Crossing Boundaries:
The Ethics of the Public/Private Divide
In Migrant Domestic Work in Europe

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INTRODUCTION

Migrant domestic workers (MDWs) comprise one of the groups most vulnerable to human rights abuses in developed countries. Their fundamental rights to autonomy, security of persons, freedom of movement, and protection from conditions of servitude and forced labor are all threatened by their daily living and working conditions in their host countries (Mantouvalou, 2006; Anderson, 2000). The empirical findings of Kalayaan, a UK-based advocacy group, reveal the precarious conditions for migrant domestic workers in private households: high levels of psychological abuse (72%), physical abuse (26%), sexual abuse (10%), and severely restricted freedom of movement and privacy (not allowed to leave house: 62%; no own room: 61%; no meal breaks: 70%; no time off: 70%) (Oxfam and Kalayaan, 2008: 13). Stories of sixteen- to twenty-hour workdays, physically difficult and demeaning tasks, appalling abuses by employers, extremely low to non-existent wages, and the continual fear of deportation have been extensively publicized by the academe, the media, and civil society in an effort to pressure governments to respond to these injustices.

In an era where the language of human rights forms part and parcel of mainstream political discourse, the phenomenon of migrant domestic work proves a troubling anomaly. Why is a practice traditionally associated with the exclusion of women from the public sphere flourishing in a region where feminism has made undeniable progress? Moreover, why do migrants working as domestics appear to be more vulnerable to human rights abuses, and more profoundly excluded from government protection, than migrants in other employment sectors? Finally, why are European countries—with their political and legal commitment to promoting a liberal human rights regime—failing to respond adequately to this specific subgroup of migrants, most of whom are women?

The demand of employing migrants as domestic laborers is a recent development in Europe, shaped as it is by contemporary North-South migration flows: economic migration from developing countries in Asia, Africa, and South America is a direct response to demographic trends and labor shortages in the developed regions of Europe, North America, Australia, East Asia, and the Middle East. Yet at the heart of this issue however are deeply entrenched beliefs about the status of non-citizens in society, the division of labor between men and women, and the concept of care itself—beliefs that undergird not only formal articulations through law, but influence the
urgency and effectivity of law enforcement. What binds these divergent but undeniably moral questions together is the fundamental notion of the public and private spheres.

The central objective of this thesis is to demonstrate how the public/private divide actively shapes the conditions of migrant domestic workers in Europe. I will argue that this concept organizes social, economic, political, and legal discourse regarding domestic work in a certain way, one that renders migrant women both vulnerable and invisible. In doing so, I aim to show that European states’ current treatment of migrant domestic work is ethically problematic, and that a sufficient moral response to this dilemma entails a re-evaluation of any operative notions of the public/private distinction.

The premise of my thesis is that migrants working as domestics are unjustly exposed to human rights abuses due to two distinct but inseparable factors: their gender-based mode of employment and their migrant status in the host society. Chapter 1, on the liberal roots of the public/private divide, will be a gender-based analysis of the concept and frame this two-sphere organization in terms of the sexual division of labor. I accept the feminist critique of this conception as morally problematic. More specifically, the unquestioned assumption of a clear-cut dualism between public and private spheres confines women to private reproductive labor and disables them from achieving full equity in both public and private spheres. In addition, this distinction prevents the recognition and valuation of care work, which, being enclosed in private households, is excluded from the radar of public (i.e. economic and political) attention and regulation.

Chapter 2 will investigate the complication of this gender-based exclusion through migrant domestic work. The invisibility of relations and activities within the private sphere is compounded by MDWs’ precarious legal status as non-citizens. Whether or not they are regular—possessing a legal right to live and work in the host country for a certain period of time—depends largely on their work conditions and relations with their employer. Employer control thus not only affects the daily relations with migrant workers, but also extends to the very conditions that determine their right to freely exist within the host countries, conditions such as immigration status and labor mobility. In this chapter, I will contend that this arrangement leads inevitably to conditions of profound inequality where the domestic worker has little or no bargaining power to claim decent working and living conditions, even in “ideal” work situations where no abuse takes place.
Chapter 3 elaborates the necessary ethical responses to achieve justice for MDWs, in light of the problems posed by the public/private divide. Ultimately, I will assert the necessity of redefining the boundaries of the public/private sphere to give greater recognition, respect, and protection to MDWs. I will propose that revisions be accordingly made to reflect this transformation in the pertinent levels and domains of legislation—regional and national, as well as labor and immigration. Less concrete, though no less important, is my contention that receiving and sending countries alike need to undertake a more profound re-examination of care work itself, defined as it is in terms of what human beings as women (and men) “should” do. Only after a collective moral reflection on the gendered nature of care work can a global climate of such pervasive inequality, which domestic migrant workers most acutely suffer from, begin to be transformed.

The role of the public/private divide in creating the boundaries which define migrant domestic work is itself a complex matter, situated as it is at the crossroads of economics, politics, law, and culture. This thesis intends to be a preliminary examination of these issues—and their possible solutions—from the prisms of moral and feminist philosophy. As such, two sets of objectives, descriptive and normative, will be used throughout the essay to navigate through the distinct but interconnected ethical questions posed by migrant domestic labor. This is intended to respond to the two ways by which the public/private divide is employed: as a descriptive tool that explains the relationships between state authority and private bodies and associations; and as a normative instrument for the preservation of a maximum private sphere through the minimization of the public sphere (Heywood, 2000: 17). The two-sphere concept performs an important descriptive purpose in political theory, as it identifies those empirical activities and relations which may properly be subsumed under state and social regulation. The economic categorizations of labor into paid/unpaid, state-owned/private, formal/informal, breadwinning/caregiving, for instance, all delineate a supposed separation between two distinct spheres.

For purposes of this thesis, I identify two normative uses of the public/private divide. First, the distinction, when understood as the separation of state and civil society, justifies the right to privacy that states are to actively promote (e.g. Article 12 of the Universal Declaration of Human Rights, which maintains that no one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence). The dichotomy is invoked in conflicts relating to the violation of privacy—whether by
unconstitutional surveillance or oppressive public control of personal activities. Privacy in this sense is equivalent to individual decisional autonomy, a right that governments are beholden to respect and preserve. This definition of privacy overlaps with a normative ideal of spatial freedom constitutionally protected from the regulation and scrutiny of the public sphere, embodied by the sanctity of home and family, and the invisibility of the household (Higgins, 2000: 849-850). In fact, as will be shown in Chapter 1, one of the moral uses of the concept of privacy is to justify the delimitation of state control and reduce the risk of public oppression (as Locke has argued in the Two Treatises of Government).

A second, less explicit normative function of the public/private divide is to evaluate and accordingly organize different socioeconomic activities, often arguing for some prioritization of the public sphere and its activities over the “inferior” private sphere. Indeed, philosophy has, from Aristotle onwards, espoused the separation of public and private as the very separation of reason/nature, political freedom/non-political survival. The sphere of the private—the familial and personal relations of the household—was a sphere necessarily defined by the absence of politics, and therefore, of “public” values such as equality and justice (Arendt, 1958). This has developed into the economic marginalization of the “informal” sector, productive household activities and marginal subsistence activities, often the only labor sectors open to women (Benerí, 2007: 7).

Throughout the essay I will analyze the public/private divide in both its normative and descriptive functions. While I will distinguish whether the concept is being used in either way, I will also emphasize that the concept is often simultaneously used as an empirical tool as well as an ethical instrument. This I believe is what lies at the crux of the issue: because social activities and relations are described as either public or private, certain realities become obscured, and certain unjust inequalities are perpetuated.

Migrant domestic work supplies us with a prime example of the problematic limitations of the concept. On the descriptive level, I aim to demonstrate how the conventional liberal notion of the dichotomy leads to considerable gaps in the explanation of the phenomenon of migrant domestic work. I will explore how the status of migrant domestic laborers poses a unique problem to theorists: they are “partial citizens” (Parreñas, 2001) who have no enduring status in their host society, and they are also rendered powerless in the private sphere of their workplaces/homes. They
inhabit therefore a theoretical “no-man’s land” that fails to show up in empirical analyses.

On the normative level, I intend to investigate how the dichotomy functions invisibly to legitimize public inaction or non-interference with the relations of the private sphere, specifically in terms of labor relations between domestic workers and their employers. Feminist theory has done much in this regard to challenge this fundamental liberal premise, calling attention to its presumption of inequality within the private sphere (Pateman, 1983; Okin, 1991). I will argue, however, that most feminist theory on the sexual division of labor fails to account for the emergence of migrant domestic work as a means to facilitate native women’s entry into the public sphere of paid employment. The implicit assumption of many feminist analyses of the public/private divide is that the boundary impacts all women as a group in a uniform way, whereas recent findings via migration studies have shown that the social variables of race-ethnicity, class, and citizenship status play a major role in determining women’s experience of the rift between public and private. This internal differentiation among women becomes patently obvious in comparisons of native and migrant women, middle- and lower-class women, women who are highly skilled and low skilled, etc. By calling attention to the influence of these other variables, I argue that European societies’ strategy of hiring paid domestic labor bypasses the difficult “gender question” at the heart of care work and the private sphere—and consequently, many facets of the public sphere: from post-industrial wage models (Fraser, 1997) to immigration laws (Anderson, 2007).

The global market for domestic work is typified by migration flows from underdeveloped countries in the South to prosperous regions in the global North, in what has been called the global chain of care (Ehrenreich and Hochschild, 2003). This essay will give special focus to the situation of Filipino MDWs in Europe, for several reasons.

Filipino women represent one of the most visible groups entering migrant domestic labor. By visible, I mean several things: first, they are one of the numerically largest nationalities in the global labor pool for domestic work. The Philippines itself is the third largest exporter of migrant workers (third only to China and India) with an
estimated migrant population of 7.29 million, roughly 10% of the national population.¹ The Philippine export labor trade has become increasingly feminized since the 1970s, as the demand for workers in feminine occupations such as domestic work, nursing, prostitution/entertainment, and labor-intensive manufacturing (e.g. sewers, electronics workers) increased worldwide. Close to one out of three Filipino overseas foreign workers (OFW) is a female domestic worker: in 1992, women comprised only 49% of new Filipino OFWs. Six years later, the ratio had jumped to 64% of newly deployed OFWs. Filipino women entering domestic work had gone from 26% of the total deployment of OFWs in 1992, to 32% in 1999 (Villalba, 2002: 13). A review of the top ten migration destinations—which include Hong Kong, UAE, and Italy—reveals that domestic work is one of the most prominent labor sectors for Filipino OFWs: these countries also have the highest numbers of domestic workers globally (Villalba, 2002: 13). Filipino women are visible in the migrant domestic work market because they also appear to be the most mobile or widely diverse in their migration patterns: they are not limited to a specific country or region, unlike other nationalities that follow colonial labor migration patterns (e.g. Indian and Sri Lankan MDWs in the UK, and Algerian and Moroccan MDWs in France). By contrast, Filipino MDWs are spread out to over 60 countries worldwide (Parreñas, 2009: 13; Villalba, 2002).

The visibility of Filipino women in the migrant domestic work market is also evidenced by their considerable economic contribution to the national economy, which receives roughly $10 million per annum in OFW remittances (Parreñas, 2009: 28). The three major employment categories among Filipino OFWs are service work, production work, and professional/technical work; domestic workers comprise 74% of the service work category.² It is estimated that between 22 and 35 million Filipinos—34 to 53% of the total population—are directly dependent on migrant workers’ remittances (Parreñas, 2009: 27). Further, the two industries generating the most foreign currency in the Philippine economy, export-manufacturing production and migrant employment, are dominated by women. The Philippine government has thus created a network of policies to support and promote the feminization of labor migration with a level of public organization currently unmatched by governments of other sending countries: in

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² Ibid., 13.
2001, a headline in a major Philippine newspaper read, “OFWs Told: Stay Abroad”. Filipinos migrant domestic workers, therefore, are situated at an unprecedented juncture of private and public; the advantages and considerable difficulties they face clearly illustrate the limitations of the two-sphere concept.

While Europe is not the top regional destination for Filipino women and other migrants seeking employment as domestic workers, a number of historical, legal, and sociopolitical factors make European countries interesting case studies as regards state treatment of MDWs. The migration influx in European labor markets, while brought about by contemporary economic globalization, still follows existing historical labor migration patterns. The composition of nationalities therefore betrays a complex diversity, with migrants coming from ex-communist countries and former colonies in Eastern Europe, South Asia, Africa, and Latin America, as well as “new” economic migrants from other impoverished and developing countries. The presence or absence of this historical linkage significantly determines not only the migrant’s options of destination but also influences immigration policies and chances of survival in the host country, particularly in language ability and racial perceptions by the receiving society. This dimension of historicity is not as prominent in the receiving countries of North America, East Asia, and the Middle East; therefore a survey of the European experience of migrant domestic labor promises a glimpse of the evolution of formal laws and informal attitudes towards migration in general, and domestic labor in particular.

Second, the uniqueness of Europe as an increasingly integrated region has profound effects on the management of migrant labor. European integration of legal, economic, and political systems is defined by a dialectic tension of forces, which simultaneously reinforce and oppose each other. On the one hand, there is the emergent unification of cultures and economies that transcends national borders and agenda. This unifying force is especially evident in the issue of immigration, which by nature complicates any neat maintenance of borders, and thus requires regional solutions. The human rights regime, evidenced by the various intergovernmental legal instruments in the European Union, is another example of a strong commitment to liberal values (at least on the formal level) that does not depend solely on national identity or responsibility.

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On the other hand, the actual practice of laws critically hinge upon individual countries’ initiatives and modes of enforcement. The approach of managing migrants in general, and migrant domestic workers in particular, still depends on a range of national variables: the country’s immigration policies, welfare state provisions, cultural perceptions of care work, and the success (or failure) of their incorporation of women into the public sphere. The fact, for instance, that Spain and Italy hire more migrant domestic workers compared to Sweden or Norway may be explained as much by their respective degrees of socioeconomic gender equity and laws regarding non-citizens as it is by cultural attitudes towards the practicality and desirability of paid domestic labor (Andall, 2003; International Labor Organization, 2005; WIEGO Report, 2008).

Granted, the regional differences in situation—between Europe and North America, for instance, or Europe and the Middle East—are pronounced enough to conclude that as a geopolitical, social, and economic entity, Europe as a whole possesses unmistakable and characteristic approaches to migrant domestic labor. The existence of supranational legal structures, such as the European Court of Human Rights, considerably broadens the possibilities of justice available to abused migrant domestic workers, particularly when the legal instruments on the level of receiving states are insufficient or impotent (Mantouvalou, 2006). The differences among sub-regions and countries, however, is significant—and it is precisely this distinct paradoxical tension in the European situation that will provide a fruitful reflection on the current status of migrant domestic work, and the various approaches of improving and transforming this phenomenon.
1. THE PUBLIC/PRIVATE DIVIDE: 
LIBERAL CONCEPTIONS, FEMINIST CRITIQUES

The public/private distinction is one of the central organizing concepts of liberalism, both in political-philosophical as well as economic theories. The diversity of interpretations and usages is evidenced by the literature on the distinction: from media law to labor regulations to religious practice in multicultural societies. In spite of this multiplicity of meanings, certain characteristics emerge to accord a specifically liberal understanding of the notion of public and private as two distinct but inseparable spheres. These factors are the protection of individual decisional autonomy (private) from state regulation (public), and the preservation of communal interests (public) vis-à-vis personal pursuits (private). These two factors create a conceptual tension that cannot be resolved by simple hierarchical determination.

John Locke and John Stuart Mill are analyzed in this section as representative voices in the liberal articulation of the distinction. While these two theorists differ sharply in their analysis of the question, particularly with regards to women’s participation in the public sphere, they converge in their acceptance of the conventional assignation of women in the private sphere. These views will then be contrasted with the feminist critique, which holds that the distinction itself is built along gender lines and has rationalized the oppression of women in both public and private spheres.

The feminist perspective is particularly valuable since it offers a radical critique that questions the fundamental assumptions of the public/private divide. Unlike other theoretical critiques (marxist-socialist, post-colonialist, libertarian), feminist theory reveals that the mainstream liberal public/private distinction is intrinsically gendered: its assignation of roles and activities appropriate to, and even paradigmatic of, both spheres is based on a conception of masculine and feminine nature, and a recommendation of what is appropriate to each nature. This obscures and reinforces inequalities, both in public and private domains.

While nearly all feminists are united in their evaluation of the public/private divide as gendered and oppressive of women, they are divided among themselves into various, even opposing, normative positions (see Jaggar, 1983). While some, like radical feminists, argue for the obliteration of the public/private distinction altogether, others recognize the validity and necessity of maintaining the distinction and thus adopt a more reformist position. The feminist theorists reviewed in this thesis may be understood as broadly liberal in orientation. That is, they accept the primacy of the
liberal values of autonomy, equality, and justice, as well as the emphasis on the individual as the ultimate unit of moral value. Their analyses are therefore attempts to broaden, rather than replace, these central liberal ideals by uncovering their dependence on an essentially unjust conception of public and private spheres.

