

Subversive Legalized Trafficking:  
The Plight of the Filipina Transnational Domestic Worker

By Chonti Maria Valenzuela Sauder

B.A. in Women's Studies, May 2006, Florida International University  
B.A. in International Relations, May 2006, Florida International University

A Thesis submitted to

The Faculty of  
Columbian College of Arts and Sciences  
of the George Washington University  
In partial fulfillment of the requirements  
For the degree of Master of Arts

January 31, 2011

Thesis directed by

Daniel Moshenberg  
Associate Professor of English

## Abstract of Thesis

### Subversive Legalized Trafficking: The Plight of the Filipina Transnational Domestic Worker

The Philippine government utilizes legal forms of transnational movement across territorial borders to profit from the commodified reproductive labor of its female citizens who enter into overseas contracts to work as domestic workers in foreign households creating a unique form of legalized Human Trafficking. First, I will discuss the vulnerable place migrant domestic workers find themselves within the global market as well as how reproductive labor became commodified. Second, I will explore the procedures of the Philippine government and associated recruitment agencies in transforming the Filipina into a commodity for sell on the transnational market. Domestic workers are part of a dual informal economy that supports the welfare of family members and the Philippine economic through remittances as well as a supply labor for the growing service sector of the global city. Once home the Filipina remains silent letting the cycle of abuse continue leaving the ability of the Philippine government to exploit its own citizens for profit remain unchecked. Third, the migrant Filipina domestic worker appears to lack civil and human rights in the work place because the private sector is not and cannot be monitored by foreign sovereigns. Therefore the migrant Filipina domestic worker must turn toward current international conventions and mandates of the United Nations to find the means of prevention and protection from the continued cycle of national trafficking and abuse of immoral foreign home employers.

## Table of Contents

Abstract of Thesis .....	ii
Table of Contents .....	iii
Chapter 1: Theory Behind Commodified Reproductive Labor .....	1
Chapter 2: Exporting Profitable Citizens .....	28
Chapter 3: Dissecting United Nations Protocol .....	56
Chapter 4: What Happens Next?.....	70
Bibliography .....	84
Appendix I .....	89
Endnotes .....	90

## Chapter 1: Theory Behind Commodified Reproductive Labor

There is a Continuum of Exploitation<sup>i</sup> that represents all forms of labor, legal or otherwise. In utilizing the concepts found in the Continuum of Exploitation, the occupation of domestic work can become a form of coerced or forced labor as well as a common consequence of Human Trafficking. Traditionally, the agricultural and sex industries receive the bulk of Human Trafficking victims however domestic labor has become a growing enticement for those seeking to exploit reproductive labor due to its inconspicuous arrangement within societal norms.

Imagine a bold black linear line cutting across a sheet of white paper. The right side of the line represents minor acts of labor exploitation that can be found in the common work place. Full-time employees who lack health care, cost effective childcare, a living wage and other non-existent labor rights that are minor examples found within contemporary society. These workers cannot be found in the category of Human Trafficking due to the legalized nature of the public business sector. The left side of our line symbolizes the most extreme forms of exploitation found within civilized society. Men, women and children, who travel illegally across borders, hidden from the public view trapped in sweatshops, brothels and homes represent the far left. These human beings suffer the most severe forms of abuse and exploitation due to the clandestine nature of their presence in the host nation state and occupation. The middle of the line transcends into a light shade of gray, the gray area of the Continuum of Exploitation. Those found in the gray area work in full view of society; nevertheless their occupation diminishes society's ability to see them. The service sector is comprised of occupations that society tends to ignore and look down upon because the labor is viewed as

reproductive labor that is performed in the private household, domestic workers fall into this category. Reproductive labor or care work occupations encompass all aspects of the household that the female/mother traditionally performs free of charge according to the capitalist system. Therefore the private sector is the gray area because the nation states does not and cannot regulate reproductive labor standards and conditions that take place in the private household. The home is viewed as a traditional ‘location-locality’ or place of identity for modern man<sup>ii</sup> outside the confines of the time-space compression of the regulated public sector.<sup>iii</sup> In essence the home is the last place for modern man to rest without the constraints of society and the influence government standards.

