

Of "Passport Babies" and "Border Control": The Case of *Mavis Baker v. Minister of Citizenship and Immigration*

Simone A. Browne

ABSTRACT

The case of *Mavis Baker v. (Canada) Minister of Citizenship and Immigration*, and the print news media discourse surrounding the case are examined in this article to uncover how the notion of border control, rooted in Canada's national story, shapes current state discourses and practices.

RÉSUMÉ

Le cas de *Mavis Baker VS (Canada) Ministre de la citoyenneté et de l'Immigration*, et les discours des médias de presses au sujet du cas sont étudiés dans cet article pour découvrir comment la notion du contrôle des frontières, ancrée dans l'histoire nationale, définit l'état courant du discours et des politiques.

Borders are both physical and existential. They define terrestrial as well as ideological ground. In other words, the construction of the borders and boundaries of the nation-state effects people's legal-political "rights" as well as the formation of people's consciousness of themselves and, importantly, of others.

(Sharma 2000, 2)

INTRODUCTION

The question of what constitutes the current characteristics of globalization is a highly debated one. Some symptoms of the emerging phenomenon of globalization include the harmonization of global trade regulations that often bypass the state; the mass movement of people, capital and information; the displacement of refugees moving across borders; capital's use of migrant labour that has allowed for third world women to endure a "process of being re-colonized in the first world" (Ng 1998, 22); border control; and the ensuing protests in response to these actions. Within the interplay of globalization's operations, power relations are reconfigured, and certain social relations that have historically acted to stabilize identities, such as relations of and to production and relations to and in the nation state,

are renegotiated within the new terms and conditions of transnational movement of capital and people. During this process of renegotiation, Canada's national story has remained largely intact, taking on a key role in the processes of border control. The question of how the ideological vestiges of Canada's national story continue to shape current state practices and print news media discourse is of great importance at the present moment, and it is the focus of this paper. The mobility of capital and people that globalization entails points to an apparent paradox within globalization where this heightened mobility comes with immobility for some as the practices of social control such as surveillance and containment are intensified. I will show in this paper that the effect of these practices is to pathologize particular bodies, which are often marked in gendered and racialized ways. The increased surveillance and containment of gendered and racialized bodies have further cemented structures of oppression, eroding citizenship rights and civil liberties for some. Our national story, I further argue, often narrated in the news media, helps to disguise and legitimize the increased surveillance and border control that globalization entails.

The case of *Mavis Baker v. Minister of Citizenship and Immigration* and the print news media reporting on and discussing this case are

examined in this article. Mavis Baker arrived from Jamaica to Canada with a visitor's visa in 1981. During her time in Canada she worked as a live-in domestic, gave birth to four children, applied for social assistance, and was subjected to a deportation order in 1992. My aim here is to reveal how racialized representations of sexualities operate within discourses of border control to support social and political efforts to police the geographic and political boundaries within the Canadian state. What is of interest to me is how institutions of judicial control, in this particular case the Department of Citizenship and Immigration, operate alongside Canadian print media to reproduce a national story that maintains certain "truths" about particular bodies, notably the bodies of racialized, immigrant women within the Canadian state. I will show how the case of *Baker v. Canada* demonstrates the ways in which the national story has been revised in the era of globalization to now include border control where citizenship is imagined as a commodity that can only be rationed to the deserving.

As Sherene Razack, Himani Bannerji and others argue, national stories shape the national imaginary, as well as state practices (Razack 1998; Bannerji 1993). Implicit in these stories is the notion of belonging. It is through these stories, and our different investments in them, that we come to know "our" nation and the ways in which we belong. In particular, the recognition of "outsiders" within, those "threatening bodies" which are constituted as such through a discourse that at once pathologizes and targets them as "threatening," specifically to the state. Here, narratives come to be enacted in and through state practices that target those who are marked as embodying danger, and subsequently prescribes particular technologies, disciplinary practices and rules of conduct to address these threats - whether real or perceived. Canada's national story - one of a nation born of a white settler society - is racial and gendered. As Razack states, Canada's national story situates peoples of European origin as the "original" citizen, disavowing both "Aboriginal peoples and peoples of colour whose labour also built the country" (2000, 182-183). I will show how the national story is presently played out in the print news media in ways that shape events and relations, and reflect anxieties that circulate in regard to the role of immigrants and those imagined as "threatening

bodies" in the nation's imaginary. As this national story is woven through the print news media, it often employs illusory texts and devices to disguise the links between the surveillance and containment of gendered and racialized bodies, and the efforts to tighten boundaries.

Of particular focus in this article is how the notion of black women's sexuality as corrupting, maddening and imbued with excessive fertility is encoded in the term "passport babies." Although not named as such, the ideas surrounding the term "passport babies" have historical precedent as they circulated in Canadian print news media in its reporting and treatment of Caribbean women who came to Canada as domestic workers in 1910s, 1950s and onwards (Calliste 1996; Mackenzie 1988). I argue that the use of the term "passport babies" in the print news media in its coverage of the Baker case reveals a fear of the imagined biological potentiality of immigrant women who are deemed undesirable and undeserving of a generosity that one immigration officer in the case felt that "Canada could no longer afford" (Supreme Court Report 1999, 8). The term "passport babies" is informed by racism and sexism that are often cloaked in arguments of criminality and a burdening of the Canadian social system.

