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## NOTE DE L'AUTEUR

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*Who could have foreseen that at the dawn of the twenty-first century, paid domestic work would be a growth occupation?* – Pierrette Hondagneu-Sotelo

## 1. Introduction

- <sup>1</sup> In the past five years, immigration policies of major European Union governments have come under fire from within. Heads of State in France, Germany and the UK have all taken an increasingly tough tone in their public pronouncements, using “immigration reform” – meaning, anti-immigrant policies and border-closing strategies – as a key part of election campaigns. Their harsh rhetoric has apparently found an echo in public opinion in each country: in a Financial Times/Harris Poll from February 2007, a majority of those surveyed in Great Britain, Italy, Spain and Germany said that their countries contained “too many people from foreign countries”<sup>1</sup> (Harris, 2007). In that same poll, a majority in each European country surveyed agreed with the statement that their government should “tighten up its border controls to stem the flow of

workers immigrating from Central and Eastern Europe.” The poll asked broad, philosophical questions about the acceptability and propriety of current immigration trends, but shied away from asking questions that were specific to the lives, and quality of life, of middle-class Europeans. For example, respondents were not asked, “Do you approve when someone hires an *au pair* from Poland?” Nor did they expect respondents to answer the question, “Would you hire a house cleaner from Morocco?” The survey highlights the xenophobia immigrants often face, but also points out the disconnect between government policy and economic and social reality. Are people prepared to clean their own houses, care for their own children and elderly parents, shoulder the burden of reproductive labor on a household-by-household and day-to-day basis? And what would happen to productivity and labor-force participation if they did?

- 2 Calls for tighter borders make little sense, and will have little effect, when restrictive laws are not enforced and administrative policies are not adjusted to reflect the new realities of employers’ demand for labor. This tacit acceptance of the inflow of undocumented workers perpetuates the invisibility of immigrants with regard to labor policy; it denies immigrants important safety and security protections granted other workers.<sup>2</sup> But it also perpetuates (and is perpetuated by) the invisibility of women in the receiving countries as professionals and full participants in the labor force, and sustains (and is sustained by) the social silence about what Arlie Hochschild has called “the stalled revolution in the family” (Hochschild, 1990).
- 3 Our paper examines the current immigration “policy gap”: the combination of restrictive policies with the fact that those policies do not work, because they are unenforced and perhaps unenforceable. Our first level of finding (which is hardly new) is that restrictive policies are at best irrelevant to the flow of workers across borders to take low-paying domestic jobs, often as part of a “shadow economy.”<sup>3</sup> We suggest further that restrictive policies may have the opposite effect from the official intentions of receiving governments. What the policy gap does is to keep wages low and workers vulnerable, thus ensuring that they will be attractive to employers. Given the persistence in global income inequality, women in developing countries will still migrate to do domestic work. The policy gap is thus self-perpetuating.
- 4 Feminist analysis is crucial because it can help scholars and policy-makers better understand the demand or “pull factors” within the receiving countries. Domestic work is different from other sorts of labor because it occurs within the so-called “private sphere” of the family, which is both an economic and an ideological formation; and thus it participates in the complexities, contradictions, and mystifications about gender and power which feminist theory has long identified there. But feminist methodology will be incomplete and flawed unless it takes the sort of “intersectionalities” approach recommended by (among others) Chandra Mohanty and Kimberley Crenshaw, which would see gender relations as crucially structured by differentials of race, nation, and ethnicity. Domestic work (whether paid or unpaid) has long been socially defined as “women’s work”; that paid domestic work is increasingly also defined by national and racial distance and difference between employer and employee is no accident. In other words, the demand which drives (and is driven by) the policy gap is not simply for workers who are willing to accept low wages and poor conditions, who just *happen* to be immigrants because of economic differences between receiving and sending countries (though that does help explain why such workers are available and willing to move.)

Rather, the demand is specifically, and crucially, for *foreign* women to do these sorts of work, and it arises within a web of economic and ideological factors.<sup>4</sup>

- 5 Domestic work is in-demand everywhere. So domestic workers ought to be very mobile, like nurses or computer programmers. And they are indeed very mobile. But unlike nurses or computer programmers, they are not in a good position to negotiate high wages and good working conditions. Why? Xenophobia, racism, the perception of immigrants as extracommunitarian “Others” certainly play a part, but they are not the whole explanation: there is something peculiar about domestic work that requires a gender analysis.<sup>5</sup> At the same time, it is clearer than ever that appealing to some vague notion of women as held responsible for “reproductive labor” and as therefore having some form of oppression *in common* really does not correspond to demographics or lived reality. An intersectionalities perspective is thus crucial. The gender analysis doesn’t “work” without the race-and-nation based analysis, or vice versa, because the two forms of disadvantage are not additive, they are inextricable: they “mean” together, so they must be “read” simultaneously.<sup>6</sup>