The feminist perspective will therefore be crucial in illuminating the peculiar status of migrant domestic work. In chapter 2, I will show how the public/private distinction actively shapes the demand for hired domestic work in receiving countries in two ways: through the increased participation of women of receiving countries in the public sphere of employment, and through the retention of the gendered organization of care work in the private sphere, despite women’s greater inclusion in the public sphere. This translates into an overwhelming preference for, even institutionalization of, hiring outside female help—as opposed to the other option of equally dividing caregiving responsibilities between the male and female partners in a household.

While it is difficult to posit a causal connection between the theory of public/private and the reality of migrant domestic work, it is nevertheless important to see how this concept, used both descriptively and normatively, has shaped out understanding not only of the “is” of migrant domestic work (what is visible and recognized by the public sphere of economy, state, and society), but the “should” as well (what practices in the private sphere may or may not be construed as public/state responsibility).

1.1. Liberalism

1.1.1. Locke: Property, Privacy, and Paternal Power

In Two Treatises of Government, John Locke set out to outline the conditions under which individuals may lawfully resist tyrannical rule. The work, written in 1689, challenged the dominant political patriarchalism of 17th century England—particularly the version defended by Robert Filmer, which argued for the divine and therefore absolute rule of the monarchy.

Filmer likened the (scripturally sanctioned) authority of monarchs over their subjects to that of fathers over their families. Under their rule, both citizens and family members were without will or opinion, and were beholden to exercise absolute obedience. Locke, in a pioneering liberal position, directly attacked Filmer’s combined politicization of the family and familialization of the commonwealth (Elshtain 1983: 104).
The Two Treatises hinged upon a differentiation of public and private spheres. In the former, civil society was willfully entered into by free and equal individuals under contract with the government. Under terms of a social contract, subjects and rulers established a government to achieve a common goal: “the preservation of Property” (Locke 1960: 323). The “supream Power” of the law exists to define the limits of legitimate political rule: the ruler who exceeds those limits by using his power for “his own Will and Appetite” instead of for the good of the community loses that legitimacy and may thus be morally removed from power. The ruler who thus abuses his stature for his personal benefit is transformed from a public to a private figure (Ashcraft, 1994: 230). The public sphere was the proper venue for political power, which exists only in a “state of equality” between individuals, who, by virtue of common creation by God and the possession of equal faculties, are all entitled to property. Contra Filmer, Locke posits that even rulers possess no natural or divine authority over others in the public sphere (Feser, 2007: 106). This radical opposition to patriarchalism, and the construction of the public sphere as the venue of free and equal political participation, marked Locke as a distinctively liberal thinker.

Equality in public life, however, was dependent on a concomitant inequality in the private sphere. Locke responded to the Filmerian familialization of the commonwealth by creating a moral-political chasm between the public and private spheres. The private sphere was the area within which individuals could legitimately pursue their self-interests in “the Possession and Use of their Properties” (Ashcraft, 1994: 236-7). Of course, the “individual” of Locke’s milieu was unequivocally defined as white, landowning, male heads of households, whose “property” extended to members in the private sphere: wives and other female family members, children, and servants. Thus, as civil society’s direct opposite, this sphere of property is construed as inherently unequal.

Locke justifies this inequality by presenting an account of paternal power, the “Domestick rule” of a “Master of a family” over the “Wife, Children, Servants, and Slaves” (Locke, 1960: 306). He appeals to the logical and natural superiority of men over their dependents in explaining their exclusion from the public space of equality and their confinement to the corresponding space of inequality in the private sphere. Men are “abler and stronger” than women, children are in an “imperfect state” owing to their immaturity and vulnerability, and servants, having submitted themselves to their master’s rule, must be considered as “under the ordinary Discipline [of the family of
the Master].” Slaves, being slaves, “are not capable of any Property, and cannot in that state be considered as any part of Civil Society” (Locke, 1960: 321-323).

Locke is unequivocal about the separation of public and private spheres, maintaining that “these two Powers, Political and Paternal, are so perfectly distinct and separate; are built upon so different Foundations, and given to so different Ends” (Locke, 1960: 314). His account thus locates the family and all its relations to a pre-political “state of nature”—distinct from yet crucial to the existence of a public sphere, the proper venue of equality. Yet a closer look at this distinction reveals that the Lockean conception of a free and equal public sphere was in fact “parasitic” upon the private sphere (Elshtain, 1983: 117). The Lockean separation of public and private realms may have succeeded in countering Filmerian patriarchalism—indeed, the enduring legacy of the Two Treatises is its thorough defense of individual freedom in the face of oppressive government rule. What few theorists consider is how this same Lockean defense of the public was built upon a definition of the private sphere that confined and subordinated women. For the equal capacities of individuals interacting in the public sphere presuppose a rigidly enforced division of labor within the private sphere—a division that necessarily creates a hierarchy of husbands and fathers, the “natural” masters, and wives, servants, and children. Jean Bethke Elshtain notes that while Lockean theory poses only “tenuous connections” between the two spheres, they are in fact structurally related in a dialectical tension: constantly opposing yet dependent on each other (117). By clearly delineating the boundary between public and private, family life was protected from the invasive control of Filmerian patriarchalism. Likewise, the condition of equality and autonomy of actors in the public sphere hinged upon the preservation of peace in the private sphere, a peace that remained undisturbed so long as the rigid hierarchy of the household was enforced.

While Locke argues for a clear normative transformation of the patriarchal privatization of the public sphere, he also makes a less explicit claim regarding the private sphere—one that stems from his descriptive account of the public/private division. The decision to describe the divide in terms of political and paternal power enabled Locke to argue for equality in the public sphere while simply retaining the conventional injustice within the private sphere. By accepting the traditionalist account of “natural” sexual (as well as class and racial) inequalities within the latter, Locke effectively endorses the maintenance of the private sphere as a rigid patriarchal hierarchy.
It may be said that Locke’s unquestioned acceptance of the prevalent definition of the private sphere was unavoidable, given the historical milieu in which he lived. But this does not justify the influence this assumption would have on later liberalism, specifically in terms of the insignificance of the private sphere in political thought. As Elshtain (1983) observes, Locke’s anti-patriarchalist goal of depoliticizing the sphere of the family contributed to liberal theory’s failure to account for the moral and political weight that private relationships can and do possess, while simultaneously ignoring the “parasitic dependence” of the Lockean citizen on the person’s private status as a family man or woman (107). As a result, liberals, up until very recently, have systematically set aside the questions of what Robert Paul Wolff has called “the dominant facts of life: birth, childhood, parenthood, aging, sickness, and death”—daily realities responded to and negotiated by women in the private sphere, in what has been called reproductive labor (1976: 133).

In the Lockean distinction between public and private, two important issues recur in the theoretical struggle to describe migrant domestic work. The first issue concerns the depoliticization of the private sphere, resulting in the invisibility of private issues in the public domains of economies, governments, and societies, and their neglect in philosophy, economic theory, and political thought. The classical liberal exclusion of the private sphere has been challenged to a large extent by the different branches of theoretical feminism, from radical-Marxist to reformist liberal. Abuses occurring in the private sphere (such as domestic violence against women and children), as well as the relegation of care work to unpaid, sexually unequal labor, are some of the injustices that have been rectified through progressive formal measures through national and international law. These considerable formal reforms however still fall short of uncovering the private inequalities to which non-citizens are continually vulnerable. Domestic work is a paradigmatic example of an inherently public issue—it involves the hiring of non-citizens to do paid, i.e. non-familial, care work—that suffers from a profound depoliticization.

The second issue has to do the unacknowledged dependence of the public sphere on the private sphere. The Lockean construction of public institutions presupposes—indeed, cannot be sustained without—the maintenance of unequal relations within the private sphere. As Okin (1991) points out, every male citizen can take fully part in public affairs only because he has a wife back home to cook, clean, and take care of the children. The women’s liberation movement in developed countries has ironically
modified this formula: many women as well as men can now take part in the affairs of the public sphere because the tasks of reproductive labor have been shifted to someone else—often another woman—whether in paid or unpaid arrangements. Referring to Locke and other post-patriarchalist thinkers, Elshtain asserts that while they succeeded in “[taking] the family out of politics and politics out of the family, they found that the remnants of patriarchalism were not so easily expunged” (1983: 106). The private sphere may have been politicized to some extent in recent years, but the deep roots of patriarchalist sexual inequality continue to persist in the understanding and construction of domestic work undertaken by women migrants.

In the section to follow, I will review a second classical liberal treatise on the division of public and private spheres: John Stuart Mill’s *The Subjection of Women*. Unlike the Lockean-patriarchal account of private property, Mill presents us with a radical critique of the inequality of the private sphere between men and women, and accordingly calls for a comprehensive moral revision of the patriarchal structure. Yet this critique also poses problematic ambiguities with regards to the maintenance of traditional gender roles.

1.1.2. Mill: The Tension of Public and Private in Women’s Equality

*The Subjection of Women* is the only sustained examination by a major classical thinker on the question of women’s equality. The essay represented a significant break with Mill’s utilitarian heritage as well as the mainstream Lockean liberalist tradition that dominated 19th-century England. Yet while it seems anomalous for a philosopher of Mill’s time to focus on an issue ignored by mainstream intellectual tradition, *The Subjection of Women* in fact epitomizes a characteristically “Millian combination […] of deep and high philosophy […] and its insistence of the inseparable connection between women’s rights and one of the overriding aims of Mill’s mature thought—the moral reformation of mankind” (Carr, 1970: vii-viii). The struggle for women’s liberation was not merely a side project, but a cause integral to the progress of the modern world itself, which necessitated “the expansion of freedom” (Carr, xv).

While Mill adhered to the utilitarian ideal of the greatest happiness for the greatest number, he differed from his predecessors, Jeremy Bentham and James Mill, in his insistence that this happiness could be achieved only through “the moral regeneration of mankind” through intellectual and social development (Mill, 1970: 95). This dovetails with a conception of human nature that stood in direct opposition with
the naturalist theories prominent in the 19th century. Unlike the naturalists, Mill viewed human nature as infinitely malleable, shaped by the external factors of culture and society. Institutions were “schools of morality” that determined a person’s sense of identity, and the family in particular occupied a primary role in this formation (Carr, xvi).

This anti-naturalist, anti-essentialist stance extended to an interpretation of human civilization as a history of moral progress (Mill, 33-35). The first primitive societies revolved around a “morality of submission” that necessitated submission to power, while the medieval age was defined by a “morality of chivalry and generosity”, obligating the strong to protect the weak. While history has always identified justice as the foundation of virtue, the sense of morality was nevertheless framed within an unquestioned hierarchical structure. Only the modern age has advanced to a recognition of a “morality of justice,” grounded in equality for all.

In spite of this improvement, Mill contends that modern society has failed to extend moral values to “the case in which above all others they are applicable,” namely the formally instituted subjection of women by men (23). The removal of other oppressive institutions, such as slavery and feudalism, clashes with the inordinate disregard for the oppression of women, which “stands out [as] an isolated fact in modern social institutions, […] a single relic of an old world of thought and practice exploded in everything else, but retained in the one thing of most universal interest” (21).

He argues that the institution of patriarchy—the subordination of women to men through exclusion from the public sphere and confinement in the private sphere—constitutes a sustained abuse of power that has stunted and endangered the moral progress of everyone, both men and women. Addressing this inequality is consequently, according to Mill, nothing less than a requisite precondition for the improvement of humanity. By removing women’s social and political disabilities, he states, society stands to gain “the advantage of having the most universal and pervading of all human relations regulated by justice instead of injustice”, thereby placing society on the proper course of comprehensive moral development—perhaps for the first time in human civilization (Mill: 80).

*The Subjection of Women* begins by systematically refuting traditionalist and naturalist theories on the inferiority of women. Existing women’s nature, in Mill’s account, is an eminently “artificial thing—the result of forced repression in some
directions, unnatural stimulation in others. No other class of dependents has had their character so entirely distorted from its natural proportions” (22). The traits encouraged and typified as virtues appropriate to womanhood were an “exaggerated self-abnegation”, an unconcern for anything outside the private sphere of family, and total docility to men, particularly to one’s husband (40). Meanwhile, the virtues of strength, independence, willpower, and freedom were removed from women’s range of possibilities. Mill made the controversial argument that the absence of female excellence in the public domain, as well as their perceived inferiority to men’s will and intellect, is proof not of the natural superiority of males but of an arbitrary institutional process that has overwhelmingly favored men and assigned women to an unchangeable status of subordination—a process so entrenched in civilization that the female slavery of the past has only developed into a present internalized voluntary submission, “a milder form of dependence of women on men” (13).

Concomitant with the social construction of female identity as limitless submission to men is the constitution of male identity as a state of unbridled power over women, ingrained in every institution, and operative in every aspect of society:

Whatever gratification of pride there is in the possession of power, and whatever personal interest in its exercise, is in this case not confined to a limited class, but common to the whole sex. Instead of being, to most of its supporters, a thing desirable chiefly in the abstract, or, like the political ends usually contended for by factions, of little private importance to any but the leaders, it comes home to the person and hearth of every male head of a family, of everyone who looks forward to being so. [Mill, 12]

The construction of male superiority by social institutions has resulted in men’s dangerous tendency to “self-worship”, viewing “their own will as such a grand thing that it is actually the law for another rational being” (42). With women and men thus normatively determined as subservient wife and tyrannical husband, the family becomes “a school of despotism, in which the virtues of despotism, but also its vices, are largely nourished” (44). In stark contrast with Locke, Mill criticizes the exclusion of the private sphere from the reach of the public ideals of equality and justice, stressing that “citizenship fills only a small place in moral life, and does not come near the daily habits or inmost sentiments. The family, justly constituted, would be the real school of the virtues of freedom” (44).

Mill is clear that only in a society of comprehensive equality between the sexes can genuine morality be developed. He argues for women’s full participation in the
public sphere and the “admissibility to all functions and occupations [and] the free use of their faculties, by leaving them the free choice of their employments, and opening them to the same field of occupation and the same prizes and encouragements as to other human beings”, convinced that this would lead to “doubling of the mass of mental faculties for the higher service of humanity” in addition to the innumerable benefits to women themselves (40, 59, 80). By “widening [women’s] sphere of action” (83), Mill is confident that the negative developments in both sexes—women’s excessive self-sacrifice and emotional manipulation, and men’s “self worship [and] unjust self-preference” would be removed and be replaced by an unprecedented moral development of humanity.

While *The Subjection of Women* is a groundbreaking work that is still profoundly relevant today, it is weakened by the tension Mill leaves unresolved between women’s movement in both public and private spheres. Clearly, he rejects both the patriarchalist privatization of the public space as well as the Lockean-liberal exclusion of the household from public affairs, and offers a much less disjointed depiction of the two domains. He proposes that the public sphere be expanded so as to encourage women’s participation in, and contribution to, society as a whole. Moreover, the private sphere, with its paradigmatic relations of marriage and family, is to be reformed according to the public ideal of justice: only when the former is a partnership between equals can the latter become a true “school of morals” for both male and female children.

These two recommendations are rendered contradictory, however, when Mill attempts to deal with the sexual division of labor—more specifically the “naturally” feminine roles of care work. He certainly makes a powerful case for the removal of women’s disabilities in the public sphere by arguing for a gender-neutral egalitarianism. He regresses, however, in his recommendation to women that, when faced with the inevitable conflict between pursuing (public) employment and assuming (private) domestic labor, they must choose the latter. He likens women’s choice of marriage to a man’s choice of profession: “when a woman marries, it may in general be understood that she makes choice of the management of a household, and the bringing up of a family, as the first call upon her exertions” (48).

Barring the untenable abolition of marriage and families altogether, the Millian route to achieving justice in both public and private domains leads to a normative dead end. The abovementioned analogy is a false one, for, as Will Kymlicka observes, men
simply do not need to make the choice between career and family that all women are obliged to square with (2002: 387). As long as there is a private sphere that needs maintenance and supervision—as long as the sexual division of labor remains intact—women will always be construed primarily as full-time carers, regardless of the freedoms available to them in the public sphere. Mill attempts to lessen the futility by noting that women who “choose” domestic responsibilities “do not [renounce] all other objects and occupations, but all which are not consistent with the requirement of this” (48). But this theoretical caveat bears no weight on reality, as any woman struggling with an elusive “work-life balance” can well attest. Mill contradicts his own critique by proposing a reformist agenda for women’s equality, one that does not push hard enough for the necessary radical changes in the sexual division of labor.