The article is organized as follows: The first section outlines the dual nature of the notion of border control, one of the key processes of globalization and the state's intervention into the regulation of mobility of people and capital. The second section looks at how black female bodies were discursively constructed as sexually deviant in some of the print news media surrounding Canada's foreign domestic worker scheme in the 1910s and the 1950s. The final two sections provide a case history of Mavis Baker and an analysis of the assumptions that shape the print news media coverage surrounding this case. By exposing the strategies and devices used by the print news media, I hope to open up political and discursive spaces where we can interrupt these assumptions and transform this myth making through the telling of alternate tales.

BORDER CONTROL

For the purposes of this article the term "border control" has a dual meaning. First, the term

encompasses the operational dynamics through which the state secures its frontier, tracks, regulates and sometimes confines the people within its defined borders. These operational dynamics have both material and ideological implications. Razack defines one of the features of border control as "an encounter between the powerful and the powerless," where the "powerful are always from the First World and mostly white, while the powerless are from the Third World and nearly always racialized or ethnicized" (1998, 88). An understanding of this process of border control informs my analysis of the Baker case as it was reported in the print news media articles and editorials that I examined. The second understanding of the term border control is borrowed from Thobani's dynamic notion of the process of bordering the category of immigrant women. Thobani notes that through the social construction of racialized immigrant women as outsiders of the state, their relational opposite - the Canadian/citizen - is constituted (2000, 282). One cannot exist without the other. This process of *bordering* has ideological effects whereby particular bodies are situated as outsiders within, symbolically demarcating the nation and who belongs to it, as well as those who are excluded from, and/or cannot become full members of, the national community. This process of bordering allows us to understand how practices of inclusion always depend on practices of exclusion.

The processes of bordering of immigrant bodies does not negate the desire of capital for these bodies to fulfill its labour demands (Sharma 2000). The work of Sassen provides insight into the labour demands of late capitalism, the global processes of economic restructuring and the effects of these processes on gendered and racialized workers. Sassen shows that the dual processes of the employment of immigrant women in developed nations and the growth of employment of women in offshore production are inextricably linked. Both factors operate in conjunction to ensure a low-wage labour supply, to curtail the organization of workers in developed countries and to limit the claims such organization can make (1998, 111). For Sassen, capital's activities in less developed countries, such as the growth of labour-intensive export manufacturing, displaces traditional work structures through its demand for and "recruitment of young women in the new industrial zones" (112), and by

doing so induces emigration. This process is complex and operates on many levels. Sassen looks to the characteristics and employment effects of export-production industries and the "cultural-ideological impact on the people it touches"(117) to explain the dynamics of these processes. Through their demand for the labour of young women who migrate to export-production zones for work, export-oriented agriculture and manufacturing disrupt the unwaged work structures in the sending communities, causing rural unemployment and further migration (118-119). Sassen's hypothesis is that the high turnover rates and poor conditions of employment in export-production zones, and the preference of employers for young women leads to increasing unemployment among women in general (119). This point is illustrated in Harrison's study on the violent effects of structural adjustment policies in Jamaica, in which she reveals that workers within the export processing zones risk termination or blacklisting if they organize to improve poor working conditions, leaving many to rely on informal means or emigration abroad to generate income (1997, 457-458). In terms of the cultural-ideological impact of these export-processing zones, Sassen notes that the presence of foreign firms creates a link between the workers and the "countries where the capital originates" (119). In effect, it operates as a *westernizing zone* for workers through the creation of a "sense of familiarity with potential destination" (119-120). All of these factors combine with the increased demand for low-wage labour in the service and manufacturing sectors of North America to induce emigration (122). Roxana Ng's study on the restructuring of the garment industry in Canada and its effects on homeworkers provides an example of the consequences of globalization's demand for female low-wage workers who emigrate to North America. Ng refers to this characteristic of globalization as creating "third world enclaves within the geographic boundaries of the first world" (1998, 24). Bakan and Stasiulis' study of female foreign domestic workers in Canada and their negotiation for citizenship rights reveals that immigrant women employed as domestic workers in Canada fit into globalization's inclination for the low-wage labour of immigrant women. Their study illustrates the use of immigrant female non-citizens

to "subsidized child care service for its wealthier citizens" (1997, 123). This is in keeping with Sassen's assertion that the growth of a high-income workforce has led to an increase in low-wage jobs within the sphere of social reproduction (1998, 122).