## 2. The Policy Gap and the Gender Gap

- 6 Scholars studying immigration policy have often noted the discrepancy between the apparent intent of official state policies and the outcomes of these laws and regulation regarding the volume and type of immigration.<sup>7</sup> This disparity between aims and effects of immigration policy has been variously attributed to poor planning and complex circumstances that produced unintended results (Martin, 2004; Hollifield, 2004), intermixed with “spotty enforcement” (Calavita, 2004:376). But the underlying reasons for this combination of unattainable policy goals and slack enforcement in a wide range
- 7 of countries lie in the contradictions arising out of interest group politics, domestic and international institutional structures, and the underlying social and economic forces that generate migration pressures.<sup>8</sup> Amid the complexity and lack of policymaking transparency, immigration policy toward domestic workers, typically women working in other people’s homes, can perhaps be viewed as having the biggest policy gap: because the work is “hidden” in the informal sector and in the private sphere, it has never been properly addressed by policymakers. Until recently, European governments hadn’t addressed migrant domestic labor at all as part of an overall migration management scheme.<sup>9</sup>
- 8 Female migrants have little access to formal sector jobs, and therefore take on informal sector jobs – what Anderson calls “the three C’s”: cooking, cleaning and caring – typically those derived from traditionally delineated gender roles (Anderson, 2000; Ehrenreich and Hochschild, 2002). Migrants will be more able and willing to “live-in” since they have fewer in-country private relationships or personal connections outside the home (Akalın, 2007). Iffy immigration status makes migrants even more vulnerable and dependent on their employers (Anderson, 2007). Moreover, “foreignness” or being ethnically “other” gives employers reasons for hiring migrants over existing local workers: employers may feel morally superior for helping out someone from a poor country or may feel more comfortable having someone not of their own race in a market transaction carried out in their own home (Anderson, 2007). Ideas that in-migrant groups, or different races, have an incompatible gender structure, ideology, or

a “different” family, may also serve as an excuse for unconcern about who is looking after the childminder’s children or cleaning the housekeeper’s house.<sup>10</sup> In particular, this may address, or at least mask, socially induced anxieties among professional women about whether they are also adequate *mothers* (and thus adequate women): if the tasks of caring can be done just as well by someone else, what remains of the maternal role and identity? But a paid caregiver whose difference from the child is ethnically marked is less likely to be mistaken for the child’s “real” mother by outsiders (or indeed by the child). The worker needs to be somehow marked as “Other” so that “women’s work” can be distinguished from “woman’s role,” and so that educated women may free themselves from the burden of the former without paying the social costs of being seen to abandon the latter.

- 9 Migratory domestic labor has been of particular interest to feminists for a variety of reasons. First because (like sex trafficking) it puts certain women *as women* in positions of social disadvantage and serious risk; but second because, given that domestic labor as such remains ineluctably *gendered*, it appears to put different groups of women at odds with each other, with the upward migration (so to speak) of women in host countries dependent on the geographical migration of women incomers.<sup>11</sup> A rise in income levels, and public status, for some women appears to depend on keeping other women poorly paid and invisible. On this account, professional women need caretakers for their children (and sometimes their parents), along with housecleaners to carry out domestic chores in order to compete with men in the workplace<sup>12</sup>; hiring unauthorized migrant workers as domestics is cheap, with penalties for doing so rarely imposed on employers; in addition, an aging population increases the demand for home health care workers (and the erosion of the welfare state and social responsibility for care makes this situation worse). For a wide range of countries, this problem continues to be seen as a “women’s issue,” because domestic work is “women’s work”; thus the situation is seen as women’s *fault* (and as women’s responsibility to solve within the so-called private sphere).
- 10 Ideological mystifications of economic factors play multiple roles here. One problem is the lack of awareness of middle-class citizens in receiving countries about how their own economic behavior as employers is in fact driving the migratory trends that now make them nervous. This happens in part because the employers of domestic laborers often do not see themselves as employers. Women, as Pierrette Hondagneu-Sotelo (1994) shows, see themselves as *consumers* of immigrant labor (as buying services) rather than as employers of immigrant persons; and many if not most men still do not see themselves as involved in the labor circuit of the private sphere *at all*. It is not unusual, and in fact it is economically *rational*, for household budgeting to balance the income of the wife against the cost of domestic work (seen as a “replacement” for the wife’s domestic labor). Given that women in the formal economy are still paid less than men, a decision for the middle-class wife to suppress her own educational capital and stay home might seem like (and indeed might *be*) a purely rational, and purely individual, economic choice, not informed by sexism or indeed by ideology at all. The aggregate effect of these individual choices is however self-perpetuating, as the lower labor force participation of educated women and their segregation within certain occupations keeps the wages of all women low.

### 3. Restrictions or Regularization? European Destinations for Women Migrants

- 11 As Hondagneu-Sotelo has observed, the “New World Domestic Order” entails paid domestic work becoming, surprisingly, a “growth industry,” with migration fueled by economic inequality both within the U.S. and European countries and between different countries, leading in turn to what Hochschild has called “global care chains.”<sup>13</sup>
- 12 Women entering the professional ranks in industrialized countries have fueled demand for domestic workers, thereby pulling in women from around the world to clean, care and cook. Table 1 below shows the growing proportion of women in the labor force in various European countries that coincides with women being more likely to work and earning more per hour on average. Education levels were rising as well during this time, with over half of women in the 25-34 age group having tertiary/university education by the year 2000.<sup>14</sup> In the highest education category, European women tend to have very high employment rates, ranging from 74% in Spain to 93% in Portugal (Pissarides et al., 2004:73). Many of these women were likely in high income, dual-earner households, the type that would be most likely to hire domestic workers and/or nannies. Not only do these trends explain the persistence of income inequality between European households, but they also point toward the reasons that paid domestic work has been a growth industry: the combination of increased education and higher employment rates as women become a larger percentage of the overall labor force indicates the source of strong demand for domestic service workers’ labor.

Table 1: Women as a percentage of the labor force, 1980-2004 (in %)

Country/Year	1980	1990	2000	2004
Ireland	28	34	41	42
Spain	28	34	39	41
Italy	33	37	38	40
Portugal	39	43	45	46
Germany	39	40	44	45
France	40	43	45	46
UK	41	44	46	46

Source: World Bank data, 2006.

