political significance (Wilson and Donnan, 1998, p. 1). Border studies encompasses those processes that are both created and reinforced by the application of borders and territoriality. For the purpose of our analysis, we will focus specifically on the bordering practices of citizenship and migration.

A further clarification on the part of definitions refers to our use of the term 'engender.' Here we use *engender* to mean making sense of something with respect to gender issues, thus looking through a gender lens at the issues of citizenship and migration. Gender is a vital principle by which social relations can be structured at all levels, and most significantly, in international relations (Erel et al, 2003, p. 11). Therefore, this essay will take on an approach that is sensitive to gender in the construction and maintenance of identities through citizenship and migration, and the process of crossing borders.

### ***The Sexual Contract***

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This essay will rely on the theoretical framework of Carol Pateman's reconceptualisation of social contract theory in *The Sexual Contract* (1988). Pateman defines the *sexual contract* as a "repressed dimension of contract theory," (1988, preface). The social contract as originally theorised establishes political right over women through the division of civil society into two spheres; the public and the private. The public sphere is that which is typically identified with economic and political arenas dominated by men whilst the private sphere equals the family domain, inhabited by women and children (Abraham et al, 2010, pp. 8-9). The private sphere is treated as irrelevant to the concerns of political theorists and political activists and public sphere is treated as the only realm of political interest (Pateman, 1988, p. 10-11). As professional work and politics are ascribed to the public sphere, they unavoidably become a male-dominated domain, while the sector comprising reproductive and domestic labour is classified as female (Lutz, 2002, p. 96). The social construction of gender roles as defined by the sexual contract puts women "at the mercy of the public, patriarchal nation-state for access to even the most limited of rights, and their 'private' roots of citizenship are often denied," (Abraham et al, 2010, p. 4).

By engendering border studies, we can recognise the need to reconceptualise this underlying dynamic of social life in order to expand our understanding of citizenship and participation in public life. It would be difficult to analyse the role of gender and entry to citizenship in the public sphere without taking into account the sexual division of labour within the private (Lister, 1997, p. 42). As citizenship endorses a framework of inclusion and exclusion, it is inevitably men on the inside and women on the outside; this results in unequal treatment, particularly in the bordering practices of citizenship and migration.

### Borders, Nations and Migration

Nira Yuval-Davis in *Gender and Nation* highlights how both primordial and constructivist theories of nations have largely ignored gender relations. As the discussion of nations has been centred within the public sphere, women have been traditionally relegated to the private sphere (Yuval-Davis, 1997, pp. 1-2). The establishment of a nation state in turn created borders and boundaries separating insiders from the 'other,' which for a long time included women (Abraham et al, 2010, p. 3).

Where women were included in the discussion of borders and nations, they have been assigned the role of 'mothers of the nation.' In line with the patriarchal order, women have been expected to project their position in the private sphere into the public, an expansion of their functions as associated with sexual reproduction. Thus, in order to fulfil this role, women had to be available in time and space (Horvat, 2013, p. 108).

It is for this reason that the new trends of female migration pose a challenge to mainstream – or 'malestream' (Lister, 1997, p. 38) – views of borders and the nation. By engendering border studies, we are able to view migrant women in relation to the governing sexual contract (Horvat, 2013, p. 109). Migrant women transcend the socially constructed boundaries that have been drawn up for them (Lenz et al, 2002, p.11). By entering a world that was traditionally reserved for men, women who leave their homes for the purpose of labour transcend the boundaries of the private realm. This poses a danger to the patriarchal narrative that requires women to 'mother' the nation. At the same time, the increasing number of female labour migrants illustrates that even in the public world, women are still left to the 'feminized' profession of care work, whereby "crossing the border is tolerated as long as it is consistent with their domestic function of the reproduction of the nation" (Horvat, 2013, p. 111). Migration poses a double-edged challenge to feminist and gender-sensitive analyses to border studies. The issue of migrant women and domestic service both confirms and challenges the gender contract thesis (Lutz, 2002, p. 96). Migrant women then are fixed between the two dominant boundaries of public and private, which creates a conflict of identity between the traditionally assigned gender roles and the newly created modern identities, and the establishment of a new global migration space (ibid, p. 99) as a result of globalisation and the demands of the labour market. Women are then seen as moving between different worlds without being bound to a fixed location (Lenz et al, 2002, p.7). Thus, in essence, women become borders in and of themselves, as borders that are as mobile as the migrant women themselves.