RACIALIZING THE DOMESTIC SCHEME

The numerous manifestations of Canada's foreign domestic worker program have been theorized in terms of citizenship rights and benefits, and the notion of nation building - symbolically and materially through the bodies of women (Arat-Koc 1990; Bakan & Stasiulis 1993 & 1997; Calliste 1996; Macklin 1994). Towards the end of the nineteenth century, Canada's foreign domestic worker program focussed its recruitment efforts on women from Europe, specifically the United Kingdom. Urbanization and the industrialization of the Canadian economy created the need for hired domestic help as middle-class women sought employment within the public sphere, and Canadian-born working-class women turned "away from the traditional occupations in domestic service which offered only hard work, low pay and isolation" (Lenskyj 1981, 6). However, appropriate middle-class prescripts and sensibilities within the domestic sphere still needed to be upheld. Noting that options for educated, "destitute, but gentlewomen" of the middle class in nineteenth century Britain were limited, Arat-Koc asserts that "given their middle-class identity and norms of respectability, these women considered working class jobs unsuitable avenues of employment. It was only by leaving Britain that they could find a means of survival while maintaining respectability" (Arat-Koc, 62). These women were able to transcend their "suspect" class standing through emigration to Canada. Hired as domestics, these women were constructed as respectable and as "'daughters of the Empire' and 'mothers of the race'" (Roberts 1976, 126). As such, the line of respectability was constituted and the reproduction of the nation was encouraged through the bodies of these women. Some of these domestic workers were allowed to nullify their employment contracts through marriage to a Canadian. As such, these women symbolically and materially defined, represented and reproduced "the nation." The

domestic worker program, at this time, allowed for the recruits to arrive in Canada with the guarantee of landed immigrant status by promising to complete a six-month live-in service with their employers. The year 1955 marked a change in Canada's foreign domestic policy. By way of an agreement between Canada and the Caribbean nations of Jamaica and Barbados, one hundred women from the Caribbean were allowed entry to Canada to become domestic workers. This agreement was not without stipulations, for if these women were found "unsuitable for domestic work, they would be returned to their country of origin at the expense of the Caribbean government, a regulation that was not applied to European domestics" (Bakan & Stasiulis 1993, 10).

My concern here is the history of the racialization of Canada's domestic scheme and how, through this racialization, black female bodies were discursively constructed as sexually deviant in the print news media. The tension here is that although imagined as sexually deviant, these women's labour was still desired in the domestic sphere (Calliste 1996). With this background - domestic workers imagined as sexually deviant, yet desired domestically - we can trace how the media treatment of the Mavis Baker case, in keeping with this historical legacy, operates within global trends to normalize disenfranchisement and to devalorize gendered and racialized immigrant bodies.

In the mid-twentieth century, as conditions for female domestic workers worsened in Canada, these women were subjected to increasing scrutiny and regulation (Arat-Koc 1990). The pool from which to choose potential domestic workers of European descent became increasingly shallow in the 1940s and 1950s and Canada turned to the Caribbean to fulfil its requirement. As Calliste's study has exposed, this was not the first time that Canada looked to the Caribbean for its domestic work force (1996). Accused of immorality, the women who migrated from Guadeloupe to Canada for domestic work in 1911 were subjected to a pathologization of their imagined deviant sexualities by both the Immigration Department and the national print news media of the time. Calliste points out that one magazine story stated that upon arrival in Canada these women were met by brothel keepers who subjected them to prostitution (1996, 80). Mackenzie's study revealed that although this

report was later discovered to be unfounded, it did not stop the Superintendent of Immigration at that time, W.D. Scott, when referring to these domestic workers from Guadeloupe, from stating that:

The most common causes for sending these *girls* back were tuberculosis and *immorality*. We deported quite a large number and I am afraid even then not all the *undesirables* were reported to us for deportation.

(Mackenzie 1988, 127, emphasis mine)

This marking of immorality and undesirability onto the gendered black body resonated when Canada considered the Caribbean as a source for domestic workers in 1942. The Director of the Immigration Branch at that time, F.C. Blair, stated that:

a good many years ago there was a movement of skilled domestics from Guadeloupe and it was very popular at first, but within a relatively short time it became very unpopular and in the end we had to bring about the return of most of them to their native country and not a few with illegitimate children born here.

(Mackenzie 1988, 128)

I highlight the above two quotes as they point out the themes of immorality, illegitimacy and undesirability that circulated within immigration and nation building discourse of the state, which at the same time sought to import labour to support the economy. These themes, all situated within a matrix of an imagined deviant sexuality still operate within present day immigration and deportation discourse, as I will explore later with the case of Mavis Baker.

In the 1950s, domestic workers from the Caribbean were selected only if they were unmarried, in the hope that this would lessen the chance that they would sponsor their children for landed immigrant status. Upon arrival in Canada these women were subjected to medical scrutiny, x-rays and gynaecological examinations to determine the presence of syphilis due to an imagined "large percentage of syphilis in the West Indies" (Mackenzie 1988, 135). Mackenzie points out that in a report on the initial movement of

domestic workers from the Caribbean, written by the Chief of Admission Division of the Immigration Department, he stated:

In view of the suspected social diseases cases and the number of women who had complications arising out of pregnancy, there is a good possibility a number of women who came forwards, although single, may have left children behind.