- 13 From the “supply” side of the equation, we know that there are various family pressures and social forces that may encourage women to migrate: a lack of good job opportunities at home is only part of the issue.<sup>15</sup> In recent academic literature, much has been made of migrants’ use of social capital to help them make migration decisions (Massey and Aysa, 2005). Leblang, *et al.* (2007) find that social networks lessen the risks

of migration, with large loose networks helping to provide migrants with useful information and smaller, tighter networks providing better support. Ethnic social networks can also assist immigrants in integrating into the host culture or generate ethnic enclaves, where integration into the larger society is not necessary in order to function as a domestic worker. While these networks may be more or less active in various places, it is clear that these networks commonly enable domestic workers to migrate. As such, the operation of these networks affects how and whether government policy has the intended effect. For example, if the government decides to restrict the number of asylum seekers and limits their ability to work, migrants are more likely to choose to enter illegally with the help of an ethnic network and work in someone's home, rather than get government assistance as a refugee. The shadow economy serves as an escape valve when other avenues of migration are cut off, and the policy gap widens as a result of the restrictive policy.

- 14 Given the private nature of the work, hard data (even reasonably good estimates) on the total number of domestic workers are difficult to come by, but it is safe to say that at least several million migrant women are working in domestic service around the world.<sup>16</sup> As a country with one of the largest emigration flows of women, Parreñas (2001:1) argues that from the Philippines alone there may be more than two million female migrant domestic workers spread around the globe. Overall worldwide flows are large, but what is necessary here is to show what is happening in Europe – that this phenomenon is important in a range of European countries that have differing immigration policy. The use of the data here has to be more subtle because of the lack of availability of definitive migration data disaggregated by gender, as noted by Morrison, *et al.* (2008:2). But this notion that domestic work as a growth industry can be seen in the evidence showing that a larger share of the world's migrants are going to developed countries, including those in the European Union, and that an increasing proportion of them are women. Since a greater proportion of female migrants are going to Europe, it is likely the case that a greater proportion – both increasing over time and a greater share than to the rest of the world – of domestic workers are going there as well.
- 15 Worldwide as of 2005, 3% of the total population is estimated to be migrants, and women are now nearly half of the world's migrants: 49.6%. But where Europe is concerned, the proportion of women migrants is more than half (See Table 2.) Data for the World and Europe as a whole are included for comparison purposes.)

Table 2: Female Migrants to Select European Countries, 2005 (in % of Total Migrants)

Country/Year	1980	1985	1990	1995	2000	2005
Germany	...	...	44.5	44.8	46.7	48.3
UK	50.3	51.1	51.9	52.7	53.5	54.3
France	47.3	48.3	49.1	49.9	50.7	51.6
Ireland	50.6	50.4	50.3	50.2	50.1	50.0
Spain	51.7	51.6	51.6	51.4	50.3	47.4

Portugal	52.5	52.2	52.2	52.1	52.1	52.0
Italy	56.8	56.6	56.4	56.2	56	55.8
Europe	48.1	48.9	52.8	52.7	53.4	53.4
World	47.2	47.2	49	49.3	49.7	49.6

Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Trends in Total Migrant Stock: The 2005 Revision.

- 16 Combining the impact of forces of “demand” and “supply” for migrant domestic workers, it is easy to see that restrictive policy may not have the intended effect. Strong “pull” factors along with more restrictive policies (e.g., fewer work permits available) will simply encourage people to “go underground.” But as undocumented migrants, these women will receive lower pay. From an economic theory point of view, it is clear that having migrants having legal work permits will receive a higher wage than undocumented migrants – employers include the probabilistic cost of being caught hiring illegally as a penalty for undocumented workers that would otherwise receive the same wage as documented migrants doing the same job. For the US, Borjas and Tiendas (1993) estimated this differential at 30% (i.e., undocumented migrants receive wages 30% lower than documented migrants from the same sending countries.) A more recent study of migrant workers by Mehta, *et al.* (2002) in Chicago reached a similar conclusion: undocumented Latin American men received a 22% wage penalty, while undocumented Latin American women received wages 36% lower than the typical documented migrant worker. A greater probability of employers being caught hiring undocumented workers would increase the wage penalty for those workers, but would not do much to reduce the overall supply of migrant workers. Women migrants doing domestic work in people’s homes tend to be “protected” from the possibility of being caught in a government raid designed to find undocumented workers at work – immigration officials typically do not take domestic workers from the homes of citizens, preferring to focus enforcement efforts on large-scale operations, raiding factories or worksites where they know they will find a high concentration of undocumented workers. Despite the protective effect of working in a private home, tighter government enforcement efforts can still lead to lower wages along with greater vulnerability of migrant women in domestic work because the employer has enhanced power over the employee when the risks of being caught in more public types of work are higher.
- 17 Based on various estimates of irregular migration and on the experience of countries that have carried out periodic “regularizations,” we know that the numbers of undocumented workers in European countries are high, with Germany and the UK each having more than 1 million irregular migrants. (See Table 3 below.) It should be noted that these are based on very rough estimates for irregular migrants, and are conservative relative to Papademetriou’s (2005) “guesstimate” of 7-8 million noted earlier. In fact, in a recent interview with Eurasyllum, Hervé Carré, Director-General of Eurostat, the statistical arm of the European Commission, stated that the European Union would not even try to estimate the number of irregular migrants in European countries.<sup>17</sup> The main goal of the European Union with regard to migration appears to

be gathering data and harmonizing statistical procedures, indicating just how distant a “unified” immigration policy may be.<sup>18</sup>

Table 3: Estimated proportions of irregular migrants in select European countries, 2003

Country	Irregular Migrants as % of Country's Total Migrants	Irregular Migrants as % of Country's Total Population
Portugal	42.96	0.96
Italy	30.59	0.87
UK	24.82	1.68
Spain	22.24	0.67
Germany	13.61	1.21
France	6.37	0.67
Ireland	3.23	0.25

Source: Mansoor, Ali M. and Bryce Quillin. *Migration and Remittances: Eastern Europe and the Former Soviet Union*, p. 45.