The domestic worker, in particularly the migrant Filipina domestic worker, signifies the ever expanding gray area found within the Continuum of Exploitation. Unlike her counterparts found at the extreme poles of our line her civil legal status is secured through her nation state making her presence acceptable to government officials, however, her occupation is performed entirely within the confined space of the ‘home.’<sup>iv</sup> The unregulated private household can and does sign labor contracts stipulating standard labor conditions for home employers, however, there is no government agency visiting every household to enforce these labor conditions leaving the private sector unregulated and hazardous for home employees. The hazards increase for legal foreign domestic workers who find it difficult to navigate domestic and international law for protection of their civil and human rights when home employers fail to adhere to labor conditions. While illegal migrant domestic workers fall under the protection of the United Nations’ Human Trafficking protocol it fails to provide protect to the legal migrant domestic worker.<sup>v</sup> The inclusion of the legal Filipina migrant domestic worker into the United

Nations' Human Trafficking protocol appears out of bounds, although it is necessary to protect these women when the local governments lacks the authority to do so within the secluded space of the unregulated private household.

Not the loss but rather the diminished sovereign power of a natal nation state to cross territorial borders directly affects its ability to protect citizens employed as migrant workers in host nation states. The loss of citizenship or most specifically the rights entitled through it remain a guiding principle that enables an individual to prosper or perish within the time-space compression of capitalism.<sup>vi</sup> Arguably the “simple act of living”<sup>vii</sup> or Zoe, defined by Giorgio Agamben, lay solely within the means of the nation state. Bios is the second defining element of modern life itself indicating the “way of living proper to an individual”<sup>viii</sup>. When the sovereign power withholds Bios, the body of the foreign worker must be regulated to maintain only the concept of Zoe which is condensed to the state of bare life or “merely human”<sup>ix</sup>. Bare life is not merely the state of Zoe without Bios but rather life without political existence, the disenfranchised of modern politics who suffers in order to maintain the equilibrium of sovereign power.<sup>x</sup> The transnational domestic worker, while working abroad, loses the protections of citizenship granted by the original nation state and in the host nation state is reduced to the state of bare life because the political system dictates the exclusion of the migrant worker's Bios in an effort to legitimize sovereign power in its own territory and over the natal population. Some may argue that the migrant domestic worker cannot be reduced to the state of bare life because she is a citizen of a foreign nation state who has written laws to offer protection to its citizens living abroad. In response, what if the host nation state prevents the origin nation state from providing protection because it's viewed as an

infringement of sovereign power. Then the migrant domestic worker can enter a state of bare life because she has lost her enfranchisement from the origin nation state.

The transnational domestic worker represents a unique view toward the concept of Zoe with the elimination of Bios in the connection of biopolitics to bare life. According to Agamben, a sovereign nation state holds the power to regulate and control a population in an effort to “constitute itself through an exclusion of bare life.”<sup>xi</sup> Therefore the nation state cannot hold political power without the systematic exclusion of a specific population such as in the case of the migrant Filipina domestic worker. The migrant Filipina domestic worker practices legal transnational movement losing the protection of her sovereign thus willingly relinquishing her Bios upon entering a foreign sovereign who enacts the state of exception upon the foreign body /docile body.<sup>xii</sup> “When its borders begin to be blurred, the bare life that dwelt there frees itself in the city and becomes both subject and object of the conflicts of the political order, the one place for both the organization the State of power and emancipation from it.”<sup>xiii</sup> Here the void that is the state of exception appears in that the sovereign alone holds the power to create and validate its own laws through the use of exception.<sup>xiv</sup> In this sovereign exception<sup>xv</sup> the nation state maintains the exclusion and inclusion of political life in all populations within its space. This leads to the concept of a specific exclusion and inclusion where the sovereign power enacts its exception into a designated space of exception<sup>xvi</sup>, the camp.