(Mackenzie 1988, 136)

With this view, a "no children" sanction was placed on future domestic workers.

Canada's nation building discourse and efforts deployed the bodies of women to symbolically and materially define, represent and reproduce the nation. During Canada's official nation building period, efforts to replicate British ideals and practices idealized the Victorian woman and family and situated these constructs as the objects of mimicry for the white settler society (Roberts 1976). As such, empire building required "mothers of the race" within the colonies (126), instituting a racial ordering. Alexander and Mohanty remind us of the ways in which women's bodies are disciplined through nationalist discourses that situate some "as guardians of culture and respectability or criminalized as prostitutes and lesbians" (2001, 501). In the case of Mavis Baker, the latter category is represented as the "welfare queen." The treatment of Caribbean domestic workers, and the case of Mavis Baker, demonstrate the currency and continuing popularity of this national fantasy that situates particular bodies as illegitimate through an imagined sexual deviancy. This presumed illegitimacy justifies the restriction of citizenship rights.

In our present moment, Canada's nation-building discourse involves notions of "threat" - threat to our borders, threat to ideas of citizenship, and questions of security. When citizenship is imagined as a commodity, predicated on the heterosexual marriage contract between citizens, as in the notion of "passport babies," sexuality is deployed to allocate citizenship rights between those immigrant bodies deemed as deserving and non-deserving. The precarious situation of ambiguous citizenship status, coupled with a state that still imagines sexual deviancy and

excessive fecundity on the part of some female domestic workers, is illustrated more specifically in the following section on the case of Mavis Baker.

**MAVIS BAKER:
A CASE HISTORY**

Mavis Baker, a Jamaican national, travelled to Canada on a visitor's visa in 1981 at the age of twenty-six. She worked as a live-in domestic worker for eleven years. During this time she gave birth to four children, while her four other children remained in Jamaica. Diagnosed as a paranoid schizophrenic after a bout with post-partum depression, Baker was unable to work and she applied for social assistance in 1992. Her application alerted immigration authorities to her "illegal" status in Canada. She was ordered deported on December 29, 1992. In 1993, Baker applied for permanent residency status and an exemption from making her application outside of Canada. Baker sought humanitarian and compassionate consideration because she was still experiencing psychiatric problems that could worsen upon return to Jamaica. She was also the sole care provider of two of her Canadian-born children. The other two Canadian-born children were in the custody of their father, a Canadian resident. Baker's application was denied. No written reason was given.

Baker's application for a judicial review of the refusal of her application for consideration on humanitarian and compassionate grounds was taken to Federal Court where it was denied. Her case was brought to the Federal Court of Appeal, where it was again denied. Baker's application for permanent residency was allowed to be considered through a ruling by the Supreme Court of Canada, handed down in July 1999.

The handling of Baker's case by the Department of Immigration, particularly by two immigration officers, is what warrants investigation. For the purposes of this article I am interested in the links between the role of the immigration officers, the media discourse surrounding the case, and the larger imperative of anti-immigrant discourse and practices in relation to particular bodies.

Baker's application was initially denied by Immigration Officer M. Caden on the grounds that "there were insufficient humanitarian and compassionate grounds to warrant processing Ms.

Baker's application for permanent residence within Canada" (S.C.R. 1999, 7). The reasons for this denial were contained in the notes made by Immigration Officer G. Lorenz, on which Officer Caden based his decision. These notes described Baker in terms of immorality, illegitimacy and undesirability, while the immigration department was positioned as the gatekeepers who police the Canadian borders from those deemed "undesirable." Below are excerpts from Officer Lorenz's notes:

PC is unemployed - on Welfare. No income shown - no assets. Has four Cdn.-born children - four other children in Jamaica - HAS A TOTAL OF EIGHT CHILDREN.

Says only two children are in her "direct custody." (No info on who has ghe [sic] other two). There is nothing for her in Jamaica - hasn't been there in a long time - no longer close to her children there - no jobs there - she has no skills other than as a domestic - children would suffer - can't take them with her and can't leave them with anyone here. Says has suffered from a mental disorder since '81 - is now an outpatient and is improving. If sent back will have a relapse.

Letter from Children's Aid - they say PC has been diagnosed as a paranoid schizophrenic - children would suffer if returned -

Letter of Aug. '93 from psychiatrist from Ont. Govm't.

Says PC had post-partum psychosis and had a brief episode of psychosis in Jam. when was 25 yrs. old. Is now an out-patient and is doing relatively well - deportation would be an extremely stressful experience.

Lawyer says PS [sic] is sole caregiver and single parent of two Cdn born children. Pc's mental condition would suffer a setback if she is deported etc.

This case is a catastrophe [sic]. It is also an indictment of our "system" that the client came as a visitor in Aug. '81, was not ordered deported until Dec. '92 and in APRIL '94 IS STILL HERE!