- 18 Despite the lack of harmonization of immigration policies among EU countries, we find similarly large policy gaps in many countries across Europe with regard to unauthorized immigrants based on the fact that the proportions of irregular to regular migrants is fairly high. In addition, countries that have stricter immigration policies (Germany and the UK), do not have significantly lower levels of irregular immigration, nor do they have lower overall immigration as a proportion of the total population than those who have done periodic regularizations (Italy, Spain). (See Table 4 below.) Tighter immigration policy does not appear to mean greater conformity to stated government goals.

Table 4: Stock of Migrants as % of Total Population (select European countries), 2005

Country	Stock of Migrants (in millions)	2005 Population (millions, mid-year)	Migrants as % of Total Population
Germany	10.1	82.4	12.26
UK	5.4	60.4	8.94
France	6.5	62.9	10.33
Spain	4.8	40.3	11.91
Italy	2.5	58.1	4.30

Source: UN, Trends in Total Migrant Stock, 2005 Revision; US Census Bureau

- 19 Looking at the history of large-scale “regularizations” carried out by the major European migrant destinations reveals a pattern of relative leniency in some countries, and greater restrictiveness in others. Since 1980, Italy has regularized roughly 1.5 million workers in five waves of programs, including one in 2002 designed to target caretakers and dependent workers.<sup>19</sup> Over the same time period, Spain has regularized over ½ million workers, while the UK regularized fewer than 1000 domestic workers.<sup>20</sup> Germany regularized about 30,000 workers during the 1990s<sup>21</sup>. More restrictive policy does not appear to coincide with reduced flows of migrants, or of the estimates of migrants with irregular status.
- 20 Based on the evidence above, it appears that there are no striking differences in the immigration policy gaps or outcomes based on different government actions or socio-economic contexts. Different immigration policy strategies among large European countries over the past two decades led to similar results: a policy gap that does not depend much on the various contexts or particularities of the economies involved. This finding leads us to agree with Parreñas in her study of Filipina domestic workers in Los Angeles and Rome (Parrenas et al., 2007). She expected to find striking differences in these women’s experiences based on “contexts of reception.” Instead, she argues that the reason for their striking similarities “rests largely on their positioning in globalization as part of the secondary tier labor force of the economic bloc of postindustrial nations.”<sup>22</sup>

## 4. Defining the Problem

- 21 But what is wrong with migratory domestic labor? In fact, this does not go without saying. If migratory domestic labor is damaging, we need to lay out clearly how, and why, and for whom, before we can ask at what level solutions need to be proposed. When we refer to a “policy gap,” for instance, our concern is not to help governments design more successful restrictive policies in the interests of racial and national “purity.” On the face of it, connecting workers who need more money than they can make without leaving home with work that needs to be done sounds like a good idea. Moreover, the long-range view taken by historians and anthropologists reminds us that migration is normal, has always been part of the cycles of human life.<sup>23</sup> Should we really regard economic migration as a sign of crisis (in either sending or receiving countries), or can we see it as part of stable systems of exchange, as fulfilling a function for both parties (because otherwise it would not be occurring)? It is possible that those countries that are attempting to restrict immigration are acting from simple racism or even simple fear of change, and they should be told to “get over it.” Especially since in the case we are discussing, the exchange of women across borders actually facilitates, and stays within the model of, capitalism, merely seeking to (partially) extend its benefits to a slightly wider group. If we are inclined to see the movement of host-country women into the labor force, and their upward mobility within that labor force, as a good thing (either from the perspective of greater productivity or from a liberal feminist perspective), we could applaud the flexibility of transnational capitalism in easing the social costs of that transition.
- 22 But like many social issues, the issue of immigrant women “doing the dirty work” of cleaning, cooking and caring presents problems on various levels and for all governments and social groups involved. The feedback effects are key here. First, it

maintains deep-seated social (and thus economic) inequities, because it relieves pressure on men – they don't have to do housework because low-paid migrant women do their share and more. This reinforces the idea that is still pervasive in the US and much of Europe that housework is women's work. Hiring immigrant women to do a family's domestic work may ease marital relations, but at the expense of continuing stereotypes that poor migrant women can only do jobs based on "innate" feminine skills.<sup>24</sup> Second, although the remittances paid back to the sending countries may help those countries, they do so at the expense of the *care* deficit Parreñas talks about with respect to the Philippines. Third, while we want to emphasize that it is restrictive policy, rather than lack of enforcement that is the problem, the current situation of migrant domestic labor does present a policy problem for receiving governments, in that it undermines democratic values by permanently/essentially disadvantaging certain groups, and encouraging specifically gender-inflected forms of racism.<sup>25</sup> The concern here is not so much that inflows of workers don't match the levels officially desired by the receiving country, but rather that this institutionalized policy gap prevents acknowledging immigrants, and especially women who migrate to do domestic work, as "real workers" making an essential contribution to the economic health of the receiving countries. Such misrecognition contributes to the cycle of xenophobia and backlash in periods of perceived economic threat and does nothing to address underlying and persistent issues of gender inequity.