When women cross borders for the purpose of migrant labour, states are required to implement new bordering practices in order to preserve the traditional notions of sovereignty, whilst also making provisions for the results of globalisation. As a bordering practice, migration inevitably creates and reinforces the social inclusion and exclusion

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that boundaries are in place to maintain. Migrant domestic workers constitute a social 'other,' which is subsidiary to the host society (Momsen, 1999, p. 1). The difficulties that migrant women face are a direct result of their legal and social status upon their arrival at their new destination, primarily due to the construction of citizenship and historically gender-defined national identities. The practice of citizenship and the rights and opportunities that stem from this acquired status speaks volumes about the necessity to engender the study of borders.

## Citizenship

With an increase in migration, expansion of the social rights movements, transnationalism and globalisation, the debate on what constitutes citizenship has been at the forefront of border studies (Abraham et al, 2010, p. 1). When we apply gender analysis to the question of citizenship and migration theories, new questions arise regarding feminist conceptions of women and men about political theories of the state (Benhabib and Resnik, 2009, p. 5). We can assess the relationship between the sexual contract and citizenship practices considering that the distinction between private and public spaces is one of the issues that citizenship practices negotiate and the state regulates (Erel et al, 2003, p. 16).

T.H. Marshall defined citizenship as "a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed," (1950, pp. 28-9). Citizenship both defines the legal rules and social rules by which society is governed (Lister, 1997, p. 29) and is viewed as an ideal type, presuming a largely legal relationship between an individual and a single nation-state (Bakan and Stasiulis, 1997, p. 113). To be a citizen is to be legally and socially accepted into the state society and therefore, to be a non citizen is to be excluded from the rights and privileges enjoyed by its citizens, representing the exclusionary power of the state.

This traditionally accepted conceptualisation of definition is seemingly gender-neutral. However, the public sphere is largely masculine dominated arena and by extension, citizenship has also been male-dominated. Where now an outsider may refer to the citizenship of migrants and asylum seekers, this status was once reserved for women, as women have long been excluded from the public sphere and civic duty. Though the majority of the world now allows women the right to vote, this is only a minimal level of civic participation. What is required for full participation is an active citizenship which allows for gender differences to be recognised as relevant and integral to the constitution of society. By engendering border studies, we are recognising that the state itself must pay attention to the way gender impacts individuals, both men and women, in terms of status and access to resources, political participation and the formation and implementation of state policies. Feminist perspectives require a reconceptualisation of citizenship that takes into account the meanings and practices which stem from the status of a citizen or a non-citizen based on women's everyday life experiences (ibid, pp. 7-8).

Margaret Abraham et al (2010) highlight three strands of conceptualisation by which the discourse on citizenship has evolved with respect to gender. First, there is the notion of a "gender-neutral citizen where women are conceived as equal with men with equal rights and equal obligations;" second, "the gender-differentiated citizen where women are conceived as different from men based on their varied experiences from those of men" and finally, "the gender-pluralist citizen: women and men are conceived as members of multiple groups and as such they hold multiple identities that cannot be reduced to one position" (2010, pp. 9-10). These different approaches shed light on the way in which citizenship can be reconceptualised in order to take into account women's perspectives and experiences. However, the problem for us is that even these conceptualisations still work within the public sphere; they just seek to include women within it. What we need to do is establish a more inclusive definition of citizenship which is sensitive to the private sphere and domesticity, encompassing the value of care (Knijn and Kremer, 1997, p. 331). Through doing so, we can enhance the understanding of the value of the work undertaken in the private sphere. When the value of the private sphere is held in the same regard as the public, those rights which fundamentally serve those in the public sphere and that are protected by citizenship can be extended to the private sphere.

Female migrant workers are at a midpoint between the public and private sphere, and thus the definition of citizenship places them as both and neither an insider and outsider simultaneously. As paid domestic service is a means through which citizenship status and the creation of new political identities can be assigned and negotiated

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(Momsen, 1999, p. 1), it is important that we identify the experiences of these workers and negotiated citizenship. We can then see how reconceptualisation of citizenship is necessary in order to understand and relieve female migrant workers from the experiences of inequality they continue to face.

## Women Crossing Borders: Female Migrant Workers

We have seen significant changes in the migration patterns of the last half century, with more women migrating than ever before (Horvat, 2013, p. 10); women currently represent about half the world's migrants (Erel et al, 2003, p. 9). With this feminisation of migration and the international labour force, we must look at the role of modern women as migrants (Horvat, 2013, p. 109) and their status in their host country as defined by citizenship practices.