The PC is a paranoid schizophrenic and on welfare. She has no qualifications other than as a domestic. She has FOUR CHILDREN IN JAMAICA AND ANOTHER FOUR BORN HERE. She will, of course, be a tremendous strain on our social welfare systems for (probably) the rest of her life. There are no H&C factors other than her FOUR CANADIAN-BORN CHILDREN. Do we let her stay because of that? I am of the opinion that Canada can no longer afford this type of generosity. However, because of the circumstances involved, there is a potential for adverse publicity. I recommend a refusal but you may wish to clear this with someone at Region.

There is also a potential for violence - see charge of "assault with weapon" (S.C.R. 1999, 7-8).

The notion of "the nation," who belongs to it and what benefits this belonging entails, are made known in the above notes. By *bordering* Baker, these notes position her as a "pariah" of the state's generosity, as someone who abuses Canada's social welfare system and its finances. This is a generosity that Officer Lorenz feels that "Canada can no longer afford." What marks Baker's imagined pariah status is her imagined sexual deviancy that produced four Canadian-born children. This fear of the unchecked biological potentiality of racialized immigrant women veiled in arguments of possible abuse of the Canadian social system has been in circulation before - at the time of Caribbean involvement in foreign domestic work in Canada both in 1911 and the 1950s. In 1952, Immigration officials stated that: "It would be unrealistic to say that immigrants who have spent the greater part of their life in tropical or subtropical countries could become readily adapted to the Canadian mode of life" (Mackenzie 1988, 130). Implicit in the statement and the notes from Officer Lorenz is the colonial

notion that the tropics are ripe with corrupting influence which still continues to circulate to this day.

In the Supreme Court decision on Baker's case, the Court considered whether or not the notes made by Officer Lorenz suggest bias. The Court concluded that:

his notes, and the manner in which they are written, do not disclose the existence of an open mind or a weighing of the particular circumstances of the case free from stereotypes. Most unfortunate is the fact that they seem to make a link between Ms. Baker's mental illness, her training as a domestic worker, the fact that she has several children, and the conclusion that she would therefore be a strain on our social welfare system for the rest of her life. (S.C.R. 1999, 20)

The Court's conclusion suggests the working of a national story that links mental illness, servility and deviant sexuality to an economic strain on the social welfare system. But at the same time the decision highlights the Supreme Court's sensitivity to the possible ramifications that could occur in the Canadian public context when immigration officials reach decisions on discretionary issues based upon their own stereotypes and assumptions towards particular bodies. By employing a perpetrator perspective (Jakubowski 1997, 37), the Court was able to at once call attention to the existence of racism in the immigration department and judicial process while denying complicity. Blame is placed on rogue immigration officers who are unable to conduct themselves properly and objectively. In consideration of the notes made by Officer Lorenz, the Court stated that "the well informed member of the community would perceive bias when reading Officer Lorenz's comments" (S.C.R. 1999, 20). The Supreme Court held that the conclusions drawn by Officer Lorenz lead to the impression that he was not acting based upon the information provided to him, but was working within a conceptual framework that placed Baker, as a single mother with many children and who was diagnosed as a paranoid schizophrenic, as a social pariah. The Court noted that Officer Lorenz's use of capital

letters to highlight the number of Baker's children could imply to a reader a reason to deny her deportation appeal. The court also noted that it appeared that Officer Lorenz's own frustration with the "system" impeded his duty to impartially consider Baker's appeal on human and compassionate considerations. From this the Court concluded that the Officer Lorenz notes indicated a reasonable apprehension of bias (S.C.R. 1999, 20).

The historical treatment of Caribbean domestic workers, and the case of Mavis Baker specifically, demonstrate the currency and popularity of the national fantasy that situates particular bodies as illegitimate through an imagined sexual deviancy. This illegitimacy comes with a restriction of citizenship rights.

OF "PASSPORT BABIES" AND BORDER CONTROL

"Passport babies" was a theme used by the *National Post* in much of its reporting on the case of Mavis Baker. The term "passport babies" first appeared in an article about the case in the *National Post* that was printed in October 1998 (October 30, 1998, A1). Using "critics" as sources of evidence, the *National Post* described the fear that a victory for Baker could encourage "passport-babies and would-be immigrants giving birth in Canada to influence the outcome of their immigration cases" (July 10 1999, A8). In a related news story about a different immigration proceeding, The *Toronto Sun* conceptually linked the Baker case by citing that it was as an example that "this isn't the first time children-as-citizenship has been attempted" (February 22 1999, 15). This article discussed "the creative ways people try to jump the immigration queue" and named one of the methods as "immigration-by-progeny: children conceived and born in the Great White North." The *Sun* argued that "perhaps the biggest injustice in this case is that it has taken immigration officials 13 years to process" this claim. The *Sun* concluded that the length of time taken is "a powerful argument for simplifying and streamlining immigration rules." This statement reveals a use of the strategy of competing messages where the media portrays the immigration department as ineffective, yet the consequences of this portrayal are a call for tighter legislation and practices, in effect a more

streamlined method of border control.