- 23 There is something ethically and politically troubling about the exploitation of women to serve the reproductive needs of capitalism, even if that exploitation can be "outsourced." It seems that keeping borders formally "closed" when they are to all practical purposes actually rather *porous* is a quasi-deliberate strategy to maintain this low-cost service to capitalism. What underlies this is a pervasive functionalist approach to women's position within society, which (as Susan Moller Okin [1989] has explained) asks what women are *for*, rather than seeing them as full social and ethical agents in their own right. The fact that some women escape this, on the backs of others, and that some (from both groups) may even *benefit* from it, does not remove this problem.<sup>26</sup>

## 5. Some Flawed Solutions

- 24 From the supply side, it does not seem either practical, or ethically acceptable to discourage women from migrating to do this work. Plus, as Keely (2000: 58) has argued, the assumption that economic migration is voluntary needs to be problematized<sup>27</sup>.
- 25 And yet from the demand side, it hardly seems acceptable to simply encourage middle-class women to return to the private sphere, stay home and clean their own houses while men advance in high-earning occupations and dominate the public world. In fact, "guilt-tripping" and a speed-up in what constitutes acceptable middle-class mothering is part of what perpetuates the wage gap between men and women of comparable educational attainment. As Hondagneu-Sotelo (2001) observes,
- an abolitionist program smacks of the utopian, not the feasible. Domestic work should not fall disproportionately on the shoulders of any one group...but putting an end to domestic employment is not the answer. Upgrading the occupation, a change ushered in by systematic regulation and by public recognition that this seemingly private activity is a job – one that creates particular obligations on both employees and employers – is our best chance. (xiv)

- 26 It is especially clear that the problem cannot be solved through calls for individual voluntarism, for instance by feminist appeals to middle-class women to treat their domestic workers “better.”<sup>28</sup> Except in the case of the worst abuses, it is not even clear what this would mean: some of the ethnographically-based work, which has the great merit of giving voice to the women workers themselves, calls for increased professionalization of domestic labor, with attention (and compensation) based on tasks and schedules. But other ethnographies point to the dangers, and the abusive nature, of viewing care-giving as simply another sector of productive labor; some domestic workers complain of being treated like machines, or laboring animals. A complex ethical and social problem arises when a woman who has had primary responsibility for raising (and loving) a small child is fired and told she may never see that child again.<sup>29</sup>
- 27 Ethnographies and narratives of all sorts emphasize the hollowness of assertions that the domestic worker is being treated “like one of the family.”<sup>30</sup> At the first level of analysis, the problem is that this is a *lie*, but at a deeper level, the problem is the family, and the unique kinds of power differences, manipulations, pressures, and so forth, that are naturalized there and made acceptable by the continuing fiction of a separate or different “private sphere.” So insofar as the worker is seen as, or sees herself as, a family member embedded in a network of affective relationships rather than a working person with a set of contractual and/or inherent *rights*, her situation is both problematically different from and problematically similar to the women who are “real” family members.
- 28 It seems important to recognize the “emotion work” involved in caregiving, and, on some level, perhaps even in “homemaking,” embedded as activities like cooking and cleaning tend to be in relationships which not only mimic, but also *are*, familial in nature. We can agree that domestic workers would be better off if they were paid more reasonable wages, and we can understand that continuing stereotypes about what is, and isn’t, “real work” – stereotypes which now have feminist versions – are part of what keeps wages low and conditions dire. But we cannot simply think ourselves out of this, on an individual basis. We do not disagree at all that men should share, or that the houses of the middle-class do not need to be as large, as luxuriously maintained, or even as clean and tidy, as upgraded standards of consumption now apparently dictate. But by itself this will not address the flows of global capital and labor, any more than walking to work will solve the problem of global warming. Parreñas’s label of “the international division of reproductive labor” strikes us as a more satisfying term than “global chains of care,” because it is less sentimental and more materialist.<sup>31</sup>
- 29 What follows from this is a recognition that private agonizing and hand-wringing by middle-class women is ethically as well as practically pointless. The international economic structures we all inhabit enable and constrain us in various ways as members of social groups, and the question for middle-class feminists, as Kruks (2005) points out, is less to find therapeutic means to undo our own privilege, but rather to find ways to use the privilege we incontrovertibly possess in productive and progressive ways.

## 6. Models for Women’s Work and Women’s Agency

- 30 Analysis of women’s work in migration runs up against some of the same theoretical tangles in conceptualizing women’s work that feminists have been looking at since the

1970s. Where is the boundary between paid and unpaid labor? Do women have “class” in the same way men do, is it more malleable, is it a helpful word at all?<sup>32</sup> Are there some forms of purposeful activity that are not work; if so, how should they be compensated, and what should they be called? Does it even make sense to speak of domestic labor as a category? A job description that includes both skilled care of the elderly and washing the paws of the household dog twice a day is unlikely to be a useful tool of economic analysis. What ties the category together is not the type of work involved, but the fact that women (paid or unpaid) are the ones who do it, who are expected to do it. The regrettable fact that information on “informal sector” and undocumented work by women is barely being gathered may reflect a sense that this work is either “natural,” or devalued, or both; but it is hard to see how such information could really be gathered accurately, except in small-scale qualitative analyses. For instance, there is no way of counting the women (migrants or non-migrants) who stay in bad marriages, or “non-legitimized” dysfunctional heterosexual relationships, on more or less the same terms and for more or less the same reasons as other women migrate to do domestic labor for someone else.

- 31 One thing does seem clear: a “human capital” approach is particularly unsuited to this problem. And perhaps it is unsuited to any analysis of “women’s work.”<sup>33</sup> Because one of the particular features of being a woman in modernity is suppressing, or at least setting aside, the human capital that we have. Strober and Chan (1999) found this to be true for the elite graduates of Stanford and Tokyo University; it is also true for educated women from the Philippines, Latin America, or the former socialist republics, who find they can make more money as domestic workers in prosperous countries than by using their skills, and who choose to do so in large numbers, reminding us that “class” is a terribly slippery thing to apply to women. Once one accepts a certain crude gender configuration, “women” can always be downwardly mobile in ways “men” can’t – or perhaps won’t: there isn’t always construction work available for law graduates, but there are always babies who need to be diapered and toilets that need to be scrubbed; moreover, any woman can (at least in theory) swallow her pride (or maximize her utility) by cleaning houses or doing sex work. The finding in Morrison, et al. (2008: 5) that “Schooling is positively associated with international migration of females (to non-agricultural jobs), but not of males,” is suggestive in this regard.<sup>34</sup>
- 32 When we are told that in urban India today, women with first-class degrees command higher dowries than women without them, but *not* because they are expected or expect to continue professional work outside the household, it becomes clear that cultural and educational capital function differently for women than for men, that it is not meaningless, but works at an angle to what the theory tells us it is supposed to do. There is much more to say about the way the idleness (for want of a better term) of women who have been trained to work functions as an index of male economic prowess; it may be worth looking back at a Veblen-style analysis and rethinking women’s human capital as a function of consumption, rather than (or as well as) production.
- 33 As we mentioned earlier, it is problematic to try to separate “refugees” from “economic migrants,” both because conditions of structural violence include economic factors, and (more pragmatically) because people’s motivations may tend to be mixed (see Barile et al., 1994). Mixed motivations also can characterize some of the “choices” made by employers. It is problematic from the point of view of workers’ rights to see