Ultimately, Julia Annas notes, The Subjection of Women is incoherent because it tries “to argue both from the way women actually are, and from their right to become different” (Annas, 2005: 64). Mill argues that a woman must be able to earn her own living and participate equally in public life, but actually assumes that few women will do so in real life, without even examining the traditional-patriarchal assignation of domestic work as women’s work. He is clear that the choice between public and private work, a specific burden of women, must always be made in favor of the latter; otherwise the public sphere would not be able to function. Indeed, as Annas points out, he “seems to envisage jobs being held only by the unmarried, or by middle-aged women whose children have grown up” (64).

In the end, not even Mill gives women a way out of the liberal deadlock between public participation and private responsibility. He not only retains the descriptive use of the public/private divide in creating two incommensurable spheres: he also prescribes the maintenance of the private sphere as it has been traditionally construed, mainly for its instrumental value of rendering possible the space of the public.

1.2. Feminism

We have seen that the liberal conception of the public/private divide is founded upon a sexual division of labor, of “public man and private woman” as termed by Jean Bethke Elshtain (1983). Lockean liberalism applied only to the “free and equal individuals” of the public sphere, and unequivocally identifies women’s rightful place within the private sphere, under the paternal power of the male head of the household. Millian egalitarianism, while radical in its critique, ultimately failed in its project to
ensure full equality to women by designating the work of the private sphere as their primary responsibility, even with access to employment and public participation.

Feminism contributes significantly to the examination of the public/private dichotomy because it attacks the divide’s central assumption, namely the immutability of women’s subordination and their consequent invisibility in both public and private spheres. Too often contemporary theorists do not realize that “‘liberalism’ is patriarchal-liberalism, […] thus excluding women from the scope of their apparently universal arguments” (Pateman, 1983: 283, emphasis mine).

Likewise, the notion of two opposing yet inseparable spheres in social life has been “central to almost two centuries of feminist thinking and political struggle; it is ultimately what the feminist movement is all about” (Pateman, 1983: 281). Much of the discourse about women—whether in the abstract concept of feminine identity or more concrete issues such as gender-based violence and political participation—has also been discourse critiquing the public/private divide, since the concept has been used to both describe and justify the general condition of women’s inequality through the institutions of marriage and the family (Kymlicka, 2002: 387).

1.2.1. Feminist Critiques of the Liberal-Patriarchal Public/Private Divide

There are three specifically feminist critiques against the liberal conception of the divide. First, “public/private” actually refers to two conceptual distinctions that are used interchangeably by theorists; this ambiguity obscures the extent to which women are actually confined to the private/excluded from the public. Second, it perpetuates a gendered, unequal distribution of domestic labor. Third, it excludes and devalues domestic labor.

Two major conceptual distinctions are operative in the descriptive usage of the dualism: public/private as state/society, and public/private as non-domestic and domestic (Pateman, 1983: 286; Okin, 1991: 69). These two distinctions are themselves ambiguous: the intermediate socio-economic realm between the household and the state is understood as “private” in the first distinction (state/society), but is construed as “public” in the second (public/domestic). As will be discussed in Chapter 2, this conceptual tension clearly emerges in the plight of migrant domestic workers, who experience a “placelessness” in their host society because they inhabit the space between (domestic) employer regulation and (state) immigration control (Anderson,
Further, this descriptive gap leads to states’ failure of fulfilling their duty of ensuring domestic workers’ human and work-related rights.

Feminist theorists contest that the second (domestic/non-domestic) distinction is the more fundamental division, since both state (“public”) and the economic-social domains of civil society (“private”) may be subsumed under the non-domestic (Pateman: 283). Recognizing the impact of this often-ignored division entails acknowledging that the entire public/private dichotomy has been built on a sexual division of labor: Locke’s assumption of women’s natural subjection to men translates into the exclusion of women from both state and society, their confinement to the household as wives and/or servants, and the economic devaluation of their labor. Furthermore, the dichotomy presupposes women’s dependence on men and their status of subordination within the family to male heads of households.

How does this description of the sexual division of labor form the normative basis for claims to privacy and property? Okin notes that liberal theory has from its very beginnings created these rights as inherent only in male heads of households. This in turn, she says, has led to two conclusions.

First, as we have noted in Locke’s conceptualization of paternal power, heads of households had the right not to be interfered with (by the state, the church, neighbors, and other ‘external’ actors) in his rightful management and treatment of his subordinate members. Secondly, these subordinate members had no privacy and property rights of their own, since they were barred from participating in the public sphere. A third consequence of the sharp division between domestic and public life that may be added is the exclusion of paid domestic work in the international economic sphere (Anderson, 2000: 12; Parreñas, 2001: 73-76).

Of course, it may be countered that the world today is a very different place for women, and bears few resemblances to Locke’s milieu. As a result of various political and social movements, the public sphere has been opened up to women, and the private sphere is no longer considered in isolation from state and society. As will be discussed below, economic as well as demographic transformations have resulted in the increasing commonality of a two-income household, with both husbands and wives sharing breadwinning duties.

However, evidence exists to prove the contrary: the contemporary social organization of productive and reproductive labor still retains the structural inequality which defined Lockean, and more generally liberal-patriarchal, conceptions of
public/private spheres. Indeed, the inclusion of women in the global workforce itself builds upon the traditional, gender-based fragmentation of unpaid care work and paid employment (Hondagneu-Sotelo, 2001; in Parreñas, 2009: 41). This is evident in social, political, and economic trends such as the obvious wage differential between male and female employees in comparable professions, the steady decline in public funding for welfare-state programs, and the occupational segregation/over-representation of women in the informal labor sector, and in jobs that in fact replicate the caregiving functions of the private sphere, reinforcing feminine gender roles—as teachers, nannies, cleaners, nurses, entertainers, prostitutes, hotel and restaurant staff, and workers in labor-intensive manufacturing (Enloe, 2000; Parreñas, 2009: Chapter 1; International Labor Organization, Booklet 4, 2005: 11; WIEGO, 2008).

The persistence of the public/private divide as essentially the gender boundary of public/domestic is articulated in sociologist Rhacel Salazar Parreñas’ concept of the force of domesticity, “the continued relegation of housework to women or the persistence of the ideology of women’s domesticity, in the labor market, the family, and the migrant community, as well as in migration policies and laws” (Parreñas, 2009: 3-4). The concept is useful in illustrating how women’s confinement to the roles and activities of the private sphere is expressed in and through the public sphere of the global economy. As the paradigmatic activity of the liberal-patriarchal private sphere, women’s care work is excluded from the public spheres of legal protection, political recognition, and economic remuneration, and social value. They “do two-thirds of the world’s work, [yet] earn only one-tenth of the world’s income and own only one-hundredth of the world’s property” (Staples and Staples, 2001: 127; in Parreñas, 2009: 7). Moreover, their participation in the public sphere continues to hinge upon their performance of unpaid duties in the private-domestic sphere. Worldwide, women are still cast as primary caregivers in families and communities, even as they are expected to fulfill their role—often in positions of comparable disadvantage—in the global economy.

This is not to say that states and political communities have ignored the systemic gender inequality created by the public/private divide altogether. In the section below, we will review attempts in the public sphere—primarily through contemporary welfare provision policies—to recast the distribution and definition of care work, and to reconcile women’s double-burden of public and private labor. We will see how these attempts ultimately fail because they leave unchallenged the fundamental gender-based
assumptions of domesticity and the work of the private sphere. Further, these reconciliation policies lead to the creation of a new system of inequality, through the emergence of migrant domestic labor as a means to facilitate women’s increased wage activity.

1.2.2. Approaches to Gender Equity in the Public/Private Division of Labor

The age of industrial capitalism in Europe and America reinforced the classical liberal boundaries between private-domestic and public insofar as they overlapped with the sexual division of labor, particularly care work. Nancy Fraser (1994) identifies the social world of industrial capitalism as centered upon the normative ideal of family wage—where families were organized into heterosexual male-headed nuclear families, supported primarily by the husband’s labor market earnings (591). The husband’s paid, public labor would be sufficient for the family’s financial requirements, while the wife-mother’s unpaid domestic labor ensured the fulfillment of private necessities: bearing and raising children, caring for dependent relatives, and daily household management. While the real arrangements of many families did not in fact correspond with this structure, the family-wage model molded the economic, social, and political structures of most industrial-era welfare states (Fraser, 1994: 591).

Post-industrial capitalism however has transformed many of the welfare state societies in Europe, through various forces: economic globalization, the collapse of state socialism, North-South migration, and the decline of trade unions. The transition from industrial to post-industrial capitalism is nothing less than an epochal shift that has restructured the private sphere of familial relations just as much as the public (economic-political) sphere of the labor market and the welfare state. The employment sector itself has changed, becoming more precarious and temporary. The significant decrease of wages per capita income means that there are fewer single jobs that could support family expenses, leading to the formation of double-income households. Family demographics have changed as well. Single-parent households are becoming common, whether through divorce (in developed societies), or economic migration (in most developing countries). These shifts, Fraser observes, indicate that the family wage model of a stable, heterosexual, male-headed nuclear family is empirically inaccurate as a descriptive standard for postindustrial families (1994: 592). In addition, the old patriarchal arrangement of a strictly male breadwinner/female homemaker household is now being largely rejected, or at least skeptically regarded, as the normative ideal in
most liberal-democratic states. Whether by necessity or choice, therefore, more and more women have increased their participation in paid employment.

The question now is what descriptive-normative wage model will correspond with the socioeconomic transformation from industrial to postindustrial capitalism, especially in terms of the evolution of the gender order still underlying the boundaries of public (productive) and private (reproductive) labor. Fraser emphasizes that such a framework must not only be empirically accurate but also grounded in a normative vision of the welfare state’s duties to ensuring justice for all members of society (592-3). Clearly, “the only kind of gender order that can be acceptable today is one premised on gender equity” (593).

*Gender equity*, as opposed to *gender equality*, is the standard that many feminists attempt to articulate in their evaluation of public/private reforms. The difference goes beyond mere terminology: we may understand gender equity as including, but not limited to, gender equality. As a normative concept, the latter aims for women’s identical treatment with men through the removal of sexist barriers. The Millian argument for women’s employment by virtue of their equal contribution to overall human development may be understood as within this gender-egalitarian vein.

However, there exists another key normative position that stands directly opposite gender equality, and this is *gender difference*. Broadly understood, gender difference entails “treating women differently insofar as they differ from men” (Fraser, 1994: 594). Both gender equality and gender difference shed critical light on different aspects of women’s subordination, but are not without conceptual difficulties in their normative approaches. The equality approach risks ignoring the systemic roots of women’s subordination, since it does not target the standardization of men’s perspectives, capacities, and experiences as the template for human experience. On the other hand, while the difference approach rightly avoids the trap of androcentrism, it runs dangerously close to gender essentialism, which in turn reinforces both male and female stereotypes and perpetuates sexist polarities.

Fraser’s proposal to this impasse between equality and difference is to avoid reducing gender equity to one single value, and to instead incorporate elements of both principles in articulating gender equity as a complex conception, “comprising a plurality

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4 For a survey of feminist literature on the equality vs. difference debate, see Kymlicka, 2002:420-1.
of distinct normative principles” (595). The egalitarian and difference approaches would therefore function as component rather competing norms to provide as comprehensive a description of gender equity as possible. Gender equity requires not only equality of participation in activities of shared social value (such as public employment), but also a more substantive “decentering of androcentric measures of social values” (595).

This conception of gender equity as encompassing both equality and difference is closely linked with two issues relevant to our discussion of the public/private divide. First is the issue of the social organization of care work, which is “crucial to human well-being in general and to the social standing of women in particular” (600). The end of the industrial welfare state also meant the end of the old gender order in the sexual division of labor: no longer are individual women primarily private figures confined to the household, solely responsible for reproductive labor. Yet, as evidenced by the frequency of women assuming double-days of public productive labor and private reproductive work, traditional gender expectations in Western liberal societies remain deeply entrenched. This is linked to the social status of care work itself as inherently paradoxical: central to the functioning of society as a whole, yet demeaned and devalued; sustaining and fulfilling when freely undertaken, yet also severely limiting and, at times, exploitative. To this end the notion of gender equity must function normatively: not just by proposing public, institutional measures (through state and civil society) to support families in meeting care work responsibilities, but particularly by challenging unjust conventions about women and men, and envisioning more emancipatory possibilities for undertaking care work.

The second issue deals with internal differences among women as a group. Gender is a primary but by no means the only social variable determining the success of post-industrial welfare state models in ensuring equity. Reconciliation policies will inevitably be shaped by these internal divisions. As will be discussed in Chapter 2, the social differentials of race-ethnicity, legal status, and class will be even more crucial in shaping the reality of paid domestic labor, a labor sector that is not only feminized but also racialized.

Postindustrial welfare state models that seek to replace the obsolete frameworks of social organization therefore need to be evaluated to the extent that they fulfill all of the normative requirements of gender equity. They will have to propose changes to specific areas in both public and private spheres where women are disadvantaged (596). Fraser cites two different approaches to gender equity: universal breadwinner and
caregiver parity. Both models ultimately seek to redraw the public/private divide in two distinct but complementary ways: by increasing women’s participation in the public sphere, and by introducing state measures to support or redistribute the private responsibility of care work. However, the frameworks emphasize different aspects of the equality/difference debate, and yield disparate benefits and obstacles.

The universal breadwinner model is predominant in liberal and feminist political practice in the US. Its method of attaining gender equity is by “universalizing the breadwinner role”, or promoting women’s employment. Essentially, the universal breadwinner model proposes the reformation of the public sphere: the state provision of employment-enabling services such as day care and elder care, and comprehensive workplace reforms to remove equal-opportunity obstacles. Changing the public sphere also necessitates the deeper cultural reform of the concept of breadwinning as exclusively male. Moreover, a different socialization of men and women is required, through the reorientation of aspirations of the latter “toward employment and away from domesticity”, and the preferences of the former “toward acceptance of women’s new role” (Fraser, 1994: 602).

The second vision of postindustrial welfare society is caregiver parity, a model implicit in the current recommendations and policies of feminists and social democrats in Western Europe. Unlike the universal breadwinner model, caregiver parity promotes gender equity by providing support for women doing informal work in the private-domestic sphere. Here, care work remains a private-domestic responsibility, albeit publicly funded. States using the caregiver parity model would thus enable women with domestic responsibilities to be self-sufficient, whether they choose to engage in care work alone or perform care work and part-time employment. This strategy of “making difference costless” raises the activities of childbearing, childrearing, and informal or private care work to parity with formal, paid labor. By putting the caregiver role on equal footing with breadwinner status, Fraser says the model aims to enable “women and men [to] enjoy equivalent levels of dignity and well-being” (1994: 606).

In their review of European welfare regimes, Hantrais and Letablier (1996; quoted in Andall, 2003: 44) cite three models that overlap with Fraser’s description of caregiver parity. The first uses state support as a primary vehicle to simultaneously accommodate employment and family responsibilities, and is evident in countries such as Sweden (which premises its policies on women’s equality), and France and Belgium (which aim for the well-being of the family). The second category adopts a sequential
ordering of work and the family: states support families as central social institutions, but leave the responsibility of child care to private individuals, particularly mothers. In this scheme, there is a greater tendency for women to combine part-time labor with part-time informal care work, prioritizing the latter over the former. Austria, Germany, Luxembourg, the Netherlands, and Italy are cited as examples of this second model. The last category refers to regimes that offer little or no public assistance for the burden of care work, whether for ideological reasons—as in Britain and Ireland, who view care work as a private, individual matter—or financial shortcomings, as seen in Portugal, Spain, and Greece (Andall, 2003: 44).

Both universal breadwinner and caregiver parity models suffer from serious shortcomings as normative frameworks for gender equity. We can identify three major setbacks. First, they retain the traditional marginalization of caregiving in the public sphere. Second, they do not explore and/or promote female-associated values enough to universalize them, thereby retaining the unequal distribution of care work between men and women. Finally, in maintaining the gender-based assignation of care work to women, they fail to assign any positive value to care work at par with male breadwinning. Put simply, “neither [model] asks men to change” (Fraser, 1994: 610).

First, as regards the marginalization of care work. In attempting to increase women’s accessibility in the public sphere, the universal breadwinner model still treats care work instrumentally, something that women need to “slough off” to become breadwinners (Fraser, 1994: 605). The universal breadwinner is also less comprehensive in its proposals for reforming the private sphere. Its main assumption is that the bulk of reproductive labor would be shifted from the private sphere (largely individual women) to the public sphere of market and state, where it would be performed by employees for pay (e.g. live-in domestic workers, cleaners, nannies). By shifting the burden of care work from private to public responsibilities, families would ostensibly rely on public welfare infrastructures—to the extent that these state provisions are developed and made accessible. But in the absence of such services, a demand for paid domestic labor—performed of course by other women—would inevitably arise. The market

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5 One way to reconcile Hantrais and Letablier’s three-category schema with Fraser’s caregiver parity model is to understand the first two categories as versions of caregiver parity. Both are still premised upon “making difference costless” for women through public support for private care work, rather than shifting the burden of reproductive labor to the public spheres of state and market.