The print news media operate within a system where themes flow and stories circulate between publications. The *Globe and Mail* printed an editorial with the headline, "Having children can't be the path to a passport: illegal immigrants who give birth shouldn't jump the immigration queue" (July 12 1999, A10). This editorial stated that Baker "is the author of many of her misfortunes, beginning with staying here illegally." The editorial warned that "this country cannot go down the road in which illegal immigrants think if they have a child here, that child translates into a free passage for themselves into Canada. This will throw into disarray the distinction between those who choose Canada and those whom Canada chooses." The editorial argued that "this country must not permit the immigration process to become the legal equivalent of a shotgun wedding." This method of argumentation plays on the sentiments of the reader by selectively reporting on certain aspects of the case. First, a larger problem is alluded to by invoking "illegal immigrants" who "jump the immigration queue." This problem is framed as one that is unfair to immigrants as well as to "Canada." The editorial provides a brief history of Baker's time in Canada, offers excerpts from Officer Lorenz's notes, and refers to Officer Caden's denial of Baker's appeal as his response to Baker's display of, as the article stated, "a classic example of the Yiddish word 'chutzpah'." This is sometimes defined as the gall of a man who kills his mother and father and then begs for leniency on the grounds that he is an orphan." The combination of these aspects of the case, and their ordering into a causal chain produce a common-sense understanding of the Baker case. This form of argumentation, in this case, signals the subtext of border control. Baker is positioned as an outsider who evaded detection. Her labour as a domestic worker is not of significance, instead she is labeled as "the author of her many misfortunes, beginning with staying here illegally." In distancing itself from the judgment of the Supreme Court, the article makes the claim that "the court doesn't know the meaning of the word 'bias' and hasn't done any community opinion polling recently." By appealing to sentiments that call for increased scrutiny of immigration applications - stating that the "integrity of immigration principles demands it" - this editorial borders "us" and "them." The "them" are those that

the editorial refers to as "illegal immigrants" who "jump the immigration queue," those who choose Canada rather than those who are chosen by Canada. The editorial supports its position by relying on the assumption that the statistics gathered from hypothetical community opinion polling would suggest that "the public" would agree with the opinions The *Globe and Mail* expounds in the editorial. As such, this editorial reflects a strategy of argumentation that "claims that everyone thinks it is right" (Henry 1999, 74).

The next day the *Globe and Mail* printed another article in their *Fifth Column* in which the columnist, Margaret Wenthe, stated:

Some people are worried that the Baker case opens Canada's door to hordes of passport babies and their exploitative mothers. Wrong worry. Maybe they should be worried instead about an immigration system so clumsy, so inefficient, and so dumb that it can't even catch and deport a nearly illiterate Jamaican cleaning lady.

(July 13 1999, A20)

Canada's immigration system is referred to as "clumsy" and "inefficient" and unable to catch Baker, labeled as a "nearly illiterate Jamaican cleaning lady." By naming the immigration system as ineffective The *Globe and Mail* employed competing messages by reporting on a body of administrative and judicial policy making and control in a negative manner to the result of increased support for the institution being critiqued. This increased support comes with the calls for fiscal responsibility and a tightening of borders and control. The article continued, "Ms. Baker has been living in Canada for 18 years now. We've spent hundreds of thousands of dollars trying to get rid of her. She has, with tremendous tenacity, resisted. After all this time, I figure, she's ours" (July 13 1999, A20).

A somewhat different approach was taken in an article published in November 1998 in the *Toronto Star*, "Children's rights at heart of the case" (November 5 1998, A1). The sources used here offered government opinions which told of the state's need to monitor its borders. The article began with a quote by a lawyer from the Canadian Council

for Refugees, who intervened on behalf of Baker in the Supreme Court case. The lawyer stated that the case was about the fundamental human rights of children. However, the article positioned children's rights in opposition to the theme of border control by quoting Urszula Kaczmarczyk, the lawyer representing the immigration department in the Supreme Court case. Her argument was that "liberty cannot be defined so broadly as to completely ignore the very real right of Canada to control its borders and to choose who enters and who remains." Kaczmarczyk was also quoted as saying that "the government interest is in maintaining the integrity of the *Immigration Act* (and) preventing future abuse of the *Immigration Act*."

Editorial opinions offer the institutionalized view of the news source (Henry 1999, 73). Referring to the Supreme Court judgment that the decision on the part of the immigration officer did not take into account the interests of Baker's children, the *National Post* stated that "this is almost certainly untrue. It's almost irrelevant" (July 13 1999, A19). This editorial was entitled "Separation anxiety," it went on to argue that since the *Convention on the Rights of the Child* had not been ratified into domestic law, this inaction "should have sent a signal to the courts that Ottawa does not wish for illegal immigrants who bear children on Canadian soil to be thrust to the front of the immigration queue." The editorial went on to doubt the sincerity of Baker's claim, suggesting that "if Ms. Baker truly believes the welfare of her children is paramount, she would return to Jamaica and reconcile her two sets of children. This logic seems to have escaped the Supreme Court." This *National Post* editorial asserts a position of protection and policing on the theme of border control.