domestic labor as a “consumer good” *rather than* real work done by real people; but an analysis that sees it as also part of household consumption is not precisely wrong. What we need is a construction of “agency” that is more flexible and multi-faceted than the rational choice of *homo economicus*, who was neither a domestic woman migrant worker in the twenty-first center, nor the mother who employs her.<sup>35</sup>

## 7. Conclusion: Toward Better Answers

- 34 The immigration policy gap persists in both new and old destination countries, partly due to the private nature of the domestic work environment, but trade unions and activist organizations appear to be making some headway, indicating that progress toward protecting domestic workers rights can be made through collective action. The wide variety of employer-employee relationships mean that a single-policy approach may not address all the issues that activists are concerned about in this labor market. On the other hand, increasing the complexity of the legal and regulatory environment surrounding the immigration of domestic labor will undoubtedly mean greater potential for an ever widening policy gap. Furthermore, the cycle of the unintended consequences of restrictive immigration policies could continue if the trends of greater pull forces and global income inequality persist.
- 35 Under present conditions an approach based on collective bargaining by groups of workers within the receiving country seems least unsatisfactory. Some paradigms for organizing can be found in Anderson (2000) and in Hondagneu-Sotelo (2001). More privileged progressive women would then find themselves being asked, not “be nicer to your maid,” but “don’t cross the picket line.” We favor a strategy that prioritizes seeing domestic work as work and domestic workers as workers *first*. This, not incidentally, implies the need to address problems of sexism within the labor movement that has prevented organizing workers who may be seen as casual, secondary, or “tied movers”. But there also needs to be an ongoing analysis of the gendered nature of domestic work, with careful attention to local variation.
- 36 Looser immigration policy is socially and ethically preferable, in that it underscores the acceptance of responsibility for the international inequities that led to the immigration flows in the first place. From an economic standpoint, it is also simply more realistic.
- 37 We also call on governments to remember that immigration of men and immigration of women are in some ways separate phenomena, in that the demand or “pull” factors are quite different. Finally, where possible, domestic labor (like trafficking) should be seen through the lens of a human rights, not a civil rights, approach, since (as Anderson and others have pointed out very persuasively) where the legality of work is tied to a particular employer, employee rights are fictional at best, and also since, for reasons that remain to be fully understood, it appears to affect very different women in many places in very similar ways.
- 38 It has been a curious irony, in researching this paper, that inputting “domestic labor” to an internet search engine produces two kinds of results: domestic labor as a fancy name for “housework,” and domestic labor markets as opposed to international or foreign markets or trade. But this equivocation points to something serious: a problem about “home” has somehow escaped and is wandering across borders; it can’t be fixed

by trying to confine it to the private sector; but it is also a home problem, and it needs to be solved there.

- 39 Ethically and politically speaking, we face two intractable problems: how can we get men to take responsibility for the domestic labor that reproduces them as workers, and as human social beings; and how can we get receiving countries to take responsibility for the welfare and the rights of everyone who lives and works within their borders. They are analogous, but they are also practically related; and they will need to be solved together.

40 February 2009

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## NOTES

1. Only 43% of those surveyed in France agreed that there were "too many foreign people in France," while a majority (54%) of Americans surveyed answered that there were "too many foreign people in the US." Results for the other European countries are higher: Germany 59%; Italy 61%; Spain 62%; Great Britain 66%. It seems important to note that not all "foreign people" need be irregular immigrants; in fact they need not be immigrants at all, as the backlash against US "Hispanics" suggests.
2. Increase in undocumented work over time may also weaken the labor movement and erode those protections for all workers, as has happened in the United States.
3. By "shadow economy," we mean economic activity outside the formal sector of employment, activity that is not officially reported or taxed. See European Parliament (2000) "Report on Regulating Domestic Help in the Informal Sector." Paper prepared by the Committee on Women's Rights and Equal Opportunities, Rapporteur Miet Smets, Brussels, 17 October 2000. See also Pippidi et al (2000).
4. Bridget Anderson (2007) finds that employers of domestic workers are looking for "foreign" women who are migrants of particular nationalities, and that they sometimes prefer undocumented status because they have more control over the migrant workers in that case.
5. Dal Lago, 1996 argues that the influence of racism should no longer be considered "American exceptionalism." See also Angel-Ajani 2003 and Barile 1994.
6. Chandra Mohanty, "Cartographies of Struggle," in *Feminism Without Borders* (2003). The intersectionalities approach also curves back in the other direction: for instance, Mohanty also argues (following R.W. Connell) that "contemporary liberal notions of citizenship are constitutively dependent on and supported by the idea of the patriarchal household." (65) One example: "British nationality and immigration laws define and construct 'legitimate' citizenship – an idea that is constitutionally racialized and gender-based. Beginning in the 1950s, British immigrant laws were written to prevent Black people (Commonwealth citizens from Africa, Asia, the Far East, Cyprus, and the Caribbean) from entering Britain, thus making the idea of citizenship meaningless. These laws were entirely constructed around a racist, classist, ideology of a patriarchal nuclear family, where women are never afforded subject status but are always assumed to be legal appendages of men. For instance, the 1968 Commonwealth Immigrants Act, in which ancestry was decisive, permitted only Black men with work permits to enter Britain and assumed that men who were "heads of families" could send for their "wives," but not vice versa." (69)
7. Schwenken (2005) uses gap analysis to argue that there are more opportunities for political action since there are multiple levels of EU and national government bureaucracy.
8. See Massey (1990) and Cornelius and Rosenblum (2005) for good overviews of the social and economic forces behind migration.