The entrance into Agamben’s concept of the camp<sup>xvii</sup> further exhibits sovereign exception in taking “a piece of territory that is placed outside the normal juridical order... which the state of exception is permanently realized.”<sup>xviii</sup> In the camp, sovereign power suspends the individuals’ Bios thus reducing them to the state of bare life. In relation to

the migrant Filipina domestic worker, upon employment in the household she enters into the home or camp where the employer enacts sovereign exception that standardizes the individuals' Bios. Equating the home employer of a migrant domestic worker to sovereign power appears extreme, however, the level of submission found within the individual mirrors the power relinquished in the state of exception. In many ways the situation of the transnational domestic worker epitomizes the plight of those found in the camp just on a smaller scale of measurement, the home. "In this sense, the camp truly is the inaugural site of modernity: it is the first space in which public and private events, political life and biological life, become rigorously indistinguishable."<sup>xix</sup> The home, the last camp, distorts the space between the public and private sphere that biopolitics must maintain at all times in an effort to mechanize the state of exception.<sup>xx</sup>

The regulation of the migrant domestic worker inside the home does not meet the grand scale of population control that the notion of the camp is known for, such as the concentration camps of World War II. The traditional camp that reflects Agamben's state of mind brings to mind the ability of the nation state to slowly strip the selected population of its Bios, which is more of the concept of introducing the body to the state of Zoe upon entering the camp. With the domestic worker there is a slow entry into the state of Zoe that takes place throughout the search for employment to the first introduction into the household. The home employer holds the power to manipulate Bios making the reduction to bare life not a systematic experience for all in the profession but rather a home by home experience.

The adverse guidelines implemented by the home employer through a quasi-sovereign power to submit the foreign migrant domestic worker to the state of bare life



represents the loss of modern man. Therefore enfranchisement of the nation state is what one loses upon entering the state of exception and strives to regain. Traditionally only the sovereign power held biopolitics, however, we have witnessed the distribution of biopolitics into separate institutional disciplines subjugating control over selected populations called biopower.<sup>xxi</sup> Biopower is the “controlled insertion of bodies into the machinery of production and the adjustment of the phenomena of population to economic processes.”<sup>xxii</sup> The home is another institution of biopower where the home employer controls the body of the migrant domestic worker. Therefore the one-on-one relationship between the employer and employee relies on the perception of power.

Relations of power are not in a position of exteriority with respect to other types of relationships, but are immanent in the latter; they are the immediate effects of the divisions, inequalities, and disequilibriums which occur in the latter, and conversely they are the internal conditions of these differentiations; relations of power are not in superstructural positions, with merely a role of prohibition or accompaniment; they have a directly productive role, wherever they come into play.<sup>xxiii</sup>

Power is not an assured state of being. Power becomes palatable when the precise variables of contraries meet such as employer and employee. In the instance at hand there are additional reverses such as nationality, disparities of income and education, culture and notions of morality. The migrant domestic worker relinquishes her Bios to the home employer accepting the authority of biopower in an effort to find employment, in accepting biopower the migrant domestic worker becomes an active participant in her own submission to power becoming docile body. Nevertheless, while the foreign sovereign lacks the authority to extend supremacy over territories outside its border or subject another sovereign to its domestic law it does extend through the agency of embassies and consulates on foreign soil in an effort to protect their citizens in time of

need. Why does the migrant Filipina domestic worker continue to lack rights of citizenship? The concept of sovereign power and citizenship has undergone transformation with the growth of neoliberalism in the emergence of transnational markets.

The transformation to a transnational market where individuals have the ability to work and live outside their origin sovereign power has created a theoretical space of marketable individuals outside the concept of standard citizenship. Aihwa Ong introduces the notion of neoliberalism as exception where the sovereign power entices special market-driven populations in an effort to boost national prosperity thus turning sovereign protection or citizenship from an origin/birth right to a market-based commodity<sup>xxiv</sup>. New citizenship criterion has become based on “mobile individuals who possess human capital or expertise are highly valued and can exercise citizenship – like claims in diverse locations.”<sup>xxv</sup> This rings contrary to the longstanding perception of citizenship where the individual is born with inherent rights to the protection of the sovereign.<sup>xxvi</sup> Through the new citizenship criteria, the expansion of biopower is evident in the fact that the nation state takes steps to pick and choose its immigrating citizen’s based on the exclusion/inclusion of desirable qualities.