Aside from the pejoratives of "passport-babies" and "immigration-by-progeny," discourses of border control also produce immigrants as criminal. Baker's case was linked to the criminality of others, as her actions were portrayed as threatening to open a floodgate of deportation appeals based on humanitarian and compassionate grounds. In an article printed in the *National Post*, Baker's case is named as "groundbreaking" with the possibility of revolutionizing the immigration process (August 17 1999, A8). The article begins by stating that "the

courts are forcing Ottawa to take a second look at immigration applications, including one from a convicted killer." In another article in the *National Post*, "Foreign-born criminals could win deportation reprieve" (December 30 1999, A6), Baker's case is mentioned again as a factor that could make the deportation process increasingly difficult.

Other terms, in addition to criminality and "passport babies," were also used to make sense of Baker's case in the print news media. The *Globe and Mail* ran an article the day following the Supreme Court ruling titled "'Excellent' mom faces new fight to stay here"(July 10 1999, A3). Using Baker's lawyers as her primary source, the journalist portrayed Baker as "very, very religious. She goes to church two or three times a week. That's a major part of her life - her family and her church." Without reference to "passport babies" the article stated that Baker is willing to work, but is prevented from doing so by the immigration department. The journalist concluded that these descriptions from Baker's lawyer stand in contrast to that of the immigration officer's report. Thus, however positively Baker was portrayed in this article, by including excerpts from Officer Lorenz's notes, and by situating it next to an article with the headline, "Immigration ruling could affect hundreds," Baker was again linked to the theme of passport babies.

SUMMARY

The case of Mavis Baker illustrates the ways in which stereotypes and particular "truths" operate as common-sense constructions of black, immigrant women's bodies and weave their way through institutions of administrative and judicial control, as well as in the print news media. In the Baker case, this interrelation worked to demonstrate the perceived weakness of the immigration system

as its inability to construct and patrol a strong border. Informed by historically-based notions of excessive fecundity and the fear of the unchecked biological potentiality of black women, practices that support a climate of surveillance aim to secure a notion of Canadian national identity where only "ideal" and "deserving" immigrants who would not, as Immigration Officer Lorenz wrote, "be a tremendous strain on our social welfare systems" (S.C.R. 1999, 8) are deemed legitimate.

Terms such as "passport babies" circulate within present-day Canadian immigration discourse. By analyzing how this term was used in the Baker case, I have demonstrated how immigration and border control, in coded terms, are shaped by race, gender and class implications. In our current moment, Canada's national story is one of a nation besieged, with "no choice but to become strict and to monitor more closely who is coming in" (Razack 2000, 183). Sexuality is a key focus of this monitoring and was central to the structuring of the discourse surrounding the administrative activities of the deportation appeal of Mavis Baker, the court proceedings, and how the print news media represented these matters. The perception of black women's sexuality as readily available, deviant and in excess, operate within Canadian judicial action and print media discourse. As well, they determine the larger imperative of border control. It is my assertion that these racialized representations of sexuality are used to support social and political efforts at boundary policing and the social control of women's bodies within the Canadian state. By exposing these racialized representations that figure the body as a stereotype and deny it of its multiplicity and mobility, spaces will be created for alternate representations.

ACKNOWLEDGEMENTS

My thanks to Roxana Ng for her support and comments during the initial drafting of this work. I am also grateful to Kari Dehli for her numerous suggestions. I am equally grateful to the anonymous reviewers at *Atlantis*.

REFERENCES

Alexander, J. and C.T. Mohanty. "Genealogies, Legacies and Movements," *Feminism and Race*, K. Bhavnani. London: Oxford University Press, 2001, pp. 492-515.

Arat-Koc, S. "Importing Housewives: Non-Citizens and the Crisis of The Domestic Sphere in Canada," *Through The Kitchen Window: The Politics of Home and Family* (Second Edition), Luxton, M. et al. Toronto: Garamond Press, 1990.

