

Review

Reviewed Work(s): *Women, Borders, and Violence: Current Issues in Asylum, Forced Migration, and Trafficking* by S. Pickering

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## REVIEWS

**S. Pickering, *Women, Borders, and Violence: Current Issues in Asylum, Forced Migration, and Trafficking* (New York: Springer, 2011), 220pp, £81.00**

**Reviewed by Ratna Kapur**

*Women, Borders, and Violence* offers a refreshing approach to the study of migration and gender within the field of criminology. Sharon Pickering shifts our attention away from a state-centric account of migration to one that is focused on borders as a site of performativity, which constitutes the book's central theoretical thread. Sovereignty, border enforcement, and gender are all aspects of performance, by state as well as non-state actors.

Pickering's book focuses on the migration of women within the context of the global economy, in particular, their unregulated labour and their precarious migration status. Their "extra-legal" border crossings have reconfigured an exclusive focus on territoriality and sovereignty and have produced new regulatory and legal regimes. Pickering examines how forced migration is instigated by gender violence and how women continue to experience violence through the course of their flight across borders as well as at the point of reception.

The book addresses a number of issues that are central to migration analysis, while also centring gender as an essential component that has frequently been ignored or marginalized in such analysis. Sex-trafficking and an almost exclusive focus on sex workers and the sex industry have framed contemporary understandings and interventions on women's extra-legal crossings. Pickering not only critiques the discourse of criminality and victimization that have informed these interventions, she also expands on the various dimensions of women's migration and the specific gendered experience of violence that underpin processes of migration.

Issues of border policing, women's agency, the state of permanent transience and violence are all addressed through a number of case studies drawn from a variety of contexts. Pickering examines the flight of women from Somalia and the sexual violence they experience at the hands of a range of state and non-state actors; the policing of politically active women on the Thai–Burma border; the treatment of asylum claims of women and the definition of gender and particular social groups by the Australian Refugee Review Tribunal; and finally, the response to women in anti-trafficking discourse.

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### Case Studies

The case studies are based on three premises. First, that extra-legal border crossing occurs in the context of unchecked violence; second, that border policing occurs within and beyond territorial borders and is enacted by state and non-state agents; and, third, that border crossing neither begins nor ends with the crossing of a national territorial border. All the case studies also highlight how migrations do not just happen – they are produced.

In a particularly insightful discussion on the issue of migration in relation to Somalia, Pickering draws on the literature that challenges the notion that Somalia is a failed state and hence ungovernable. While there is no doubt that there is flight from violence, every aspect of life in Somalia has been privatized in the absence of any government. The role of the market, combined with traditional kinship support mechanisms, has produced a structure of governance that renders Somalia far from being a failed state. The absence of a state has, in some ways, served as a catalyst to modernization.

Pickering traces the journey of the migrant subject from within Somalia, as well as the border crossings into the refugee camps on the border of neighbouring countries such as Kenya, and thereafter into transit countries such as Libya and Sudan, and finally to the point of reception in Malta. Pickering points to the alarming lack of information on gender in these accounts though she is able to pull together a fairly coherent narrative of the female migrant's journey and treatment in each new and unfamiliar environment.

Pickering elaborates on the gendered experiences of violence in the course of this journey, which is either rooted in ethnic and communal antagonisms, or organized violence or involves the targeting of individuals. Women are specifically targets for rape because of the humiliation, shame, and dishonour it brings. In other words, rape has gendered, cultural and communal consequences. And the violence continues even after the border crossing. Women and other subaltern migrants are warehoused in the most inhuman conditions once they arrive in Europe, the recipient country in this instance being Malta. Malta carries out the "unpalatable work" of exclusion, incarceration and deportation on behalf of Europe. Malta exemplifies how liberal democracies can behave in ways that are no less troubling than the treatment of the migrant in less democratic or non-democratic countries.