Neoliberalism as exception provides an additional criteria for the exclusion of populations viewed as less desirable, such as migrant foreign domestic workers, due to the lack of revenue directed toward the development of the host nation state. The migrant Filipina domestic worker sends the majority of her earnings home to sustain the development of the family and economy of the origin nation state. “In other words, exceptions to neoliberalism can both preserve welfare benefits for citizens and exclude

noncitizens from the benefits of capitalist development.”<sup>xxvii</sup> Here we see the means of the sovereign to practice exclusion and inclusion based on the observation of capital development. In other words, the sovereign protects those who contribute to its well-being, since the migrant domestic worker is only there to maintain the well-being of her family she does not fall under foreign sovereign protection. Ong sites one such global city<sup>xxviii</sup>, Singapore, which implements a grading scale that “determines economic value”<sup>xxix</sup> of foreign workers.

The instrument is the employment pass system, which grades skilled foreigners according to an intricate three-tier system of employment passes. The top criteria are professional qualifications, university degrees, and specialist skills; professionals, administrators, entrepreneurs, and investors are mostly highly valued. Foreigners are also grades in terms of their basic monthly salaries. The expatriate can obtain permanent residency easily, depending on a point system measured according to skill and income.<sup>xxx</sup>

The concept market-qualified citizenship remains in its infancy because the majority of professional citizens lack the desire or more appropriately the need for permanent resettlement. The majority of foreign professionals will return home after accumulating either experience or a sizable disposable income to sustain them in their origin nation state.<sup>xxxi</sup> The migrant Filipina domestic worker decides to return home with sizable accumulated wealth as well, however, resettlement was never offered as a factual option in the host nation state. This new practice of non-resettlement resonates with the growing transnational market of choice consumerism and consumption.

The notion of the transnational market refers to the ability of a commodity, idea or individual to exceed traditional sovereign boundaries.<sup>xxxii</sup> In the case of the individual, one is no longer tied permanently to the territory of a singular sovereign power. Therefore national identity no longer links to a specific place but rather in imagined

networks that alter accordingly to the local and international relations of power.<sup>xxxiii</sup> Individuals now participate in the transnational job market without the traditional purpose of resettlement, further shifting the value of citizenship and sovereign power. The transnational worker begins to question the legitimacy of citizenship when the nation state lacks the ability to reinforce basic human rights in foreign territories.<sup>xxxiv</sup> The nation state must conceptualize a new means to maintain sovereign power over a disperse population set outside traditional borders. Inderpal Grewal introduces what she calls “transnational connections,”<sup>xxxv</sup> where individuals connect through various social networks that maintain national consumer ties. The disconnected transnational worker can remain linked to his or her sovereign entity through the growth of consumer culture or choice consumption<sup>xxxvi</sup> by simply purchasing a piece of home.

Speaking from experience, the ability to consume products from one’s origin nation state not only eliminates the necessity of assimilation in a foreign country but also induces nostalgia for the concept of home, fostering a sense of nationalism. Having grown up abroad proper exposure to American goods assisted in cultivating a sense of nationalism in me for the United States. Well-known products such as the Hershey Chocolate Bar, a G.I. symbol of World War II, and Coca Cola can transform the absent characteristics of a nation state giving us something tangible to hold, touch and feel which in turns gives the individual a fabricated association to national identity<sup>xxxvii</sup>, which is the goal of consumer citizenship. “Nationalism’s ability to move, change, spread across different kinds of boundaries suggests that it remained a powerful imaginary which developed in tandem with changing modes of citizenship and consume culture.”<sup>xxxviii</sup> This leads to the concept that you are not a citizen of where you live but of what you buy, thus