Primarily made up of migrant women from Asian, Africa, Latin American and Eastern Europe, the 'new domestic workers' emigrate to wealthy centres of the world in order to support families back at home (Lutz, 2002, p. 91). Employers are increasingly targeting immigrant women as opposed to men as a source of low wage labour, due to their 'presumed docility' and 'willingness to accept' such work (Matthei, 1996, p. 40). Thus, it becomes easier for employers and the state to forego offering legal protection to the migrant workers community. As an excluded part of the official civil society, legal and social protection rarely extends to migrant workers in its fullest capacity. Though these women still retain citizenship of their country of origin, this citizenship has little capacity to override their status in their host country. This lack of legal protection which is reserved for citizens thus allows conditions to fester in which female migrant workers experience serious inequalities and discrimination due to their new status as marginal citizens (Bakan and Stasiulis, 1997, pp. 113-121). This is accurately described by Bakan and Stasiulis (1997) who conclude that "the systematic reproduction of migrant domestics as non-citizens within the territories where they work and reside renders them in any meaningful sense stateless as far as access to state protection of their rights is concerned; despite the formal retention of legal citizenship status accorded by their home country. This process of construction as non-citizens is also central to maintain their vulnerability to abuse, violence and human rights violations," (1997, p. 121).

Let us look at a brief example in order to put the above analysis into context. We will draw on the example of domestic workers from the Philippines in Canada based on the work of Geraldine Pratt in Janet Momsen's (1999) volume on gender and domestic service<sup>[1]</sup> and the work of Daiva Stasiulis and Abigail Bakan (1994, 1997) in order to provide some empirical data to advance the theoretical case for engendering the study of borders. It is a particularly interesting case, as it highlights the necessity for even the most advanced of states to be sensitive to gender perspectives in their bordering practices.

Canada, as one of the most advanced welfare states in the world, hosts a higher proportion of migrant women than men. By 2006, immigrant women made up more than 10% of the population in Canada (Status of Women Office, 2009, p. 3) and a significant number of migrant workers originate from the Philippines (Momsen, 1999, p. 25; Bakan and Stasiulis, 1997, p. 122). For migrant women, domestic service is the main occupation that allows them to obtain legal permission to work in Canada. In 1992, the Line-in Caregiver programme was established. Through this programme, the worker would be able to apply for permanent residency after two years of live-in domestic service (Momsen, 1999, p. 21-25). If successful, they are awarded 'full' citizenship rights, except the right to vote and hold certain civil service positions. After three years, they are then eligible to apply for full legal citizenship status. The requirement for migrant women to achieve citizen status is rooted in their ability to fulfil the traditional role of a domestic worker. Though the workers suffer harsh discrimination and abuse ranging from unpaid overtime to sexual harassment, the need of the workers to acquire citizenship compels them to suffer in silence. Caught within this vulnerable non-citizenship niche in an area of de facto temporary statelessness, these immigrants lack the legal and political protection that citizenship is established to provide, due to their identity as an 'other' (Bakan et al, 1997, p. 121-132). The position of the workers as both female and as migrants allows the employer and state to fail to offer the legal protection that all humans, regardless of citizenship status, deserve.

Though a brief snapshot into the experiences of female labour migrants, the case study highlights the necessity to reconceptualise citizenship in order to deal with the growing reality of non-citizens as displayed in the case of female migrant workers. Only by engendering the study of borders can we comprehend fully the role that gender plays in

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bordering practices, and thus find new ways of reconceptualise citizenship to restore equality between the genders in the state system.

## Conclusion

Engendering borders means to be sensitive to the issue of gender when analysing practices and ideas that constitute the study of borders. By looking at the specific bordering practices of citizenship and migration, this essay allows us to conclude that applying a gender-sensitive analysis of the study of borders can enhance our current understanding of borders in order to adequately provide responses to women's everyday experiences. Recognising that border studies cover a wide range of processes beyond territoriality alone, this essay has focused its analysis on the practice of migration and citizenship with respect to gender-sensitive issues.

This essay began with political theory and the theoretical framework of Carol Pateman's *The Sexual Contract* whereby women are traditionally excluded from full political participation due to their relegation to domesticity and the private sphere. Conversely, men dominate the public sphere and drive the discourse on citizenship and bordering practices. When women have been included in the discourse of borders, they have been kept within the realms of the family life as the 'mothers' of a nation. Through engendering the study of borders, we can ask new questions about bordering practices and the impact they have on women and wider gender relations.

We use the case of female migrant workers as the medium between the public and private sphere in order to realise the need to reconceptualise citizenship in a manner that takes into account women's everyday experiences, particularly as migrant workers. Using the case study of Filipino workers in Canada, we offer some empirical data in order to support the claim that the traditional models of citizenship are no longer adequate to deal with the new conceptions of non-citizens and new identities. Rather, we must view citizenship as a dynamic instead of a static process (Bakan et al, 1994, pp. 26-27) in order to fully allow for equality in the current state-centric, territorially divided world system.

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[1] Janet Momsen in *Gender, Migration and Domestic Service* (1999) has dedicated an entire volume to analysing cases of gender and domestic service across the world, through a collection of essays that draw on the legal and empowerment issues for female labour migrants.

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