6 These three concerns parallel the three major feminist critiques against the liberal-patriarchal conceptualization of the public/private dichotomy. Cf. p.19.
solution to the distribution of care work is shown to have serious limitations when only women who can afford to pay for domestic workers will benefit from these provisions.

Caregiver parity schemes, on the other hand, implicitly retain the secondary status of caregiving by instituting a “mommy track” in the labor market—a niche of flexible, noncontinuous jobs yielding lower wages than their breadwinner-track counterparts. Owing to economic considerations, households would most likely choose to divide primary caregiving and breadwinning responsibilities between two partners, rather than alternate spells of caregiver-based employment. Current gender socialization patterns being as they are, women would inevitably end up as primary caregivers.

The persistence of sexual inequalities in paid employment and its effect on caregiver parity is most striking in gender-progressive societies such as Sweden, which arguably provides some of the most generous paternal leave policies in the world. In spite of widespread public support to equitably distribute caregiving duties between couples, fathers take on average only 20% of the 16 months of paid leave made available to both parents. With women in Sweden earning a median of 84% of the average male salary, and over-representing lower-income employment sectors, economic considerations inevitably assign higher wages—and primary breadwinning duties—to male partners. Ultimately, the two wage models will retain the socioeconomic and political inequalities generated by the gendered division of labor (female/domestic/reproductive vs. male/public/productive); in other words, they leave unquestioned the notion of domesticity.

The second and third setbacks of both models deal with the neglect of what Fraser calls the “third alternative”, i.e. the universalization of the primary caregiver role. Even in their utopian versions, universal breadwinner and caregiver parity do not go far enough in proposing the radical change necessary to achieve full gender equity. That radical change would have to address the concept of domesticity itself, one of the key presumptions of the public/private divide, and its concomitant boundary of productive/reproductive labor.

Fraser suggests that the missing element in both models is the descriptive and normative project of gender deconstruction: a comprehensive dismantling of the sexual division of labor as female qua domestic-reproductive and male qua public-productive

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This strategy would instead make women’s life-patterns the norm, compelling everyone, in effect, “to become like women [as they are now]—that is, people who do primary care work” (611).

Is Fraser’s moral claim about gender deconstruction a valid one—moreover, is it the right one? Or can gender equity be achieved without overturning the existing gender boundaries between the private and the public? The thriving market for migrant domestic work represents one such effort. It turns caregiving into breadwinning, by transferring native women’s private responsibilities of care work to other women—namely economic migrants working in the public sphere of paid employment.

By reviewing this diversity of welfare and employment regimes, we can now gain a clearer contextual understanding of contemporary migrant domestic work in Europe, particularly the socio-economic demand for this kind of labor. In the next chapter, we will explore how states’ reconciliation policies (or lack thereof) critically shape the market demand for paid domestic work, and the social, political, legal, and economic conditions it produces for the migrant women responding to this demand.

The availability of cheap migrant labor mediates the challenge faced by women-citizens to reconcile reproductive and productive labor (Anderson, 2000: Chapter 1; Benería, 2008: 3). By working abroad, outside their homes (albeit in the homes of their employers), migrant women likewise gain a significant degree of individual autonomy hitherto unavailable in their home countries (Parreñas, 2001: Chapter 6; Andall, 2003). In many ways, the public/private labor divide faced by native women in host societies, and the means available for negotiating this divide, parallel the public/private divide faced by the migrant women in their own countries of origin.

Yet the patriarchal conflict of public and private that migrant domestic workers face is qualitatively different from the one faced by the native women who employ them. The former face a profound vulnerability and inequality, shaped by the salient categories of race-ethnicity, class, and citizenship status. Constructed mainly as a stopgap solution to the “crisis of care” plaguing rich liberal societies, women migrants working as domestics are only marginally regarded as subjects and rights-holders (International Labor Organization, Booklet 4, 2005: 10). Thus MDWs suffer a graver form of invisibility—trapped in the limbo between sending and receiving countries, between paid and unpaid labor, between public and private. This “placelessness” subjects MDWs to a morally reprehensible degree of vulnerability and abuse.
Far from restructuring the sexual division of labor, then, this creation of a migrant “service caste” (Andall, 2003) builds upon it by racializing the dichotomy between public and domestic life. The two oppressive conditions of paternal power are reinforced: state non-involvement in the domestic sphere, and the curtailment of rights of subordinate household members. Through the system of migrant domestic work, the conception of care work as necessary but subservient is retained, and the invisibility of the private sphere further worsened.
2. MIGRANT DOMESTIC WORK: CONTRADICTIONS AND CONFLATIONS OF PUBLIC/PRIVATE

In the first chapter, we reviewed the consequences of the patriarchal-liberal conception of the public/private divide on the understanding of women’s identity and social status, as well as the nature and status of care work. We have seen how a logical connection exists between the two-sphere construction of social life as public/private and the systematic subordination of women under the sexual division of labor: women are confined to the private-domestic sphere of family where they assumed an inferior position in a rigid social hierarchy, and subsequently excluded from the public sphere of economy, politics, and society. The liberal conception of the divide, still rooted in the patriarchal assumption of care work as women’s work, has retained the contradictory definition of care work as necessary for society’s functioning yet (until recently) deemed irrelevant in any serious political discussion.

The persistence of the public/domestic boundary in limiting women’s opportunities in both spheres is reinforced by the force of domesticity, or the deeply entrenched belief in the unshared relegation of domestic or reproductive labor to women. Feminist theory has done much to reveal and critique the unjust gender order implicit in the division of labor in industrial capitalism. Consequently, both liberal and feminist theorists have proposed alternative solutions to traditional wage models in the pursuit of gender-equitable reconstructions of productive and reproductive labor.

We have also seen however that the two major solutions proposed by feminists, the universal breadwinner and the caregiver parity models, do not confront the moral dilemma posed by domesticity, the basic premise of care work. This continued premising of care work on women’s domesticity has actively shaped the market for migrant domestic work in Europe. Native women’s struggle to balance private family responsibilities with their public/non-domestic employment creates a demand for paid domestic work undertaken by migrant women (Andall, 2003: 44).

This chapter will review these new manifestations of the public/private divide in the market for migrant domestic work in Europe, and will proceed in three parts. The first section describes the political context of work-family reconciliation in Europe, and connects this with the global structure of care through migrant domestic work. In the second part, the institution of paid, live-in domestic labor itself will be reviewed, with an analysis of how it has posed problems for theorists because of its ambiguous status
The third part of this chapter will discuss contemporary migrant domestic labor, and will survey the development of this service caste in Europe in general, drawing from examples from Italy, Britain, and Spain.

### 2.1. Work-Family Reconciliation in Europe and the Global Care Chain

Women’s struggle to balance gendered expectations of private caregiving duties with increased participation in the public sphere is articulated in European political agendas as the issue of “work-family reconciliation” (Peterson, 2007: 268). The assumption that public employment and private care work should remain separate spheres is evident in such conflicting trends as the withdrawal or absence of public welfare provisions, the continued unequal distribution of care work in private households (i.e. unchallenged expectations of women’s domesticity), and women’s participation in paid employment. These factors contribute to the expansion of the service caste: paid domestic labor becomes the primary means for (certain) women to pass on their care work responsibilities and participate in skilled wage labor.

The difficulties resulting from migrant domestic work in Western societies clearly illustrates the central difficulty within feminism itself as a critical and ethical theory: namely, the danger of cultural ethnocentrism. While mainstream (Western) feminism has done much to describe power relations in society from the angle of gender, it has often done so at the risk of assuming that women’s experiences of subordination are either identical across differing social categories, or at least fundamentally identified as sexism (and only secondarily as class or racial-ethnic inequality). As Solé and Parella (2003: 63) point out, “the major mistake of the middle-class feminist is to take for granted that, independent of social class and ethnicity, sexism is experienced in the same way by all women, as if there existed a ‘generic woman’”.

As modes of family of organization shift to accommodate women’s increased participation in paid employment, the allocation of responsibilities in the private-domestic sphere remains unchanged—that is, it is still women who assume primary duties in care work. This lack of change in deeper patriarchal attitudes leads to a societal vacancy for reproductive labor—one that has been, in the last twenty years, overwhelmingly filled by cheap labor supplied by migrant women who travel from impoverished countries specifically for this purpose. The emergence of this new market, distinctly feminized as well as racialized, has led theorists to identify the development
of a new service caste (Parreñas, 2009: 8; International Labor Organization, Booklet 1, 2003: 9). Actual efforts to achieve gender equity in the welfare states of Europe thus contribute to an unprecedented situation of inequality for another group of women: one whose working and living conditions, as well as their very right to exist in the receiving society, are determined, not only by their problematic relations with the state, but moreso by their dependence on their predominantly white, middle-class, female employers (Parreñas, 2001: Chapter 3; Anderson, 2000: 12-21).

The situation faced by migrant women who take on domestic work in receiving societies does not figure as a non-Western “version” of the gender subordination faced by native European women. Rather, this new labor sector proceeds from the existing gender structure of care work—in both sending and receiving countries—and creates a new, complex experience of the sexual division of labor: one that results from movements of postindustrial capitalism, extending from the origin country to the destination country.

Domestic labor performed by migrants reinforces the traditional hierarchy that assigns care work as a necessary but inferior activity within the private sphere. Domestic work leads to a commodification of reproductive labor: it is not only the worker’s skill or labor power but her very “personhood” that employers demand. Domestic workers are evaluated not only by their fulfillment of specific household tasks (cooking, cleaning, care for children and the elderly), but more profoundly by their emotional labor—their exercise of loyalty, honesty, respect, mothering skills, and docility to the employer—by their embodiment, in other words, of desirable feminine virtues that would reinforce the employer’s own position of competence and superiority. This necessarily puts migrant workers in a position of unavoidable inequality (Anderson, 2000: 2-3).

The public/private-domestic divide creates new stratifications of inequality internal to women as a group, in ways distinct but inseparable from the gender inequalities discussed in the last chapter. The asymmetrical power structure between employers and domestic workers inherent in paid domestic work, often both women, is shaped by other relations of inequality based on race-ethnicity, class, education, and citizenship status, which is frequently precarious whether or not the MDW possesses the legal right to live and work in the host society (Anderson, 2007).

Further, the normative prevalence of women’s domesticity in the MDWs’ country of origin means that they are beholden to transfer their own private
responsibilities to their dependents to other females, creating a global care chain among women in rich and poor countries. In pursuing waged employment abroad, MDWs leave their own private care responsibilities to either female family members (unpaid) or domestic workers of their own (paid). Yet MDWs do not feel the benefits of shifting from caregiving to “providing”, as their native employers. While the latter can continue fulfilling their emotional and supportive role of caregiving, MDWs by contrast cannot enjoy the emotional-moral output in being physically available for their children. Their care for their own children is reduced to demonstrations of hard labor, “in remittances, rather than in the cuddles and ‘quality time’ that provide so much of the satisfaction of care” (Anderson, 2000: 118).

The Philippine example provides much insight in this regard. The Filipino public sphere paradoxically praises and condemns MDWs for being “economic heroes and failed mothers”. Though they are valued in the public sphere for their vital contribution to the economy’s survival, Filipino MDWs are, due to their absence, routinely blamed for neglecting their children, encouraging husbands’ infidelity and vices, and generally causing the moral disintegration of the family (Anderson, 2000: 117-119; Parreñas, 2005: Chapter 2; Villalba: 2002). This problematic position is reflected in contradictory legal policies in Philippine governance, which perpetuate the notion of women’s domesticity in the private sphere while simultaneously marketing Filipino workers as eligible for domestic labor abroad. Article 213 the 1987 Family Code, for instance, declares that “no child under seven years of age shall be separated from the mother”; and under article 68, Filipino couples are “obliged to live together, observe mutual love, respect, and fidelity, and render mutual help and support”. These contrast with the ceaseless, government-sponsored expansion and feminization of the Filipino labor migrant pool. In a 2001 open forum on migration, current president Gloria Macapagal-Arroyo conceded that “jobs here [in the Philippines] are difficult to find and we are depending on the people outside the country. […] The reality is that for now and many years to come, overseas foreign workers (OFWs) will still be a major part of the economy” (Agence France Presse, 2001; in Parreñas, 2009: 27).

It is important to note that migrant domestic work comprises a phenomenon that poses new problems for liberal and feminist theorists alike. It is distinct from both the liberal dilemma of supporting women’s participation in the welfare state (which has thus far addressed only the women-citizens of the society), and the pre-modern practice of domestic service, which took place in a sociopolitical context of feudal relations and
unbonded labor (Andall, 2003: 39). Unlike the former, it concerns non-citizens and therefore involves a public dimension of state regulation through immigration laws. And unlike the latter, it is a labor sector defined by the demands and trends of postindustrial capitalism in an increasingly globalized world. MDWs are brought to the doorsteps of private homes by the larger public currents of globalized labor migration flows. Part of the work of this chapter, then, will be to identify the new ways in which the public/private divide is articulated through the relevant social divisions of race-ethnicity, legal status, and class to shape the experiences of MDWs.

2.2. Domestic Work in General

The terms reproductive labor, domestic work, and care work have been used interchangeably throughout this essay; but in the discussion to follow, I wish to show how the terms highlight different aspects of what is inherently a multifaceted concept that blurs the strict division between private and public. “Reproductive labor”, which is discussed briefly below, is a term from Marxist theory that pertains to unwaged labor in the private sphere, distinct from waged labor, and tied in with the concept of social reproduction. By “domestic work” I refer to the household services market sector, i.e. the hiring of individuals outside the household to perform caregiving functions in place of the women of the family. This seems to be in line with existing literature on the household services sector populated by migrant workers (International Labor Organization, 2003; WIEGO Report, 2008). “Care work” and “caregiving” signify the constellation of functions traditionally performed in the domestic sphere for the daily maintenance of personal, familial, and social relations. Caregiving may or may not be remunerated. Thus, care work seems to take on various modes and strategies: it can be unpaid reproductive labor, performed by female family/community members, paid labor within the home (as live-in domestic work) or paid labor external to the home (live-out domestic work) (Andall, 2003: 39).

What binds all three terms together is the notion of domesticity, or the descriptive-normative relegation of caregiving functions to women. The concept of domesticity, particularly its description as a “force” (Parreñas, 2009), reveals the prevalence as well as invisibility of care work in both private-domestic and public spheres. Domesticity as an organizing ideology not only assigns and confines women to primary caregiving work in the private-domestic sphere: it also determines the range of possibilities available to women in the public sphere. More often than not, that range of
possibilities seems to be little more than a marginally remunerated extension of the unpaid work performed in the domestic domain. The condition of exclusion sets domestic work apart from other forms of service employment. As global advocacy group Women in Informal Employment: Global and Organizing (WIEGO) observes, “despite differences in their working and legal situation, domestic workers worldwide share common characteristics, most notably their isolation, invisibility, and lack of recognition of worker rights” (WIEGO Report, 2008: 1).

Given that women’s work in the private sphere has traditionally been excluded from the public sector of productive employment, feminist debates in the 1970s sought to determine the relation between “unproductive” and “productive” labor, in an effort to articulate the social and economic contributions that the former provides. Using Marxist theory, feminists constructed reproductive labor as that which produces labor power itself, the central commodity of capitalism. Reproductive labor is “the cost required of maintaining the worker as a worker and of developing him into a worker” (Marx, Wage Labor and Capital, 1847. R. Tucker (ed.) 1978: 206; in Anderson, 2000: 12).

Engels takes a broader definition when he writes of reproductive labor as “the production of human beings themselves, the propagation of the species” (Engels 1884; in Anderson, 2000: 12). Anderson explains that this production of beings is essentially a social reproduction, one that not only involves the performance of tasks necessary for physical survival, but of tasks that reproduce or maintain ways of life that are central to human flourishing within a specific society. She notes for instance that “the washing of clothes is not necessary for survival, but most human beings find wearing unwashed clothes for a long time unpleasant—although precisely how often one changes one’s clothes is very much culturally determined” (Anderson, 2000: 13).