- _____. "From 'Mothers of the Nation' to Migrant Workers," *Not One of the Family: Foreign Domestic Workers in Canada*, A. Bakan & D. Stasiulis, editors. Toronto: University of Toronto Press, 1997, pp. 53 - 79.
- Bakan A. and R. Jhappan. "The Fractious Politics of Settler Society: Canada," *Unsettling Settler Societies*, D. Stasiulis & N. Yuval-Davis, editors. London: Sage, 1995, pp. 95-131.
- Bakan, A. and D. Stasiulis. *Foreign Domestic Worker Policy in Canada: An Anomalous Case of Non-Citizenship?* Feminism and Law Workshop Series, Faculty of Law, University of Toronto. March 1993.
- _____. "Negotiating Citizenship: the Case of Foreign Domestic Workers in Canada," *Feminist Review* 57 (Autumn 1997): 112-139.
- Bannerji, H. "Popular Images of South Asian Women," *Returning the Gaze: Essays on Racism, Feminism and Politics*. H. Bannerji, editor. Toronto: Sister Vision Press, 1993, pp. 176-86.
- Calliste, A. "Race, Gender and Canadian Immigration Policy: Blacks from the Caribbean, 1900-1932," *Gender and History in Canada*, J. Parr & M. Rosenfeld, editors. Toronto: Copp Clark Ltd., 1996, pp. 70-87.
- Duffy, A. "Foreign-born Criminals Could Win Deportation Reprieve," *National Post* (December 30, 1999): A6.
- Foucault, M. "Two Lectures," *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* by Michel Foucault, C. Gordon, editor. New York: Pantheon Books, 1980.
- Galt, V. "'Excellent' Mom Faces New Fight to Stay Here," *Globe and Mail* (July 10, 1999): A3.
- Globe and Mail*. "Having Children Can't Be the Path to a Passport: Illegal Immigrants Who Give Birth Shouldn't Jump the Immigration Queue" (July 12, 1999): A10.
- Harrison, F. "The Gendered Politics and Violence of Structural Adjustment: a View from Jamaica." *Situated Lives: Gender and Culture in Everyday Life*. H. Ragoné & P. Zavella, editors. London: Routledge, 1997, pp. 451-68.
- Henry, F. "The Racialization of Crime in Toronto's Print Media: A Research Project." Toronto: Ryerson Polytechnic University, 1999.
- Jakubowski, L. *Immigration and the Legalization of Racism*. Halifax: Fernwood Publishing, 1997.
- Jimenez, M. "Court to Rule on Right of Immigrant Parents." *National Post* (October 30, 1998): A1.
- _____. "Children's Fate Key in Deportation Cases." *National Post*. (July 10, 1999): A8.
- _____. "Verdict on Woman's Deportation to Jamaica Will Influence Many Cases." *National Post* (July 8, 1999): A7.
- Laghi, B. "Consider Children Before Deporting Mother, Court Says." *Globe and Mail* (July 12, 1999): A1.
- Lenskyj, H. "A 'Servant Problem' or a 'Servant-Mistress Problem'? Domestic Service in Canada, 1890 -1930," *Atlantis* 7.1 (1981): 3-11.
- Mackenzie, I. "Early Movements of Domestic Workers from the Caribbean and Canadian Immigration Policy: A Research Note," *Alternate Routes* 8 (1988): 124-43.
- Macklin, A. "On the Inside Looking In: Foreign Domestic Workers in Canada," *Maid in the Market: Women's Paid Domestic Labour*, Giles, W. & Arat-Koc, A., editors. Toronto: Fernwood Publishing, 1994.
- Meed Ward, M. "Breaking up Is Hard to Do," *The Toronto Sun*. (February 22, 1999): 15.
- National Post*. "Separation Anxiety," (July 13, 1999): A19.
- Ng, R. "Work Restructuring and Recolonizing Third World Women: An Example from the Garment Industry in Toronto," *Canadian Woman Studies*, Vol. 8.1 (1998): 21-25.
- Razack, S. *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms*. Toronto: University of Toronto Press, 1998.
- _____. "'Simple Logic': Race, The Identity Documents Rule and the Story of a National Besieged and Betrayed," *Journal of Law and Social Policy* 15 (2000): 181-209.
- Roberts, B. "Daughters of the Empire and Mothers of the Race: Caroline Chisholm and Female Emigration in the British Empire," *Atlantis* 1.2 (1976): 106-27.
- Sassen, S. *Globalization and Its Discontents: Essays on the New Mobility of People and Money*. New York: The New Press, 1998.
- Sharma, N. R. "The Social Organization of 'Difference' and Capitalist Restructuring in Canada: The Making of 'Migrant Workers' Through the 1993 Non-Immigrant Employment Authorization Program (NIEAP)." Ph.D. dissertation, OISE/University of Toronto, 2000.

Supreme Court of Canada (1999) *Mavis Baker v. Minister of Citizenship and Immigration*. Retrieved February 2, 2000 from World Wide Web. http://www.droit.umontreal.ca/doc/csc-scc/en/pub/1999/vol2/html/1999scr2_0817.html.

Thobani, S. "Nationalizing Canadians: Bordering Immigrant Women in the Late Twentieth Century," *Canadian Journal of Women and the Law* 12.2 (2000): 279-312.

Thompson, A. "Children's Rights at Heart of Case," *The Toronto Star* (November 5, 1998): A1.

Tibbetts, J. "Courts Order Immigration Applications Re-examined," *National Post* (August 17, 1999): A8.

Wente, Margaret. "Fifth Column: Margaret Wente on Canada's Porous Immigration System," *Globe and Mail* (July 13, 1999): A20.