9. In particular, see the UN Report: "Specific Groups and Individuals: Migrant Workers." [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/0032d58d2667f0b9c1256e700050f77f/\\$FILE/G0410237.doc](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/0032d58d2667f0b9c1256e700050f77f/$FILE/G0410237.doc), accessed 15 Oct 2007, available. Also note the policies dealing with domestic workers, but not interrelated with migrant policy.
  10. This becomes even sharper in cases where multiple ethnicities, or perhaps it would be better to say multiple racisms, collide, for instance when two different ethnic groups or countries of origin are represented in a single household, two women working for the same professional woman who is also a mother. Akalin (2007) cites examples in Turkey where the cleaning duties are carried out by a Turkish cleaning woman who lives outside the household, while the caretaking is done by a live-in migrant worker who becomes part of the family. The young immigrant caretaker, likely from Central Asia or Eastern Europe, is then trained in "wifely duties", running the household, and having her private life subsumed by the family for whom she works.
  11. A third reason for studying domestic migrant labor is that it may illuminate long-standing, and deep-seated, theoretical problems in conceptualizing "women's work," such as the difficulty of defining "reproductive labor."
  12. Freeman and Schettkat (2005), using standard economic reasoning, argue that workers in the EU should adopt more "marketization of household production" in order to increase their number of hours worked per week.
  13. Hochschild, A. R. (2000) "Care Chains and Emotional Surplus Value," in Hutton, W. and Giddens, A. (eds.) *On The Edge: Living with Global Capitalism*. London: Jonathan Cape.
  14. See Pissarides, et al. (2004:74) This result is true for all the European countries with the exceptions here being the UK, with 46.8% and Germany, with 45.8% of women ages 25-34 having higher education.
  15. For example, see Barile et al. (1994), Anderson (2000), Parreñas (2001), Akalin (2007).
  16. Papademetriou "guesstimates" that there are perhaps 7-8 million irregular migrants in Europe. (See <http://www.migrationinformation.org/Feature/display.cfm?id=336>, "The Global Struggle with Illegal Migration: No End in Sight." September 2005.)
  17. See Eurasyllum's website for full interview, accessed 15 October 2007, available: <http://www.eurasyllum.org/Portal/DesktopDefault.aspx?tabindex=2&tabid=19>.
  18. Ibid. Also see Chou (2006) who delineates changes necessary in the European Union's institutional structure before a comprehensive approach to migration policy will be accomplished.
  19. These data are based on Papademetriou et al (2004), Table 1. In 2002, Italy's program aimed at domestic workers generated 704,000 applications.
  20. Ibid, Table 1. It should be noted that regularization sometimes involves receiving work permits for a limited period of time (1 year in the case of Spain and the UK, 2 years in the case of Italy), so it is possible for migrant workers to fluctuate in and out of documented status.
  21. Ibid, Table 1. Germany and the UK allow more workers to come in as refugees or asylum seekers, but these channels still don't add up to as many legalizations as in Italy or Spain.
  22. Ibid, p. 15.
  23. On this point, see Lillian Trager, ed. *Migration and Economy: Social and Local Dynamics*. Society for Economic Anthropology: Rowman and Littlefield: Lanham, MD 2005. Introduction: the Dynamics of Migration. "Is migration unusual? Or is it a normal part of human activity and human history?" (2005, 1)
- See also P Nick Kardulias and Thomas D. Hall, "A World-Systems View of Human Migration Past and Present: Providing a General Model for Understanding the Movement of People" presentation to Oxford Round Table, July 2007. From the perspective of many millennia, very little about "globalization" appears to be new... rather, it is the modern nation-state that is the unusual "innovation," and also, in the view of Kardulias and Hall, the problem. They quote a

recent book by Hatton and Williamson (2006): “There is not now, nor was there ever, too much global migration. The world would clearly be better off with more migration. The problem is not that there is too much global migration, but rather that we do not yet have effective ways whereby the gains from the global migration can compensate the losers.”

24. The other part of this is a stereotype that women with children, or women who may at some point have children, while they may now work in highly skilled and well-paid occupations, are at best temporary inhabitants of that professional world. If the worldwide economic downturn has the effect of making the use of migrant domestic labor less desired—if it is seen as a consumer good and in some ways a luxury – that stereotype seems likely to make a comeback, with a negative effect on the income and well-being of women from *both* groups.

25. As economic growth proceeds (partly due to higher productivity of women in the professional workforce) pull factors become stronger, meaning countries are likely to see more immigration of this sort. This will lead to some combination of tighter restrictions and more xenophobia from a populace that already has deep resentment toward immigrants.

26. Functionalist arguments about immigration, such as the very public debate in the UK (summer 2008) about whether immigration was “good for Britain” are also a bit troubling – “do They benefit Us” – though the political reasons for arguing in the affirmative are clear.

The question of whether current levels of migration reflect a crisis, or are part of a stable system, is similar, and related, to the question of whether we are witnessing “a crisis in the family,” i.e. a breakdown of something that once worked well (but for whom?) – or whether the situation described in this way is merely the latest version of an intrinsic dysfunctionality.