The relation between the two kinds of labor, reproductive and productive, is not a sequential or hierarchical one: it would be misleading to view the former as a prerequisite of the latter, or that it is in some way the “minimum” labor required to ensure the functioning of society. This would be a continuation of the liberal-patriarchalist construction of the two spheres, public and private, as distinctly separate. Rather, much of the products of the public sphere are geared towards consumption in the home—particularly in post-industrial capitalist societies, where consumption and not survival is the primary objective of production (Delphy and Leonard, 1992; quoted in Anderson, 2000: 13-14). This becomes more apparent when we study the demand for domestic work in rich industrialized countries: the availability of hiring a domestic
worker, while unnecessary for survival, essentially maintains a certain middle-class image and lifestyle, and invariably affirms the capability and femininity of the domestic worker’s employer.

Likewise, reproductive labor is exemplified by, but not confined to, the private sphere of the family. Insofar as it refers to “the perpetuation of modes of production and social reproduction with their associated relations such as those of class, ‘race’, gender and generation” (Anderson, 2000: 14), non-domestic institutions such as schools and the media perform clearly socially reproductive tasks as well. Viewing the public/private dichotomy in this way certainly presents us with more contradictions and complexities that the clear-cut bipolar structure prevalent in traditional liberal philosophy does not, but it is a more nuanced framework for approaching the institution of migrant domestic work, insofar as it belongs to both spheres.

Reproductive labor is central not only to social organization but to the very identification of oneself as human. Anderson illustrates this as follows:

We need to accommodate the raising of children, the distribution and preparation of food, basic cleanliness and hygiene in order to survive individually and as a species (which is not to say that domestic work cannot be organized collectively). But the ordering of our space is also distinctively human—without domestic work we would, literally, be living “like animals”. [Anderson, 2000: 14]

Reproductive labor and care work, are therefore significant in the sense that their structuration is central to the very organization of both public and private spheres. The normative questions of who should be responsible for the constant responsibility of care work—when, and how, and under what working conditions—are not offshoots of a previously determined schema of public and private, but actively constitute and reinforce social relations of inequality—especially those of gender, race, and class. This active constitution is most readily apparent in the market sector of domestic work.

Domestic work is defined by the International Labour Organization as “work done primarily to maintain households,” and “includes the provision of food and other necessities, cleaning, caring for children and the sick and elderly, etc.” A domestic worker is consequently “a worker employed for housekeeping tasks by a private household.”

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This definition leaves out a number of central features of care work in general, and domestic work in particular. First, the ILO definition does not explicitly state the class- and gender-based limitations that determine the labor supply for care work: women from poor households with low educational levels and few marketable skills are frequently excluded from participating in labor sectors other than domestic work, which, being “almost universally regarded as women’s work, means that men rarely compete with women in this job market” (WIEGO Report, 2008).

Second, as a job activity domestic work is hyperflexible and therefore difficult to regulate and remunerate. A domestic worker may perform one, several, or all of the tasks listed above, including other unforeseen requirements (as it usually happens in cases of domestic workers being “lent out” to work for employers’ relatives and friends). In fact, domestic work, especially when it is live-in, invariably involves multi-tasking: “caring for a child, washing up and cooking lunch may all be done at the same time. Rather than a series of tasks, domestic work is better perceived as a series of processes inextricably linked, often operating at the same time” (Andall, 2003: 39; see also Anderson, 2000: 11). It is skilled work requiring effective time management, and constant mental and emotional effort. Reflecting on why most men in households “help” in care work without really assuming an equal share of responsibility with women, Anderson surmises that “[while] men cannot [not] be trained, women prefer to do it themselves rather than ‘nag’. When men do unpaid housework, they, like children, help by task; it is women who manage the process. The management of processes is crucial to ensure that they all run smoothly. The “housewife” has a dual role, as manager and as laborer” (Anderson, 2000: 12). The domestic worker, invariably a woman, enters the equation by fulfilling the laborer function of domestic work, answering to her employer, the female household manager.

Finally, the ILO definition of domestic work leaves out its uncertain position in the receiving states’ economies and governments. It is an “invisible” labor sector, ignored by national accounts of receiving countries, even explicitly excluded from national legislations of countries such as Norway, the United States, and Hong Kong (International Labor Organization, 2005: Booklet 4). Andall prefaces her study of migrant domestic workers in Italy by calling attention to the “intrinsically hidden nature” of domestic work, executed in the privacy of employers’ homes (Andall, 2003: 39). Ascertaining general trends regarding domestic workers’ wages and work
conditions therefore is “close to impossible” given the extent of variations from country to country, city to city, and even from household to household.

One clear conclusion may be drawn about the exclusion of domestic work from the public sphere: an ILO report studying legislation for domestic workers in over sixty countries concludes that “regardless of the manner in which domestic work is regulated by national laws, standards on domestic work fall below labor standards set for other categories of workers” (WIEGO Report, 2008: 3). Domestic work is not considered “real” work; domestic workers are consequently excluded from labor unions and national labor regulations, are not entitled to social security protection and other work-related public benefits, and have no third-party agency to whom they can appeal to demand fair contracts, wages, and working conditions (Anderson, 2000: 2; WIEGO Report, 2008: 3). Thus domestic work is notoriously difficult to regulate and remunerate according to labor standards of non-domestic work. What structural features of this sector create this invisibility?

The answer may lie in the constitution of domestic service, especially migrant domestic service, as predominantly live-in (Anderson, 2000: Chapters 3 and 4; Carens, 2007: 15-17). As the term suggests, in a live-in arrangement the domestic worker works and lives in the employer’s home, in exchange for free food and accommodation. The very use of “domestic” as a descriptor suggests a stark differentiation from the practices and regulations of “public” economic activity outside the household. This blurring of boundaries between work and home not only exposes domestic workers to an unethical level of susceptibility to maltreatment and abuse, but also allows for states’ inaction in fulfilling and protecting these workers’ human and labor rights in the private-domestic sphere. Three elements indicate this problematic conflation of public and private.

First, the spatial confusion of work and home areas means that no enforceable distinction can be “externally” imposed on domestics’ work and leisure times. Domestic workers themselves have no effective control over their work hours and are obliged to work even when they are on break. The common practice on “on-duty” time (identified in French as présence responsable, and in Spanish as tiempo de présencia) requires domestic workers to be present in the house for a certain number of unpaid hours per day. Often construed as “break-time,” this time is actually spent doing unfinished chores or other tasks such as watching over children or the elderly during their naps (Anderson, 2000: 168).
This relates to the second element, the kind of tasks and the nature of their performance. The tasks listed in the ILO definition of domestic work only represent a minimum of the jobs (simultaneously) accomplished by live-in domestic workers. They are often instructed to perform tasks outside their designated assignments, such as cleaning their employers’ offices, cleaning for their employers’ friends without pay, gardening and tending the pets, etc.\(^9\) Insofar as a domestic worker lives with her employer, she has no power to set clear limits to the tasks or work hours that she is to keep: she is thus required to maintain a hyperflexible schedule dependent on her employer’s need and/or preference (Anderson, 2000: 167). The indeterminacy of both time and task resists any clear categorization based on the “extra-domestic” labor categories of work hours and wage-per-hour rates (categories that, notably, are operative in live-out domestic work).

A third problematic feature of live-in domestic work is the isolation to which domestic workers are subjected. Literally confined to the household of their employment, individual domestic workers encounter more difficulties than other workers in organizing themselves or joining established trade unions and labor centers (WIEGO Report, 2008: 3). As will be illustrated in the section below, migrants entering the domestic work sector are in particular burdened with cultural and linguistic barriers that aggravate their isolation from society and render them even more dependent on their employers, often their only link to the public sphere of receiving societies.

Historically, domestic work was a stable employment sector of pre-modern economies (through the hiring of servants, nannies, cooks, etc.). Significant cultural attitudes varied according to region and country in Europe, thus exhibiting notable differences in the current socioeconomic conditions for contemporary domestic work—particularly in the market demand for such labor. Consider the current attitudes towards hiring domestic labor in the UK. A study by Gregson and Lowe (1999) noted a growing trend by dual income professional couples with young children to employ live-out nannies and cleaners as opposed to live-in “servants”. The authors detected a reluctance among British middle class employers to hire ‘help’, still believing in the postwar liberal idea that it is “somehow old-fashioned or somehow unacceptable to use people in your home as servants” (51). Meanwhile, the countries of Southern Europe—notably Greece, Spain, and Italy—exhibited a postwar maintenance of traditional organization

of domestic work as essentially live-in. Southern European countries have consequently all preserved a form of domestic work that closely approximates the historical image of the live-in servant (Andall, 2003: 41). Thus these existing structural conditions shaped the subsequent migration flows of the last twenty years. In these cultural contexts live-in domestic service is a labor market niche for female migrants (Escriva, 2000; in Andall, 2003: 41). Predictably, these three countries have the highest rates for female temporary labor migration and the highest number of households utilizing waged domestic labor (International Labor Organization, 2003).

It should be evident by now that contemporary domestic work, as a labor sector, is comprises a rubric of myriad factors, including global economic migration, work-family reconciliation policies in welfare-provision regimes, and cultural attitudes towards women’s participation in paid non-domestic employment—as well as men’s participation in private care work (or lack thereof). What can fundamentally be concluded about the domestic work sector, however, is that it is connected to and reinforces the larger patriarchal system and its ideology of women’s domesticity. By consequence, any effort to deconstruct its prevailing structural inequalities must eventually square with the continued prevalence of patriarchy:

In the end, it is men who are the “end users” of this system and who stand to benefit the most from this gender-specific structuration of reproductive labor. Ultimately it is men and capitalism that benefit. […] As an Ethiopian worker in Athens put it, ‘men do not share household tasks. They will not accept that. Ethiopian and Greek men are the same. If the Greeks can afford they will hire, otherwise the woman will do it.’ We need to acknowledge and recognize constructed ‘difference’ as binding as well as separating us. [Anderson, 2000:7]

2.3. Migrant Domestic Work in Particular

Contextualizing migrant domestic work in Europe entails viewing the larger economic context of labor migration. Europe has had to contend with a significant demographic decline and an aging population. The creation of a global workforce of temporary migrant workers therefore comprises the region’s main employment strategy in controlling wage inflation, particularly in low-skilled industries that native workers are unwilling to perform, such as manufacturing, agriculture, and service sectors (International Labor Organization, 2003: 113; 132). A two-tier labor market thus emerges: one for EU citizens, and a second one for nationals of third countries offering cheap and flexible labor. As will be discussed below in section 2.3.1., this second labor
tier in European economies is closely intertwined with migrant workers’ uncertain immigration status: employers’ demand for hyperflexible, underpaid labor is met directly by a steady supply of undocumented migrants whose bargaining power for fair working conditions is severely undermined by their irregular status.

Paid domestic work is one of the labor sectors that most clearly manifests this emergence of a two-tier labor market in Europe. In fact, the most striking feature of contemporary domestic labor is its racialization. In private households in Europe and other developed regions of the world, the tasks of cleaning, cooking, child-rearing, and caring for the elderly are overwhelmingly performed by migrant women from poorer countries. This is logical, considering that domestic work is one of the few employment sectors open to migrant women in European countries. In France, for example, more than 50% of all migrant women are employed in domestic work (WIEGO Report, 2008: 2). In southern Europe, more than 10% of foreign workers are employed in household services, particularly in Greece, Spain, and Italy, where it was reported that over 950,000 families hired foreign workers to provide care for children and the elderly in 2002 (International Labor Organization, 2003: 57). The construction of this labor market—in both its demand and supply sides—as geared towards migrant women results from the dynamic inter-relationship between private households and the public spheres of state/society.

This inter-relationship of socioeconomic forces extends geographically as well, encompassing the source and destination countries of MDWs. Their struggle to juggle responsibilities to their own families with their work in their employers’ households creates an unprecedented contradiction: by entering paid employment, MDWs can and do assume primary income-earning roles. Yet they work in private households without any of the basic legal recognition and protection accorded to standard breadwinners outside the private-domestic sphere. In other words, they are treated unequally as caregivers by their host society, through their employers and also through the government.

Thus far, we have seen that these contradictions are inherent to domestic work, as a result of a certain premising of the public/private divide (which thus defines the divide as a justification for domesticity, or the assignation of care work to women in the private sphere). In this section, we will analyze how the dimension of economic migration, already present in domestic work, further complicates the tension between public and private. Systemic poverty and limited employment opportunities for women
in their home countries, coupled with a high demand for domestic labor in destination countries, provide compelling incentives for women in underdeveloped and developing countries to seek better wages in the private households of wealthy countries. Entering their host societies as migrants, however, they become partial citizens with limited rights and a tenuous legal status, under constant risk of irregularity (International Labor Organization, 2003: 57)—and whose few remaining rights are tied to a highly unstable form of employment. The “migrant handicap” therefore considerably worsens the perils already inherent in domestic labor. In addition, they are still evaluated by their home society in terms of their caregiving roles in their own families—and are often judged to have failed, regardless of the financial contributions they make (Asis, Huang, and Yeoh, 2004: 200-201).

Sociological studies of migrant domestic work have emphasized that global care chains are structured along internal divisions between women (Anderson, 2000; Parreñas, 2001, 2009). From the perspective of ethics, this asymmetrical structure between female citizen-employer and female migrant-worker may be understood as a conflict of moral values between public and private spheres. On one hand is the promotion of gender equity for both groups of women through increased wage employment. The availability of MDWs enables native women of receiving societies to delegate their private-domestic responsibilities of reproductive labor to migrant women so that they may pursue paid employment in the first tier of the labor market. Likewise, becoming MDWs enables the latter to ostensibly participate in the public sphere (i.e. the second tier of the labor market), as they become significant economic actors in their countries of origin, frequently assuming primary breadwinner roles in their families (Asis, Huang, and Yeoh, 2004: 198). Many of the world’s women aged 15 to 64 years are thus “freed” to pursue paid employment outside the home (International Labor Organization, 2003: 58).

A second moral value preserved by the status quo of migrant domestic work is the privacy and autonomy of the employers. Owing to the nature of migrant domestic work as within the private-domestic sphere, arrangements between MDWs and their employers are conventionally conducted outside the purview of public regulation via labor legislation, economic regulation, and legal-political conditions. States’ duty to respect the autonomy of MDWs’ employers is operative (to cite one example) in the logic of domestic worker visas in the UK, where migrants working as domestics are legally allowed to stay in the UK so long as they are continuously employed in a private
household for one year. States maintain a hands-off approach with regards to all aspects of a domestic worker’s employment, including her legal status; this provision therefore leaves the determination of citizenship status solely to employer discretion. In Lockean terms, receiving states’ treatment of migrant domestic work follows from the distinction of political and paternal powers, wherein the conditions surrounding MDWs’ existence in the host country are a matter for paternal, not political, power. 

On the other hand, this global transference of care work results in the unethical perpetuation of unequal relations, resulting in grave social costs in receiving societies. Migrant domestic work creates a global care chain wherein the responsibility of care work is simply transferred to unpaid and increasingly disadvantaged groups of women: native women in developed countries transfer their burden of care work to MDWs; and, in responding to the demand for domestic labor abroad, the latter must in turn delegate their own responsibilities to other women relatives or local maids who will inevitably undertaken care work (International Labor Organization, 2003: 58). While the notion of domesticity makes Filipino migrants “marketable” in their host countries as domestic workers, paradoxically enabling them to participate in the public sphere (of the labor market), this same concept also reinforces their stigmatization in Philippine society for abandoning their “real” role as the ilaw ng tahanan, “light of the home”—as mothers, sisters, and daughters performing their primary caregiving role, even as they do so to assume the traditional male role of breadwinning, as the haligi ng tahanan, the “bastion of the home”. (Parreñas, 2009: 24-5; Villalba, 2002). In other words, as a strategy to readjust the sexual division of labor, migrant domestic work achieves limited and contradictory success in achieving gender equity, since it is still driven by the patriarchal notion of women’s domesticity.

Second, live-in domestic work unavoidably subjects MDWs to an alarming level of vulnerability. As we will see below, both the invisible nature of domestic work as well as migrants’ precarious legal status in the receiving society render them powerless in bargaining for fair working conditions and protecting themselves from various forms of human rights abuses. Hiring migrants to perform what is essentially regarded as subservient work enables employers to externalize the racial-ethnic and class identity of a MDW, facilitating their assignation of degrading tasks that they would find difficult to foist on a fellow national (International Labor Organization, Booklet 4, 2005: 11).