the expansion of cultural consumption unbounded by territory creates consumer citizenship.<sup>xxxix</sup> Grewal describes the consumer citizen as unbounded by traditional markers of unity such as race, ethnicity, religion, social class and territory.<sup>xl</sup> In essence the consumer citizenship eliminates the need for sovereign power to be tied to territorial properties and a fixed population mass supporting the evolution of the transnational job market and the itinerant nation state. While an individual can nurture a connection to a nation state through the fabrication of nationalism, the endowments of citizenship cannot be bought. The transnational worker does experience the loss of citizenship while residing in the foreign nation state unless the foreign sovereign deems it lucrative to bestow such benefits. The benefits of citizenship should not cease to exist simply because an individual crosses a man-made imaginary line. All human beings are born with endowed rights that cannot be eliminated due to the sovereign power's failure to protect those determined to be under their jurisdiction. Transnational workers must claim their universal or human rights<sup>xli</sup> which are not granted by a singular nation state but the international community and human race.

Citing the need for universal or human rights to impact the one-on-one interaction of individuals is an attempt to remove biopower and bare life from local<sup>xlii</sup> social relations. The removal of the need to practice the exclusion/inclusion of opposites to establish power leaves room for individuals to establish treatment based on intimacy and mutual respect, in other words treat one another as fellow human beings. What does it mean to belong to the human race? Every child knows the answer to this question that unfortunately escapes us as we pass into adulthood, the Golden Rule. "Do unto others as you would have others do unto you."<sup>xliii</sup> The Golden Rule is one of the first phrases to

undergo a transnational connection in that it appears in various cultural, philosophical and religious works such as *The Holy Bible*. The phrase does vary according to religion and culture however the message never alters. In fact, domestic workers have fashioned their own version of the Golden Rule, known as “like one of the family.”

The phrase first makes an appearance in Alice Childress’s similarly titled book *Like One of the Family* a collection of conversations between two African-American domestic workers in 1950s New York City<sup>xliv</sup> where the lead protagonist, Mildred, shares her experiences with white middle-class America. A significant conversation takes place after Mildred overhears her employer embellish Mildred’s place in the household to establish her superiority as a progressive individual.

Today she had a girl friend of hers over to lunch and I was real busy afterwards clearing the things away and she called me over and introduced me to the woman.... Oh, no Marge! I didn’t object to that at all. I greeted the lady and then went back to my work.... And then it started! I could hear her talkin’ just as loud.... And she says to her friend, “We just love her! She’s like one of the family and she just adores our little Carol! We don’t think of her as a servant!” And on and on she went... and every time I came in to move a plate off the table both of them would grin at me like cheesy cats.<sup>xlv</sup>

The employer attempts to demonstrate that she maintains a benevolent relationship with her domestic worker by using the time-honored lie “like one of the family”<sup>xlvi</sup> to invoke the illusion that Mildred enjoys a level of intimacy with the family equal to that of a beloved relative. Ideally these kind words should appeal to the domestic worker’s aspiration of not being treated as a mere servant but as an individual/human being. Instead the phrase “hovers precariously between wish fulfillment and reality”<sup>xlvii</sup> because while all involved desire the sentiment to be true it lacks the genuineness of the situation. As Mildred unswervingly points out that not only is the statement fabricated but she does not require sentimental validation to preform her job.

I wish you would please stop talkin' about me like I was cocker spaniel or a poll parrot or a kitten... Now you just sit there and hear me out. In the first place, you do not love me; you may be fond of me, but that is all... In the second place, I am not just like one of the family at all! The family eats in the dining room and I eat in the kitchen. Your mama borrows your lace tablecloth for her company and your son entertains his friends in your parlor, your daughter takes her afternoon nap on the living room couch and the puppy sleeps on your satin spread ... and whenever your husband gets tired of something you are talkin' about he says, 'Oh, for Pete's sake, forget it .... So you can see I am not just like one of the family. ... Now when you say, "We don't know what we'd do without her" this is a polite lie... because I know that if I dropped dead or had a stroke, you would get somebody to replace me. You think it is a compliment when you say, 'We don't think of her as a servant...' but after I have worked myself into a sweat cleaning the bathroom and the kitchen... making beds ... cooking the lunch... washing the dishes and ironing Carol's pinafores... I do not feel like no weekend house guest, I feel like a servant, and in the face of that I have been meaning to ask you for a slight raise which will make me feel much better toward everyone here and make me know my work is appreciated. "Now I hope you will stop talkin' about me in my presence and that we will get along like a good employer and employee should."<sup>xlvi</sup>