27. Much fuller discussion of this is needed, but it seems essential to consider and understand refugees, and “economic migrants,” together rather than separately, if only because there will be substitution between the categories depending on the nature of government policy. See Schwenken (2008) and Dewey (2008) for helpful analyses of the problem of agency in women’s migration.

In the interest of space we have needed to discuss the migration of women who do domestic labor separate from women who migrate (voluntarily or otherwise) to work in the sex industry: the literature about the latter group is voluminous. But the boundaries between the two populations are far from fixed, and the implications for feminist theory of a comparison would be illuminating.

28. See Williams and Gavanas (2008). In a three-country study, the authors found significant differences in how the status of domestic workers is understood and *articulated*, conditioned in part by national cultures and by state policies that encourage or discourage immigration as well as the difference between a state-supported system of family welfare vs. a more “marketized” approach. Yet their conclusion finds striking similarities: “..old-style employers took the racialized and classed power relations as given and worked within them. The new ones attempted to establish less unequal relationships...accounts from the employees in all cities showed that some had found their work enjoyable and fulfilling, especially when it was a stepping-stone to something better. But too many narratives contained dire experiences of exploitation and of lack of trust and respect from employers. Without greater regulation, more opportunities for employee representation, access to anti-discrimination measures and more secure migration statuses, employees’ vulnerabilities to exploitation, however well-intentioned their employers, will still exist.”

29. See for example Anderson (2000), and compare Rollins (1985), Romero (2002), and Glenn (1986), on the exploitation that can result from seeing domestic work as a relation of status rather than a contractual relation of employment; but see Parreñas 2002 and Hondagneu-Sotelo 2001 for a view of the costs of de-personalization in care work as well.

30. See Anderson (2000).

31. For problems with “care,” see Narayan (1995).

32. See for example Steedman (1987).

33. For general critiques of the “human capital” approach, see Ferber and Nelson (1993). And yet, the “capabilities” approach that is often proposed as a progressive alternative is equally recuperable to functionalist arguments, as is evident in Morrison (2008).

34. See also Lutz (2008:3-4) “Migrant women are currently more educated than their predecessors; a section of them are from a middle-class background, and some have even reached higher education. They are migrating at an age when they have already finished their educational training, sometimes after years of professional experience.” “...a high level of education seems to be a prerequisite for the ‘new domestics,’ as in most of the destination countries they are required to speak or learn the language of their employers.”

35. That it may be philosophically preferable to speak of women as agents rather than victims does not touch the question of whether they actually are agents, victims, or somewhere in between. Furthermore, as Günseli Berik (2008) has argued, the exercise of agency at the individual level may actually constrain agency at the societal level, and act to block change even when change is desired. Alison Jagger’s (2008) discussion of Okin’s “cycle of gendered vulnerability” suggests that individual agency can lead to collective disempowerment in a kind of ironic downward spiral.

## RÉSUMÉS

Beaucoup de chercheurs ont constaté qu'il existait un fossé entre les politiques d'immigration et leurs effets réels sur le marché du travail. Pour diverses raisons, les lois ne sont pas appliquées et les politiques ne sont pas ajustées pour refléter les nouvelles réalités de la demande de main-d'œuvre de la part des employeurs. Cette acceptation tacite de l'afflux de travailleurs sans papiers perpétue l'invisibilité de ces migrants en matière de politique du travail et il prive les migrants de la sécurité et des protections accordées aux autres travailleurs.

Cet écart entre la loi, les politiques gouvernementales et les résultats est peut-être plus prononcé en ce qui concerne les travailleurs domestiques, dont la plupart sont des femmes. Les femmes migrantes ont peu d'accès aux emplois du secteur formel et, par conséquent, prennent des emplois du secteur informel, en général ceux assignés aux rôles de genre. Ces emplois comprennent ce que Bridget Anderson appelle «les trois C»: *cooking, caring, cleaning*. Compte tenu de la mondialisation en cours et concomitante des disparités de revenus entre pays riches et pauvres, les migrations féminines ne cessent de s'accroître.

Utilisant un cadre comparatif, nous appliquons la théorie féministe au cas des travailleurs domestiques sans-papiers dans divers pays européens afin d'analyser cet écart entre la politique officielle et les effets réels. Nous constatons que celui-ci persiste tant dans les nouveaux pays de destination que dans les anciens, en partie du fait du cadre de travail domestique, mais l'on observe par ailleurs que les syndicats sont plus actifs dans les anciens pays de destination, ce qui indique que certains progrès dans la protection des droits des travailleurs domestiques peuvent apparaître grâce à l'action collective.

Many scholars have noted that a gap exists between government immigration policies and actual outcomes in the labour market. For a variety of reasons, laws are not enforced and policies are not adjusted to reflect the new realities of employers' demand for labour. This tacit acceptance of the inflow of undocumented workers perpetuates the invisibility of these immigrants with

regard to labour policy, and it denies immigrants important safety and security protections granted other workers.

This gap between immigration law, government policy and outcomes is perhaps most pronounced with regard to domestic workers, most of whom are women. Female migrants have little access to formal sector jobs, and therefore take on informal sector jobs, typically those derived from traditionally delineated gender roles. These jobs include what Bridget Anderson calls “the three C’s”: cooking, cleaning and caring. Given ongoing globalization and concomitant disparities in income between rich and poor nations, women will continue to migrate from developing countries, travelling to Europe to find work in other people’s homes.

Using a comparative framework, we apply feminist theory to the case of undocumented domestic workers in various European countries to analyze this gap between government policy and outcomes. We find that the policy gap persists in both new and old destination countries, partly due to the private nature of the domestic work environment, but that trade unions are more active in older destination countries, indicating that some progress toward protecting domestic workers rights can be made through collective action.

## INDEX

**Keywords :** Immigration policies; job market; domestic work; feminist theories

**Mots-clés :** politiques migratoires; marché du travail; travail domestique; théories féministes

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