The moral dilemma posed by the hiring of MDWs is complicated by the apparent autonomy exercised by MDWs in their choice of employment and, indeed,
their very decision to migrating for work. Interviews conducted with Filipino MDWs reveal how labor migration represents an opportunity for professional and personal emancipation hitherto unavailable in their home society, which is organized by a strict hierarchy of gender roles (Parreñas, 2001; Anderson, 2000). Nearly all Filipino migrants migrate for economic reasons and become main income-earners of their families; as domestic workers abroad, they can earn up to six times their average monthly salary even as highly-educated professionals in the Philippines (Eviota, 2002, cited in Andall, 2003: 49; Parreñas, 2001: 42). This increased wage-earning capacity through migration brings about an increase in personal independence as well, especially in comparison with male migrants’ experience (Hondagneu-Sotelo, 1994; in Parreñas, 2009: 90). A percentage of women migrants also leave the country to escape difficult or abusive relationships (Villalba, 2002: 16; International Labor Organization, Booklet 1, 2005). Remarkably, in spite of the isolation and vulnerability experienced in the host country, their continued aspiration to eventually settle in the Philippines, and their maintenance of strong transnational links with their sending communities, a significant number of Filipino MDWs are ambivalent about actually returning home, knowing that they would eventually have to contend with the local sex-segregated labor market and severe gender wage gap.

In spite of the relative gains provided by working in the migrant domestic labor sector, however, it would be grossly inaccurate to conclude that Filipino MDWs are free and equal agents on a comparable level with their female European or male Filipino counterparts (and much less so when compared to male European citizens). The empowerment experienced by women in migration, brought about by the increase in freedom from the rigid gender hierarchies of their home countries, is acutely undermined by its inevitable costs: downward occupational mobility, de-skilling, (ironically enough) a re-orientation away from paid work and towards the domestic sphere, and a high exposure to exploitative and abusive situations.10

2.3.1. The Public Invisibility of MDWs

States’ duties to migrant domestic workers are distorted by the dichotomy (and the primacy of the private sphere) in two ways, active and passive: (1) in the active

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imposition of immigration policies directly determined by employers’ paternal power over domestic workers; and (2) in states’ passive failure (or refusal) to regulate employer-citizens’ power over domestic workers’ living and working conditions. The first distortion is linked to the status of domestic work as distinct and separate from the economic-political sphere. The second distortion concerns the precarious legal status of migrant domestic migrant workers as non-citizens, and will be discussed in 2.3.2.

In national (as opposed to regional and international) legislation, the only regulation foreign female domestic workers fall under is immigration law. In many countries, not only in Europe but also in other regions, domestic work is not included in labor, safety, and other laws and therefore has no legal norms for regulation nor offices or inspectors to enforce regulations (International Labor Organization, 2005: 60). Interestingly enough, countries such as Italy, the UK, Spain, and Greece have recently instituted special workers’ visas for migrants intending to work as domestic workers. Still, these specialized work permits largely fall short of providing the necessary protections for the specific disadvantages to which MDWs are subjected (Oxfam and Kalayaan, 2008).

The presence of employment-related stipulations in visa obtention policies imposes a set of unfair difficulties to MDWs as migrants that aggravating their position of inequality and vulnerability. Contrary to common constructions of immigration laws as a “tap”; that is, as a legal framework of controls directing the flow of entry of migrants and regulating residing migrant populations, Anderson (2007: 3) argues that it is more useful to conceive of the immigration system as a mold that actively constructs economic migrants upon their entry into the host country. As such, the state not only determines the legality of residing and working, but also dictates the kind of work they are entitled to apply for, and under what conditions.

Specifically, the legality of MDWs’ status (a state/public issue) is determined by certain work conditions that go beyond controlling entry. What happens is that visa status, which should be resolved through public institutions, is constructed in such a way as to be almost entirely determined by paternal power—that is, the employers’ preferences in the private (domestic) sphere. Such an arrangement clearly violates Article 23 of the Universal Declaration of Human Rights, the “right to work, to free choice of employment, to just and favorable conditions of work,” in various ways. By not submitting fully to employer control, MDWs become irregular, and their very presence in the host country thus constitutes a criminal act. The threat of deportation
unfairly robs them of any bargaining power they might need to demand their basic human rights from their employers, and effectively prevents them from reporting abuses to authorities. The fear of deportation intensifies MDWs’ sense of “placelessness”, hindering them from gathering in public places and even physically leaving their household of employment, for fear of being caught without papers (Parreñas, 2009; Chapter 4).

The result is that irregularity becomes endemic to the market for migrant domestic labor. Many migrants entering domestic work fall into irregularity, whether by illegal entry, by overstaying, or by unknowingly violating the terms of their visa (International Labor Organization, 2003: 120). Thus even domestic workers who enter with legal work permits soon find themselves in a precarious legal situation (Anderson, 2007: 199). Former United Nations Secretary-General Kofi Annan noted the ineffectivity of mere gatekeeping strategies to combat irregularity, calling attention to the inextricability of human rights violations with migrant irregularity:

> Few if any States have actually succeeded in cutting migrant numbers by imposing such controls. The laws of supply and demand are too strong for that. Instead, immigrants are driven to enter the country clandestinely, to overstay their visas, or to resort to the one legal route still open to them, namely the asylum system. [International Labor Organization, 2003: 61].

The issue of labor mobility also exemplifies states’ active imposition of policies that sanction employers’ unfair control over MDWs. Immigration laws in most of receiving states prohibit the domestic worker from leaving their employer, or seeking work in another labor sector. Italian guest worker visas, while viewed as one of the most inclusive visa arrangements for MDWs, allow for MDWs to change employers but forbid them from pursuing employment outside private households, effectively confining them to the domestic work sector (Campani, 1993a; in Parreñas, 2001: 49). This imposed limitation on migrant women to stay in the domestic work sector is reflected even in the international level. One example of this are the bilateral agreements between a receiving country (Italy) and sending country (the Philippines) that shape the market for domestic work by creating national groupings which confine migrants to specific sectors of the labor market (Tacoli, 1999: 120). Likewise, the UK domestic worker visa, cited by the ILO as one of the exemplary state instruments for the protection of MDWs’ welfare, allows MDWs to change employers within a one-year period, but confines them to employment in the private sphere (Oxfam and Kalayaan,
These external immigration controls, combined with state non-regulation of the private management of workers, are evident in such widespread practices as the employers’ unlawful confiscation of passports and other travel documents to prevent domestic laborers from leaving or complaining. Unjustified employer control is also present in the issue of visa renewal, which requires employer sponsorship for approval. Legal insecurity and the threat of deportation render migrant domestic workers powerless in demanding fair working conditions and just wages, thus transforming domestic work into forced labor. In the absence of effective external regulatory agencies to sanction unfair or abusive employers, MDWs have no institutional mechanisms to protect them from unfair working hours, unpaid or inadequate wages, overwork, and verbal, psychological, and physical abuse.

This is not to say that receiving states provide MDWs no means of justice in cases of abuse. Unfortunately, abused or exploited MDWs are significantly hindered from reporting to the authorities for several reasons, apart from the main threat of being “found out” as an irregular migrant and deported. The abuses often occur in the household with no external witnesses and no hard evidence. They are also rarely able to contact relevant authorities at the time of abuse. Linguistic and social barriers, and unfamiliarity with a confusing bureaucratic system, also play a significant role in impeding MDWs from seeking assistance.

Considering that the majority of these immigration conditions hinge upon decisions made by the domestic worker’s employer, it is evident that the state’s right to impose restrictions on the activities of its temporary migrants (a public policy issue) is erroneously executed due to a liberal misconception of the kind of power that heads of households may exercise over their domestic workers, “free” from state intervention (a domestic concern). States must rectify this distortion if they are to avoid aggravating the occupational vulnerability already present in domestic work.

2.3.2. Public Irregularity, Private Vulnerability

Actually or potentially having irregular status means that MDWs are denied access to fundamental work-related and human rights such as “protection against hazards to their health and safety, the opportunity to join unions or organize themselves for collective bargaining, the capacity to obtain fair wages, the right to compensation in case of injury or illness, and security of employment” (International Labor
Organization, 2003: 61). How does this threat of irregularity combine with the inherent inequality of domestic work relationships between employer and MDW? Research undertaken by the Organization for Economic Co-operation and Development (OECD) notes that irregular immigration only exists insofar as it is tolerated or ignored alongside certain restrictions (in International Labor Organization, 2003: 121).

For certain labor sectors, irregular migrant labor provides certain advantages that states implicitly sanction. Irregular migrant workers are in a particularly dependent situation, leaving employers enough leeway to forego meeting national labor standards, and, in many cases, to exploit and abuse workers in a variety of ways (WIEGO Report, 2008; 2; Villalba, 2002: 30). In the ILO Report on global migrant labor, it was observed that “the fact that the work carried out by these migrants is undeclared enables employers to avoid paying taxes and cut down on production expenses” (International Labor Organization, 2003: 121).

Again, migrant domestic labor clearly manifests the connection between migrant irregularity and exploitable vulnerability of domestic work. The employer-domestic worker relationship manifests the vulnerability produced by the absence of labor regulation within the private sphere (Parreñas, 2001: 164-166). Owing to the live-in arrangement, as well as the centrality of “caring” in domestic tasks, the interactions between the employer and the domestic laborer are often highly personalized, with a greater emphasis on affective rather than professional ties. The (non-“professional”) strategy of regarding the domestic worker as “part of the family” is used by workers themselves, often as the only means to secure humane treatment from employers. It has been used overwhelmingly, however, to the employers’ advantage: by obscuring the domestic worker’s status as a paid laborer, manipulating the ties of affection to justify the non-payment of wages, and discouraging the report of abuses to authorities (Parreñas, 2001: 179, 184). States’ neglect in replacing these private affective strategies with fair negotiating conditions between worker and employer is a failure to uphold domestic workers’ human right to dispose of proper labor negotiation mechanisms with equal bargaining power.

It may be objected that not all MDWs are abused, and not all employers are exploitative—and to thus make this judgment of all domestic work relations is to commit a hasty generalization. As Anderson indicates, significant differences do exist in workers’ experiences.

While some endure slave-like conditions, rapes, and beatings, others get
on well with their employers and have no complaints about wages, work or treatment. [...] One has to allow for the different contexts in which domestic workers are employed, and in particular for dominant attitudes towards women and towards ‘foreigners’. [2000: 6]

It should also be emphasized, however, that the opportunity to work with a “good” employer who will at the very least respect the basic human and work-related rights of the MDW is a matter of sheer luck rather than a guaranteed outcome of the current system. Moreover, even if such legislative labor protections did exist for domestic workers, their structural confinement to the private sphere and their corresponding alienation from the “outside” prevents them from learning about and benefiting from these available protections, leading to the widespread violation of labor laws (International Labor Organization, 2003: 60). This exclusion of the private sphere from public regulation explains why there is still a high incidence of employers illegally confiscating MDWs’ visas and passports: in 2006, for example, over 34% of MDWs registered with Kalayaan UK reported that their employers still had their passports (Kalayaan Report, 2008: 17). This is beyond a question of enforcing the law: in this instance a particular definition of the public/private divide operates to inscribe the non-applicability of protective labor laws: domestic work is not strictly “work”, i.e. productive labor in the non-domestic sphere.

Employers’ unjustified exercise of paternal power over their MDWs’ migrant status is also evident in the total dependence of live-in migrant housekeepers in Italy on their “family-employers”:

[The term “family-employer”] implies that the same person provides migrant women with all they need to legally reside and to "survive" in Italy. In addition, the family-employer is frequently the only link these women have with the Italian society, as the other bureaucratic procedures pertaining to social and civil rights. If all the roles played by the family-employer are regarded together, it becomes evident that in case of conflict with the employer, they would lose salary, shelter and all they have in Italy. They will be unable to react against breaches of their rights. [D’Alconzo G, La Rocca S and Marioni E, 2002: 12]

Given the domestic worker’s unjustly diminished status in both private and public spheres, it is easy to see why the report of abuses is an untenable option, reducing rights to empty formal legalisms. The inherently ambiguous labor boundaries in domestic work unjustly heighten the likelihood of maltreatment and abuse, and the legal dependency of migrant domestic laborers accords more power to employers than is permissible by liberal democratic standards. The juridical inequality of immigration
laws traps migrant domestic workers who, in cases of unfair or abusive treatment, have to “choose” between seeking external help or being deported.

Crucially, the report and even proof of employer abuse offer no guaranteed protection against deportation or imprisonment (Anderson, 2000: 173). The constant threat of deportation is neither accidental nor inevitable in migrant domestic work: rather, it derives from the deliberate confusion of immigration controls with the dynamics of private employment. More profoundly, this confusion brings us back to the classical liberal notion of excluding the domestic sphere from public (political and economic) regulation and deliberation. Private and public are negotiable boundaries in migrant domestic labor, shifting according to inequalities in class, gender, race, and legal status. Leaving these boundaries unexamined, and neglecting to correct the continuing influence of a classical liberal conception of the exclusion of the domestic sphere, only obscures and limits states’ responsibilities to its MDWs.

An important contention arises at this point. It may be objected that over the last half-century, great strides have been made to increase the economic and political visibility of domestic work. The proliferation of legal instruments from both human rights and labor rights organizations, on international and regional levels, specify domestic work as one of the most widespread forms of forced labor requiring active intervention and regulation from states (Mantouvalou, 2006: 396-7, 401, 406). The problem then, seems to be not so much ethical as it is practical, requiring “only” a more rigorous implementation of existing legal mechanisms.

The reality faced by migrant domestic workers, however, proves otherwise—and as in other aspects of domestic work, the public/private divide operates to marginalize and “invisibilize” (Peterson, 2007) this labor sector. The prejudice against domestic work as simply an extension of unpaid care work in the private sphere is still prevalent in national labor policies of states, whether they are receiving or sending countries. Moreover, the legal protections articulated by the ILO and the European Union bear little influence on how individual states constitute and deal with their domestic workers: “even where protective laws are on the statute books [in national governments], they are frequently ignored by employers and not enforced by authorities” (WIEGO, 2008: 3). The lack of effective enforcement and sanctioning is not a mere problem of implementation—rather, the lack of implementation itself results from the assumption of the public/private boundary. This assumption of the primacy of citizens’ autonomy in the private sphere results in states’ failure to recognize the
unequal power relations between employer and domestic worker, and consequently their failure to prevent the inevitability of human rights abuses that occurs from these asymmetrical relations.

Coupled with immigration policies, the conditions of inequality and vulnerability that domestic workers are subjected to are a result not of inadequate implementation, but of an unquestioned assumption regarding the authority over domestic workers that states accord to employers, whether by their (passive) non-involvement or (active) immigration restrictions—an assumption, in short, that both stems from and reinforces the liberal-patriarchal conception of the public/private divide.
The previous chapters presented the phenomenon of migrant domestic work in Europe from the angle of the public/private divide, with the intention of revealing an ethical impasse between competing values. On the one hand there are the values of gender equity (the enablement of women’s participation in productive labor through the transference of their private care work responsibilities to MDWs) and privacy as autonomy (through European states’ non-interference in the private realm of employer-domestic worker relations). On the other hand the respect for privacy (in both senses of decisional autonomy and spatial protection from unconstitutional state interference) translates into the inherent invisibility of domestic work, which renders MDWs highly vulnerable to exclusion from the public spheres in both sending and receiving countries, and exploitation in the private households where they both live and work. In addition, receiving states’ toleration and/or promotion of migrant domestic work leaves unchallenged the force of women’s domesticity, which prescribes care work as women’s work in the private sphere. I agree with the basic feminist contention that the public/private divide so construed leads to the subordination of women; further, I also contend that internal differences among women exist, following stratifications of race-ethnicity, class, and citizenship status. These structure the complex dynamics of inequality that define the relationship between female MDWs and female employers.

In this final chapter, I will explore the possibility of crossing the boundaries—revising the conception of the public/private dichotomy to enable states to uncover and prevent the inequality in the conditions of migrant domestic work. “Crossing” here implies two meanings: traversing the morally problematic boundaries between private and public as established by patriarchal-liberalism, and redrawing these boundaries according to a more inclusive and ethical standard of gender equity. I will identify preliminary ways in which the distinction between public and private should be differently articulated so as to acknowledge and accommodate the especially vulnerable status of MDWs. This will entail that states assume greater responsibility in ensuring the protection of MDWs’ rights on national and regional levels. As with the previous chapters, Pateman’s (1983) identification of the two uses of the public/private divide—as state/civil society and domestic/public—will serve as the guideposts in navigating and evaluating the different ethical responses. As we have seen in Chapter 2, these two
distinctions are operative in constraining the autonomy of migrant domestic workers in the host country, since they are limited both by the ambiguous nature of their employment and their immigration status.

There are two central issues in the development of the normative project of redrawing the public/private boundary. The first part of the chapter will focus on articulating the moral accountability of individual European states and of the European region to MDWs, through their immigration and labor policies. These policies relate to the protection of MDWs’ rights and freedoms in the overlapping spaces of public-legal (citizenship), public-economic (employment) and private-domestic (home). I will suggest that states need to take greater stock of the uniqueness of migrant domestic work in the formulation and enforcement of labor and immigration laws. The different forces of gender, race-ethnicity, and citizenship intersect in the condition of migrant domestic work and create a particular sort of vulnerability for MDWs. The interdependence of national and regional actions is crucial in the issue of migrant domestic work. The enforcement of protective policies is determined by the legal, economic, political, and cultural constraints that differ from country to country; it is crucial therefore that states respond to the specificities of migrant domestic work, especially in terms of welfare provisions for care work.