Mildred points out the inaccuracies of the employer's statement not to demean but to demonstrate the place/status that the domestic worker actually holds within the household. Furthermore, Mildred unexpectedly validates her own self-worth by stating a raise in wages is the proper means to show gratitude between employer and employee rather than insincere words. "Debunking myths and demanding change-that is the pattern of interaction throughout *Like One of the Family*. Childress allows Mildred to violate all the requirements for silence and invisibility that were historically characteristic of domestics."<sup>xlix</sup> In the end, the employer does not want a domestic worker who acts "like one of the family" but one who enables the family to live without interference.

While Mildred and other domestic workers proudly draw attention to the flaws in being "like one of the family" there are those who still seek this sentiment. One key component that keeps Mildred from falling into the illusion is that she has a life outside of the family due to her occupation as a domestic day worker. Unfortunately, a growing

numbers of domestics are live-in workers who may not be able or allowed to maintain social relationships outside the household/work place and therefore seek emotional validation from their employers. In particular, the migrant foreign domestic worker becomes susceptible to this delusion of family togetherness due to the fact that they're adrift in a host nation state without protection of citizenship or universal rights. The migrant foreign domestic worker will look to the employer, their only form of social contact, as a means of emotional support and protection from the unknown.

The phrase "like one of the family" is meant to manipulate emotions in an effort keep the domestic worker tie to the household or camp allowing the state of exception to take an emotional hold over the domestic worker. Occupational duties become entangled as so-called "family" obligations rather than waged labor allowing the employer to extract unpaid labor.<sup>l</sup> In turn the domestic worker attempts to manipulate the employer as well to resist built in myths of inequality in "like one the family." The phrase has been used to de-emphasize servitude and emotional pitfalls of contradictory class mobility that the domestic worker experiences in traveling for employment.<sup>li</sup> Additionally, the phrase evokes a greater need within the domestic worker to feel like more than a household appliance but as a human being. The domestic worker believes that being "like one of the family" equates to a form of temporary Bios or treatment equivalent to that of a human being.<sup>lii</sup> Rhacel Salazar Parreñas explores the connection of "like one of the family" and human rights among migrant Filipina domestic workers to distinguish how humanity appears to a reproductive laborer.

In response to my question of what it means to be treated "like a human being," the women enumerated the following criteria: (1) recognizing their skills and "brains" by not being ordered around constantly or by giving them the option to decide whether to wear a uniform; (2) recognizing their social needs by allowing



them to have visitors and permitting partners to spend the night; (3) recognizing their physical needs by making sure that they rest, for example, by advising day workers to ease their pace; and (4) recognizing their presence, for example, by offering food to day workers when they first come in and asking them to sit down and chat (while they are getting paid). Lastly, being treated “like a human being” also means being considered as “one of the family”<sup>liii</sup>

To be “like one of the family” equates to similar needs Childress addresses when explaining to her employer why she is not “like one of the family;” therefore this phrase offers contradictions among its advocates and opponents alike. While all domestic workers seek respect and dignity in the workplace, everyone defines the experience differently. For some, the emotional distance that accompanies a professional yet cordial working relationship between employer and employee, desired by domestic workers such as Childress, can establish norms of interaction that can by default label the worker inferior thus creating an inhumane environment.<sup>liv</sup> On the other hand, those who seek more intimate working relations with the family, “like one of the family,” run the risk of emotional attachment that employers can exploit thus displaying disrespect toward the worker. In the end, the phrase or myth “like one of the family” may be utilized by the employer to maintain authority over a self- disfranchised human being.