A second case study focuses on the political flight of women across the Thai–Burma border. Pickering examines the question of sovereignty and deploys the innovative concept of transversality, which problematizes the space between boundaries, frontiers and borders. It exists prior to conventional sovereign boundaries. "Transversality takes the voices of migrants as the starting point in disrupting state-centric narratives of sovereignty and borders, as well as the

potential of individuals to be alternative legal/political/social subjects in realms where previously they were territorially bounded and silenced” (p. 41).

The chapter focuses on those women who have overtly engaged in political processes for democracy in Burma, including women active in Bamar, Karen Kachin and Shan communities. These women remain caught between law and conflict, negotiating the violence and threat of violence between their home and host country. Pickering analyses the ways in which this border area is shaped by the experience of policing. She argues in favour of the need to develop more complex understandings of border policing and consider the ways in which police can control and facilitate movement in the borderlands in ways that are both independent from the nation state while also being a part of it.

In her study of the asylum decisions especially in the context of the Australian Refugee Review Tribunal (RRT), the author deftly demonstrates how refugee law contributes to the repudiation of women’s experiences of gender-based violence as a factor that determines migration. Her critical reading of refugee transcripts reveals how refugee determinations reinforce racial, colonial and gender stereotypes. In connection with cases on rape, the veil or female genital cutting, the tribunals are using literal and legal denial to refuse to acknowledge gender-based persecution as a political experience. This denial is informed by the gendered ideologies that distance or separate gender-based persecution from state administered refugee protection. Refugee law is thus partly implicated in repudiating women’s experiences of violence as a reason for forced migration. And the women who lack any legal status are kept in a state of permanent transience in the borderlands. The law does not recognize them as deserving subjects. She concludes that refugee determination continues to be an unstable vehicle for women seeking protection. Women are kept in a transient state without legal status, not recognized as deserving subjects. Asylum law is unable to address these complex subjects who are fleeing from persecution and conflict.

The final substantive case study addresses the issue of sex trafficking and the undue scholarly attention it has received. Trafficking is the primary site where women’s mobility is addressed in the scholarship and in policy. Yet, as the author argues, this focus has failed to address the causes for trafficking within a globalized neo-liberal world. Instead sex trafficking is addressed primarily as a transnational crime rather than within the context of women’s legitimate global migration or participation in the sex industry. There is a heightened moral scrutiny of women’s lives more generally, and an increased criminalization, especially when they attempt to cross borders.

Pickering focuses on the shifts in Australia’s policy from a position that viewed trafficking as simply not a problem to the adoption by the government of some major policy and legal positions on the issue of trafficking. This shift was produced

primarily through the media coverage on trafficking as well as considerable international pressure, especially by the United States, which has become the self-designated sheriff in evaluating anti-trafficking efforts by individual countries. Yet, in spite of the huge global effort and advocacy on human trafficking, the levels of trafficking remain unaffected. These outcomes are partly the result of the failure to provide safe legal passage, as well as to effectively address the specific concerns of migrants.

Pickering's analysis joins the ranks of a range of critical feminist scholars who illustrate how anti-trafficking interventions do more harm than good and primarily target legitimate sex workers and the sex industry. Within these interventions, there is little discussion on the relevance of globalization to women's migration flows nor any effort at developing a less state-centric account of female migration. Alternative readings of women's movements can reveal how sex trafficking is one of the "feminized circuits of survival in the world" (p. 106). It needs to be understood as a migration issue rather than a criminal justice or law and order problem.

### **Critical Approaches to Criminology**

The primary contribution of this book is the way in which it offers an alternative analytical approach for criminologists writing on issues of gender, migration and borders. Pickering challenges a state centric notion based on fixed borders and problematizes the nature of the state and how the sovereign state is reproduced by the changing performances of border security.

A critical criminological inquiry examines the nature and impact of harm that border enforcement generates. Through her analysis of borders and border enforcement as performances, the author challenges the understanding that border crossings are physical transgressions that occur in a linear journey across clearly marked territorial boundaries and that policing remains confined in this temporally and spatially contained moment. Her analysis enhances our understanding of how the border is a significant and malleable site of state criminality and organized deviance. These performances enacted at the border can produce an experience of border crossing for women that can last a lifetime and produce a state of permanent transience.

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