At the same time, the nature of contemporary migration flows as globalized and the economic integration of the European labor market demand unified regional and international approaches to “migration management” (International Labor Organization, 2003: 107). Labor migration differs profoundly from other aspects of economic globalization, such as trade or investment. Even temporary migration has implications for a range of social and economic policies. Governments therefore must “go beyond mere gate-keeping and integrate migration policy into mainstream planning” (International Labor Organization, 2003: 107). Going beyond mere gate keeping at national borders entails the creation of an overarching normative framework to assess the growth of labor migration. In the specific sector of migrant domestic labor, the nascent International Labor Organization (ILO) Convention on Domestic Work stands as a clearly sign of progress in this regard; the Convention will be briefly summarized at the end of the first section as a promising example of how the international community can move away from the liberal-patriarchal version of the public/private divide towards one that promotes the recognition for domestic work as work, and the consequent respect for and protection of MDWs as workers and migrants.
The second, shorter half of this chapter will undertake a far less concrete but equally important moral evaluation, one that concerns the conceptualization of care work itself—insofar as this shapes the current market for migrant domestic labor and the global ideology of domesticity (i.e. care work as exclusively women’s work). By calling attention to the problems resulting from an uncritical acceptance of care work as low-skilled and demeaning—namely, that it tends inevitably to the abasement of those who (are typecast to) undertake it—I hope to highlight the necessity of reevaluating the foundational structures belying care work itself. Along with Fraser (1994), I will argue that the only way the injustice of the sexual division of labor can be rectified is by gender deconstruction—by reconceptualizing of caregiving as an activity at par with breadwinning, that should apply equally to men as well as women.

3.1. **Beyond the Household: States’ Responsibilities to MDWs**

We have seen how the sector of domestic work, with its emphasis on flexible labor, inherently benefits from and encourages migrant irregularity. The employment-dependent requirements of working visas condone employers’ near-absolute control in determining the living and working conditions of their live-in MDWs, even when the latter have a valid permit to stay and work. The constant threat of irregularity and deportation further restricts what little autonomy and bargaining power these migrants have as live-in domestics, thereby placing them in a situation of unparalleled vulnerability to abuse. This constitutes grounds for forced or compulsory labor, defined by the ILO as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (International Labor Organization, 1930: no. 29). States are beholden by the ILO to punish forced labor as a criminal offence, especially when it escalates to servitude and slavery, and to intervene in the bargaining process between worker and employer. Stressing the particular precarity of migrants undertaking domestic work, various regional and international bodies such as the Council of Europe have identified the emergence of “a new form of slavery”, domestic slavery, wherein thousands of people are still held like slaves in Europe [...] and are forced to work (through physical and mental threat) with little or no financial reward, are physically constrained or have other restrictions placed on their freedom of movement and are treated in a degrading and inhumane way. [Council of Europe, 2001: Recommendation 1523, para. 9; in Mantouvalou, 2006: 398]
Given the inevitability of labor shortages in European countries, the increase in temporary migration as a solution to those shortages, and demographic trends such as the growth of an aging population and increased women’s participation, it is highly unlikely that the market for migrant domestic labor will be diminished. The current global economic crisis may have begun to reverse labor migration flows, forcing migrants from underdeveloped countries to leave affluent societies badly affected by the crisis; but the meltdown may just as well aggravate migrant irregularity, owing to tighter immigration controls combined with the employers’ wage-reduction strategies to reduce costs in crucial labor sectors.\(^ {11}\)

The challenge for states, therefore, is to manage migration in general and the market for migrant domestic work in particular in such a way as to prevent forced labor and domestic slavery, and to effectively penalize those guilty of these crimes (whether they are employers, recruitment agencies, etc.). This in turn necessitates redrawing the boundaries of public (state, but also societal) moral obligations to include MDWs. The specific invisibility of the domestic work sector entails a greater collaboration between the public sphere of state action and the private sphere of civil society in the prevention of abuses and promotion of MDWs’ rights. Immigration and labor policies will be the most relevant legal areas from which to fulfill states’ and international communities’ responsibility to protect the human rights of MDWs.

To a certain extent, international human rights and labor rights instruments already highlight the precarity of domestic work and compel their protection by receiving states.\(^ {12}\) European states confronting the human rights violations against MDWs have ratified these instruments and are thus committed to their fulfillment. One promising development is the nascent ILO Convention on Domestic Work, to be adopted after the International Labor Conference in 2010 (WIEGO, 2008). As a special ILO instrument, the Domestic Work Convention will serve to bring together representatives of states, international organizations, and non-governmental


\(^{12}\) Some pertinent human rights and labor rights instruments on the level of the United Nations and the International Labor Organization include Article 4 of the Universal Declaration of Human Rights (prohibition of slavery and servitude), Article 8 of the International Covenant of Civil and Political Rights (prohibition of forced and compulsory labor), current work by the UN Working Group on Contemporary Forms of Slavery, and the ILO Special Action Programme to Combat Forced Labor. The last two instruments give special focus to domestic work as prone to conditions of forced labor.
organizations in discussing regional migration issues. Though the Convention will be non-binding and informal in nature, it will be crucial in establishing foundations for common regional approaches (ILO Report, 2003: 133). As such, its purpose will be to provide a clear normative framework for the treatment of MDWs, as European countries increasingly integrate their labor markets. These future provisions would ensure that MDWs’ rights remain safeguarded through mechanisms for mutual reporting and monitoring.

The successful outcome of lobbying efforts by international trade unions and non-governmental organizations supporting domestic workers, the Convention would be the most significant effort by the international community to break with the liberal-patriarchal version of the public/private divide and construct a new conceptualization that promotes the recognition for domestic work as work, and the consequent respect for and protection of MDWs as workers and migrants. Significantly, the collaborative nature of the Convention’s formulation and adoption illustrates an instance of crossing boundaries: the public-societal actors of NGOs, trade unions, and other concerned citizens, through the political means of dialogue and lobbying, resulted in the increased visibility of the plight of MDWs.

So on the formal level, at the very least, MDWs are entitled to the same package of basic human and work-related rights as their counterparts in the non-domestic sphere. One might then object to the necessity of greater state intervention by saying that this is essentially a practical problem of law enforcement. Should states be obligated to monitor domestic work in private households more than they are currently doing? If domestic work is to be regarded as a form of employment equal to others, it should also follow the same dynamics of privatization and marketization defining other, non-domestic migrant labor sectors such as manufacturing and agriculture. In other words, excluding instances of domestic violence, and other clear violations of human rights, should states be involved in regulating the general market for migrant domestic work, as well as MDWs’ actual “workplace” in private households?

Implicit in this objection is the assumption that the privatized sphere of the labor market does not (empirically) and should not (normatively) fall under public/state regulation. Notice that the public/private division in this contention involves both sub-distinctions—state/society, highlighting migrant domestic work as work or a market sector and therefore separated from government regulation—as well as public/domestic, highlighting migrant domestic work as an arrangement determined by the mechanics of
private households. Hence, a major objection to the recommendation of states’ greater assumption of moral accountability is that domestic work, even when “elevated” to the same status of inclusion and visibility as other labor sectors, would still stay within the private sphere, albeit in its larger scope of socioeconomic/civil society.

Yet this is a misguided assumption that ignores the fact that states actively construct the socioeconomic conditions of migrant domestic work through its immigration policies. As Anderson (2007) has argued, immigration controls in receiving states, rather than functioning as “taps” that simply regulate the flow of migrants within national borders, actually “mold” and channel economic migrants into crucial job sectors, usually those needing cheap, flexible labor. In Italy, for instance, the absence of accessible welfare infrastructures for elderly care has created a market for “night-watch” caregivers whose job it is to watch over elderly relatives living alone. Recognizing the emergence of this niche market, the Italian government officially recognized this specialization with the 1996 provision of the “Il Sole 24 Ore” category in the special domestic worker visas issued to MDWs. The category cites the required conditions for guaranteeing valid employment (e.g. working hours from 8:00 p.m. – 9:00 a.m.), and, by extension, the validity of working visas. The provision leaves no safeguards for the risk of overtime and also tacitly expresses the view that elderly care is not real work and “just” involves low-skilled, passive assistance to sedentary care users. A closer look at the ambiguous nature of domestic work, however, refutes this simplistic notion. Very often domestic work entails the fulfillment of simultaneous jobs in addition to the emotional toil of providing care for dependents over long periods of time. The “Il Sole 24 Ore” category illustrates the irony befalling migrant laborers: no other group has its movements so strictly controlled by the state, yet is overwhelmingly concentrated on hyperflexible jobs characterized by low wages, insecure employment, and obfuscated employment relations (Anderson, 2007: 2).

Even European reconciliation policies are unavoidably implicated in structuring the supposedly private transactions between employers and MDWs, even as they aim to increase gender equity by shifting the duty of care work “from [private] mutuality towards [public] contract in entitlement and delivery as regards welfare rights” (Morris, 2003; in Anderson, 2007a: 249). Looking specifically at Spain, MDWs’ tendency to fall into irregularity is directly linked to the Spanish Equality Plan currently in use. Similar to Fraser’s caregiver parity model, these “cash payments for care” measures seek to publicly remunerate care work services. Unlike Fraser’s model however, this approach
centers on care users (e.g. senior citizens with serious illnesses, and working mothers with children) and not care providers: local or national governments give an allowance to care users for employing market-based care services. This is the main work-family reconciliation strategy employed by Spain, Italy, and the UK (Peterson, 2007; Anderson, 2007a).

The logic behind this is that states would provide the much-needed assistance in shouldering the private burden of care work while still retaining care users’ right to decisional autonomy, especially with regards to a logistical issue as personalized as choosing a caregiver. However, the conditionalities of these care allowance measures still profoundly disadvantage both users and providers of care services. The Spanish Equality Plan, for instance, which allows working mothers to apply for a 100€ monthly subsidy for each child under 3, disqualifies unemployed women, workers in the submerged economy, and housewives (Peterson, 2007: 271). The Spanish reconciliation model is therefore defined by widespread inaccessibility of welfare provisions, leaving out women and families who may need public funds for care services even more than those who do have access to them (waged, middle-income women), and consequently increasing the demand for cheap domestic services provided by MDWs. To sum, the exclusionary outcomes of the welfare delivery measures, which are accessible only to women and families with sufficient incomes, fosters the development of an informal market for care, increasing the necessity and desirability of irregular migrant workers who are willing, or can be coerced, to work longer and for lower wages (Andall, 2003: 47-48; Peterson, 2007: 273; Anderson, 2007a: 250).

Seen in this way, the relevant moral dilemma isn’t so much whether the state should regulate the private conditions of migrant domestic work: it already and unavoidably does. Rather, the central concern is what kind of regulations the state should impose to guarantee fair working and living conditions for MDWs, both as migrants and as domestic workers. By now, it should be clear that the public/private divide is a central structural concept in the determination of MDWs’ status in receiving societies. Evidently, the current liberal-patriarchal version causes states to actively and passively fail to fulfill their duty to uphold MDWs’ human rights. Immigration and labor policies accordingly need to be revised to increase the visibility of migrant domestic work.

A second level of the public/private divide also warrants examination. This involves the less concrete premise of women’s domesticity, or the very notion of care
work as women’s work. If receiving states made the appropriate revisions to labor, immigration, and welfare policies to uplift the condition of migrant women working as domestics, and provide more comprehensive public support for native women, would gender equity finally be achieved? Or will any moral response that does not argue for the universalization of care work—the requirement that men begin taking equal responsibility for reproductive labor—ultimately shortchange all efforts towards genuine gender equity? If so, are the public spheres of state and society morally obligated to undertake this larger normative project of gender deconstruction? The necessity of undertaking the moral project of universalizing care work will be discussed in section 3.2. The following sections in the meantime will focus on the necessary changes to be implemented on the formal-legal level of immigration and labor policies.

3.1.1. Immigration Policies

If states are to cease actively directing MDWs and other migrant workers to exploitable vulnerability, they must recognize the linkages between irregularity and precarious labor and adjust their immigration policies accordingly, moving away from simplistic gate-keeping mechanisms to a more mainstream, long-term strategy that allows for more legal migration opportunities (International Labor Organization, 2003: 61, 107). There are two aspects that require urgent revision: accessibility and transparency of regularization policies, and employment-related conditionalities of immigration status.

MDWs often enter receiving states through recruitment agencies in their home countries, or by accompanying wealthy families from other countries under whom they are employed (Oxfam and Kalayaan, 2008: 9). Since they do not petition for visas themselves, it becomes easier for employers and recruitment agencies to keep them in the dark about the terms and conditions of their visas, and to exploit them later on in the domestic environment. Upon entry into private households, MDWs are quickly cut off from society. It is not infrequent for employers to expressly forbid MDWs to leave the home (Anderson, 2000). Having no opportunity to join unions or interact with locals or other domestic workers, they live in isolation and in ignorance of their due rights.

In light of these difficulties, governments of receiving countries should take active measures to incorporate MDWs in the public sphere, primarily by ensuring their autonomy in the immigration process. This can be achieved by making regularization
straightforward, transparent, and the responsibility of the MDW herself. Regularization procedures should be simple enough to be handled by the lowest possible level of administration, requiring minimal documentation and legal support. Dedicated information campaigns must also be enforced to reach out to and educate MDWs, most of whom are confined to and isolated in employers’ households.

On the receiving states’ end, preventive measures to exploitation and abuse include pre-departure orientation seminars for migrant workers, information campaigns on workers’ rights, accreditation schemes for recruitment agencies, and training workshops for migrants with little educational or vocational backgrounds (especially for migrants coming from rural and urban poor areas). The measures introduced by the Philippine Overseas Employment Agency (POEA), the government agency responsible for the legal deployment of Filipino OFWs, are frequently cited as best practices for ensuring migrant workers’ welfare (International Labor Organization, 2003: 112). Filipino OFWs usually opt to migrate through clear, well established, and accessible legal channels, and thus receive better protection. Receiving states, through their respective embassies, should recognize these enabling policies where present, and encourage their formation where they are non-existent or insufficient.

Likewise, bilateral and regional agreements between receiving states and third countries are essential in facilitating migration flows and reducing irregularity. The European approach to migration management already precludes dialogues with third countries and regional groupings on the economic integration of labor markets; greater emphasis should be given to social consequences of specific labor sectors as well. Mainstreaming gender-based analyses of migration policies, for instance, would do much to uncover the difficulties inherent in paid domestic labor.

The second crucial aspect of receiving states’ immigration policies concerns the provisions that hinge regularization status directly upon employment conditions. Governments of receiving states need to address the causal connections between irregularity and forced labor by making a clear distinction between the procurement/renewal of legal status and certain work-based arrangements. Current developments in UK immigration policy provide a salient example of this issue. The UK government has, from 1998 until recently, instituted a specific domestic workers’ visa that granted MDWs the protection of all UK employment laws. Under this visa, MDWs retain their right to change employer without revoking their immigration status, an essential safety net for victims of exploitative employment situations. The visa also
enables them to legally take action against exploitative employers and to apply for visa renewal year to year, albeit restrictions to remain in private household work.

However, the UK government is currently proposing changes to the immigration system that would eliminate the special domestic workers’ visa. One of the proposed changes is to subsume MDWs under the ‘business visitor’ category as ‘domestic assistants’, on a six-month non-renewable visa. Under this category, MDWs would be unable to change employers and left without the protection of employment law. By removing this safety net, the UK government would in effect be trapping MDWs in abusive situations, deterring them from reporting to the authorities, and allowing employers to exploit their workers with impunity. Further, the six-month non-renewable stipulation increases the risk of irregularity and trafficking, since MDWs with existing debts to recruitment agencies and financial obligations to their families have no recourse to public funds or even guaranteed adequate wages. Scrapping the existing domestic workers’ visa will fail to account for the critical conditions of vulnerability that set apart domestic work from other labor sectors, and seriously sets back the progress of the UK public sphere’s campaign to protect MDWs’ rights.

3.1.2. Labor Policies

As has been discussed already, the vulnerability of migrant domestic work is created by the complications of discriminatory immigration policies in conjunction with the exclusion of domestic work from receiving states’ employment laws. Governments need to recognize domestic work both as equal to non-domestic work, as well as distinct due to its inherently unregulated nature, and therefore in need of specialized measures to address the specific threats of invisibility and irregularity in the private sphere. One of the effects of the public/private divide in the common understanding of care work (and by logical extension, domestic work) is the devaluation of domestic work as “simply” an extension of unpaid care work, an activity that is at once unskilled and demeaning (WIEGO, 2008: 3). This prejudice has prevented the recognition of domestic workers as workers entitled to basic work-related rights: fair wages commensurate with national minimum wages, decent conditions of work (limitations on working hours, rest periods, overtime pay, paid holidays, maternity leave, and sick leave), medical insurance, sufficient rest periods, and access and right to training. Even in the absence of grave abuses, the high incidence of overwork and appalling living and working conditions demonstrate that exploitation is a systemic tendency of domestic
work and not simply the result of having “bad” individual employers. UK figures estimate that the average MDW has a workday lasting 16.5 hours, with more than 70% of the workers having no day off during the week (Kalayaan and Oxfam, 2008: 16).

Apart from ensuring regular immigration status regardless of current employer, governments can also secure MDWs’ autonomy in private households by enforcing more stringent regulations for employers. One means of doing this is penalizing abusive and/or exploitative employers. In the European context, the presence of regional instruments such as the European Court of Human Rights (ECtHR) provides a venue for MDWs to take action against abusive employment, in case such efforts are ignored on the national level. The unanimous decision of the ECtHR in the case of *Siliadin v. France* is one such successful example (Mantouvalou, 2006).

In 1998, Siwa-Akofa Siliadin, a Tongolese national working in France, reported having received a total of 76 euros for over four years of domestic work for a French couple, enduring 16-hour workdays with no day off. Her work entailed all-day care for three young children, cooking meals, and cleaning the household. As for living and working conditions, she had no space of her own and was made to sleep on the floor in the children’s room, and was made to wear old clothes. Her employers were initially convicted for forced labor in 1999. The Paris employment tribunal subsequently awarded Siladin an amount for salary arrears, notice period, and holiday leave. The Paris Court of Appeal, however, later acquitted her employers in 2000, on the grounds that Siladin still “retained some autonomy”. Siladin brought her case to the ECtHR, who ruled that while private parties perpetrated the crimes, the French state had a positive obligation under the Convention on Human Rights. France was subsequently found in breach of the prohibition on slavery and servitude under the European Convention on Human Rights.

Siladin’s story is mirrored by an inestimable number of actual abuses that take place, unnoticed, in private households in Europe. Nevertheless, the successful resolution of her case represents the availability of legal instruments on the regional level, should states fail to resolve this on a national level. This also signifies a new possibility for action that markedly deviates from the patriarchal assignation of public responsibilities towards the private sphere.
3.2. **Deconstruct to Reconstruct: Universalizing Care Work**

The moral imperative for states to redraw the public/private boundary by making domestic work more visible should be fairly evident at this point. Less straightforward is the question of whether the patriarchal version of care work itself, construed as it is by the force of women’s domesticity, is morally justifiable. The conflicted feelings of MDWs themselves about the nature of their work shed much light in this regard (Anderson, 2000; Parreñas, 2001). While some feel their work is honorable, contributing positively to their employers’ family lives as well as their own dependents in their home countries, many more feel “degraded and ashamed” as a result of the patently unequal relations with their employer. These reflections betray the complex and oftentimes contradictory social consciousness surrounding the conditions of domestic work. As Anderson observes, “the polarities and pairings of private and public, of madonna and whore, are not isolated or autonomous. Each contains the other within it, and each refers to and implies other dualisms” (Anderson, 2000: 7).

Care work is undeniably central to human experience, as *work* vital to the functioning of its recipients (families and societies), and as *care* that produces a deep sense of fulfillment and joy on the part of the caregiver. Nevertheless the gendered structure of care work, delineated by the patriarchal boundary between public and private, has only served to define unequal relations of power between men and women, and between women of differing race-ethnicities and classes. While the worth of care work is universally acknowledged, to be a caregiver oneself has meant relinquishing one’s autonomy and adopting a subordinate position in relation to the recipient. Insofar as care is equated with a service rendered in asymmetrical relations between master and servant (or mistress and maid, as shown by evidence in migrant domestic work), it is doubtful whether domestic work can engender authentic justice. The benefits provided by this practice to the global economy do not justify the retention of the gendered division of labor, which incontrovertibly reproduces the unequal sexual division of labor. Mill’s radical contention that authentic moral progress is impossible without eliminating the subjection of women by men is a challenge that contemporary liberal societies have yet to fully respond to.

The perpetuation of this inequality finds its way in the very reconciliation policies that aim to rectify the injustice of women’s domesticity—a concept that subtly implies the exclusion (or exemption) of men from the duties of reproductive labor. Analyzing the language of Spanish welfare policy documents, Peterson observes that
“the notion of ‘reconciliation’ […] involves a normative image of women as mothers and workers. Men [consequently] constitute the implicit norm group as individuals who do not need to reconcile work and family life” (2007: 270). That work-family reconciliation is unquestioningly accepted as a “woman’s problem” obscures the real moral problematic: whether it really is fair to leave care work as women’s work as is, the way it always has been.

The phenomenon of migrant domestic work suggests otherwise. MDWs, the “solution” to European women’s work-family reconciliation, experience contradictory effects of migration as a result of domesticity that are ultimately detrimental to themselves and their families (Parreñas, 2005). Benería succinctly illustrates the moral problematic wrought by women’s migration in a patriarchal global context:

On the one hand, there are role reversals, symbolized by women’s decision to migrate and find employment abroad before men[.] On the other hand, the prevalence and intensity of transnational mothering also implies a continuity of women’s traditional roles; although subject to changes in time and space, there is evidence that migrant women’s care of their children does not stop when they physically leave them. [Benería, 2007: 10]

The real social costs of migrant domestic work in affluent countries are felt on the other side of the world—in fragmented transnational families that still operate on gendered expectations of feminine care work. MDWs are condemned as “bad” caregivers as much as they are lauded for being “good” breadwinners—while husbands, fathers, and other male family members rarely assume the responsibility of caregiving (Parreñas, 2005, 2009). So long as the force of domesticity remains, these deplorable effects on migrant women themselves, as well as on their families, will be unavoidable.

If the fundamentally patriarchal delineation of public and private remains—if both sending and receiving societies fail to embark on the project of what Fraser has called gender deconstruction (1994: 610), all public efforts towards gender equity, much like the Millian position, fall short of affecting real change. Moreover, the potential of care work to be a fulfilling and emancipatory activity for caregivers themselves is wasted. Challenging this implicit normative position is therefore necessary for any comprehensive normative project for gender equity. This does not entail the erasure of the public/private boundary, but its reconstruction along egalitarian lines of labor distribution.
Throughout this essay we have seen the first aspect of this reconstruction of public and private spheres: women’s inclusion in the public sphere of wage earning, on comparable levels with men. As I have said, this strategy of making women “more like men”—of adjusting women’s life patterns to conform to those of the masculine breadwinner norm—will unavoidably backfire unless the patriarchal premises of domesticity are abolished. Doing so will require the second aspect of reconstructing the public/private dichotomy: making men more like women by universalizing care work.

To universalize care work necessitates the radical project of gender deconstruction: instead of structuring the activities of reproductive and productive labor using the standard of male breadwinners, the point of departure for descriptive and normative frameworks would be women’s current life-patterns—that is, people who are caregivers first and breadwinners second (see Fraser, 1994: 611). This would yield labor laws that would be markedly different from existing policies that treat care work as secondary to waged labor, a gap that needs to be filled even when proposed measures (such as migrant domestic work) perpetrate widespread human rights abuses. Moreover, gender deconstruction in the sexual division of labor would enhance rather than impede current welfare schemes geared towards gender equity, whether they are based on universal breadwinner or caregiver parity models (Fraser, 1994: 611). Universalizing care work also requires a drastic shift in social consciousness: no longer a necessary but demeaning task to be farmed out to exploitable subordinates, the task of reproductive labor would encompass fathering as well as mothering, requiring men to fulfill their end of the bargain by being co-equals with women in private as well as public spheres.

The time has yet to come when care work is not seen as subordinate to waged employment in the public sphere—thus it has always been used as a means of determining asymmetrical power relations. Its universalization through gender deconstruction necessitates a more nuanced redefinition, one that would recognize the dignity care work confers to those who perform it freely, that they are equal to those receiving care and therefore worthy of recognition and respect. Gender deconstruction therefore is radical on both descriptive and prescriptive levels: it requires individuals and institutions alike to define themselves in terms of their capacity to do care work, and to consequently work toward “reducing the significance of gender as a structural principle of social organization” (612). Only by eliminating the force of domesticity
and embarking on the project of gender deconstruction can genuine gender equity be achieved.

The public/private boundary would still exist in such a scenario: only, instead of leaving individuals to arrange care work responsibilities by themselves, the public sphere of state and society would provide the necessary support structures that would enable the private and equitable distribution of the burden of care work between men and women. The ideology of domesticity is manifested in the daily reality of households all over the world, yet gender deconstruction—the work of shifting the underlying the liberal-patriarchal version of the public/private boundary—needs to be initiated by, and articulated through, public discourse. This indicates that the dynamic of public and private spheres, while paradoxical, does not have to be expressed as the disjointed, parasitic rift that has defined patriarchal thinking. Human life cannot be compartmentalized into totally distinct domains; all individuals must be equally respected and protected if a society can be judged as fair. The complex reality of globalization proves that the imperative for creating an equilibrium of justice in public and private spheres within the domestic (“private”) level of societies should also be implemented on the global (“public”) level. The tensions created between sending and receiving countries as a result of migrant domestic work have shown us, in a very real way, that efforts towards gender equity necessitate solutions deliberated upon in the public sphere of dialogue.

In keeping with the original Millian ideal of moral harmony between public and private spheres, authentic justice can only be attained when universalizing care work requires redrawing the division between public and private by rendering care work both visible and valuable: not “dirty work” or even “women’s work”, but a responsibility—and privilege—equally shared by women and men.
CONCLUSION

We have seen that the question of migrant domestic workers involves considerations of several distinct forces and their interactions: domesticity or the gendered division of labor, race- and class-based inequalities, and the precariousness of migrant workers’ indeterminate citizenship in their host country. I have tried to show how the public/private division has functioned as a fundamental premise that has described the interaction of these forces and prescribed ethically problematic responses to the plight of MDWs in two ways. First, the persistence of domesticity in spite of women’s increased participation in waged employment has led the dilemma of work-family reconciliation in Europe; this dilemma is “solved” via the creation of a global care chain supplied by migrant women from poorer countries who replace native women as domestic laborers. Second, the liberal-patriarchal conception of the private sphere as distinct and separate from the public leads to the invisibility of migrant domestic work as a labor sector, and also disregards the high degree of vulnerability and exploitation to which MDWs, as migrants and women domestic workers, are routinely subjected. This current version of the public/private divide is ethically problematic, and leads to states’ passive and active failure to protect the basic human rights of migrant domestic workers.

My goal in this thesis was to explore ways in which ethics can uniquely respond to a phenomenon as ambivalent and multi-faceted as migrant domestic work. Much of the literature on this phenomenon draws from the disciplines of sociology, political science, and economics, and the thematic specializations of migration studies and feminist theory. In other words, much of the debate has focused on critiquing and analyzing without evaluating the basic concepts of the discussion. Part of ethical thinking obviously entails the formation of normative judgments on a specific issue. Of course, the hard questions—what should and shouldn’t be done—require reasoned responses whatever the theoretical perspective. But employing an applied ethical framework in particular enables us (hopefully) to ask the hard questions the right way—that is, to identify and compare different possible judgments, by articulating the basic conceptual premises that frame our very perception of the issue.

I have explored this possibility via the notion of public/private divide, a central concept in liberal political philosophy. It is itself a problematic concept, fraught with unquestioned assumptions and conflicts that theorists often leave undistinguished. Also,
the fact that this distinction has two frequently interchangeable functions, normative and
descriptive, exacerbates the confusion already present in discussions ranging from
domestic violence to data security. In the specific case of migrant domestic work,
conventional (i.e. liberal-patriarchal) versions of the distinction immediately failed to
account for the contradictory consequences that both employers and MDWs have had to
contend with. By identifying some of the major tensions of the concept, both in its
theoretical formulation in liberal philosophy and its actual application in immigration
and labor laws, I argue essentially for a revision of the public/private dichotomy, insofar
as it relates concretely to the conditions of migrant domestic work, and fundamentally
to the gendered conceptualization of care work.

The plight of MDWs in Europe and other destination regions worldwide has
gathered a fair amount of attention from the media and civil society, not least because
the truly appalling conditions suffered by MDWs occur in the private households of
respectable, affluent, otherwise law-abiding citizens. Likewise, the fact that nearly all
MDWs originate from impoverished countries, and are at the mercy of an inaccessible
and incomprehensible bureaucracy in the host society, can all too easily induce a kind of
moral superficiality. Seen this way, it seems almost pointless to formulate a normative
recommendation for the situation of migrant domestic work. The injustice being self-
evident, the moral imperative becomes painfully obvious: punish the “bad” employers,
and give MDWs proper work contracts. If this thesis has at least marginally succeeded,
however, it should be clear that the injustices that occur in migrant domestic work are a
result of larger forces that negatively affect individuals and entire societies. The
interwoven factors that shape migrant domestic work extend far beyond the mechanistic
push-pull analysis of neoliberal economics, which simply assumes that receiving states’
demand for cheap migrant domestic labor encourages the supply in the form of women
migrants. The provisional, oftentimes contradictory data on the hidden world of
domestic work make it extremely difficult to formulate clear ethical recommendations.

This is not to say that the inequality does not occur at all. On the contrary,
contentment with this kind of simplistic evaluation ultimately provides no real
contribution towards rectifying the injustice. This is because the conditions of migrant
domestic work are not entirely explained by particular employer-domestic worker
relationships, though it is precisely in these individual relationships that the injustice
occurs. The present and future conditions of migrant domestic work are a conglomerate
of distinct causes that span continents, cultures, socioeconomic classes, and many other
entities that supposedly have clear demarcations. While this complexity should discourage any formulaic judgments of pity or censure, by no means should it conclude with the indifference of moral relativism.

My goal has been to uncover not only the systemic roots of MDWs’ condition of vulnerability, but also to explore the fundamental issues underlying the market for migrant domestic labor, such as states’ treatment of non-citizens, constitutional respect for privacy as decisional autonomy, the force of domesticity, and the gendered conceptualization of care work. The public/private boundary is the basic operational concept behind these issues, yet its own ambivalence in terms of definition and usage means that the concept blurs the issues as well as it delineates them. By uncovering the moral ambiguities behind these previously unquestioned premises, I hoped to have proven the necessity of further, more nuanced ethical reflection on this complex form of injustice.

To clarify, I wish to stress that the normative project of redrawing the boundary between public and private does not entail a wholesale rejection of the distinction. While there is a significant degree of truth in the slogan “the personal is political”, I would disagree with certain versions of feminism that call for an entire erasure of the distinction—this would have the ironic effect of reviving Filmerian patriarchalism (see Higgins, 2000: 850-851; Elshlaint, 1983: 110). Insofar as privacy is valued as decisional autonomy and spatial security, the division between public and private remains a necessary descriptive as well as normative framework for social life.

What is morally unacceptable is, as I have argued, the mainstream interpretation of this divide as coterminous with the gendered division of labor, which systematically perpetuates women’s exclusion from and marginalization in the public sphere, and their confinement to the private sphere and its activities (i.e. domesticity). Critiquing existing interpretations of the public/private distinction is admittedly easier than proposing an alternative view. This is a task that requires considerable ethical imagination, for, as Mill reminds us, the patriarchal normative construction of public and private spheres—and ultimately of male and female identities—has been so deeply entrenched that it has come to define all of human civilization (Mill, 1970: 12-13).

To be sure, the last century has yielded unprecedented gains in the era of what Mill confidently named the “morality of justice”. Political discourse within and among societies is now situated against the horizon of liberal democratic principles; and gender equity has become one of the most salient normative ideals by which political regimes
are now evaluated. Nevertheless, even contemporary gender-progressive initiatives, such as those enacted in European countries over the past thirty years, still proceed from the fundamental patriarchal premises of women’s domesticity and the gendered division of labor been regarded as uniformly disadvantaged. The new manifestation of domesticity in migrant domestic work highlights internal inequalities among women, a group that until recently has been understood as uniformly disadvantaged in relation to men.

What the multicultural reality of migrant domestic work has shown us is that other variables besides gender significantly determine the conditions of care work: race-ethnicity, class, and citizenship status all contribute in the configuration of asymmetrical dynamics of power between employers and workers, women and men, state and individual, public and private. Therefore, any ethical recommendation that aims to adequately compensate for the injustice in migrant domestic work must continuously evaluate the shifting borders of the public/private dichotomy—and envision new possibilities of drawing these boundaries to be genuinely inclusive of all human beings.
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