The act of the migrant domestic worker participating in self-reduction only to enter into the state of bare life brings to light the question of agency. Yes, the domestic worker travels abroad to find work with the knowledge that once she leaves the origin nation state the protection of sovereign power no longer applies to her being. Can one call the self-reduction from Bios to Zoe a true choice of agency when other options of maintaining Bios do not present themselves? These women who choose to become migrant domestic workers do so to maintain the Bios of their families due to a lack of opportunity within the origin nation state. Therefore submitting to self-reduction to the

state of bare life within the state of exception appears as a momentary way of life for the domestic worker who plans to reclaim her Bios upon returning home. The main goal of the transnational worker, often overlooked by the host nation state, once the work has been completed is that he/she will return to the origin nation state.

The migrant domestic worker does not always return to the origin nation state; in the past during movements of mass migration, individuals have used domestic work as a means of obtaining entry into host nation states with the sole intention of resettlement. However, resettlement is no longer required to work abroad consequently weakening the structure of the nation state, citizenship and the home. According to Leopoldina Fortunati, the initial arrangement of capitalism depends upon a stable work force with the capability of regenerating itself without the assistance of the nation state, referring to “the home.”<sup>lv</sup>

“The home” is the original camp of the nation state formed by capitalism to ensure the preservation of sovereign power through the use-value<sup>lvi</sup> of mankind’s productive labor. As a result, capitalism initiates the transformation of mankind’s labor power into a commodity for sale on the open market<sup>lvii</sup> and in doing so brings about the segregation of gender labor in an effort to effectively optimize the nation states’ accumulation of “wealth as the aim of production.”<sup>lviii</sup> The breakdown of gendered labor practices with the expansion of capitalism marks the creation of the modern nuclear family which encompasses the systematic means to provide the benefits of Bios without any inconvenience to the nation state.

Gendered labor follows the segregation of reproduction from production,<sup>lix</sup> creating opposite poles of value within capitalist society that simultaneously determine

specific gender roles and influence of spheres for Western civilization. The male performs production or waged labor which is carried out in the public sphere that preserves the nation state which in turn bestows biopolitics to the waged labor population.<sup>lx</sup> While the female performs reproductive or non-waged labor that regulates the private sector and maintains the production-waged laborer, the male offers Bios to the female<sup>lxi</sup> through marriage. Opposite to production use-value, reproduction stands for non-value because it's viewed as 'natural' production of labor rather than commodity production that sustains capitalism<sup>lxii</sup> therefore removing capital value from 'the home' and the female gender.

Capitalism hinges on the duality of labor to meet maximum productivity due to "reproduction being posited as "natural production," which has enabled two workers to be exploited with one wage and the cost of reproduction to be unloaded onto the labor force."<sup>lxiii</sup> Production cannot exist without reproduction and vice versa due to the dependent nature of capitalist labor, thus making the nuclear family essential to survival. 'The home' becomes the first state of exception within the nation state where participation in the traditional nuclear family becomes mandatory and those found outside enter into the stare of bare life. 'The home not only ensures Bios, it educates the population on the capitalist system as well as perpetuates assigned gender roles to ensure the future endurance of the nation state and the system itself. The future of capitalism does not rest in production but rather in reproduction or more specifically the act of reproduction. While the female appears to lack any form of value, her gender contains labor-power<sup>lxiv</sup> through the "capacity to reproduce;"<sup>lxv</sup> therefore the female can create value, i.e. children/future workers for exchange-value<sup>lxvi</sup> with capitalism. In no way does

the “capacity to reproduce” contribute to the value of the female because reproduction labor remains non-valued in the private sphere. Capitalism as a whole remains dependent on the ability of the population to regenerate and sustain itself without expense to the system, in other words it counts on the validity and the idealization of the family<sup>lxvii</sup>. In turn, the creation of the family is meant to solidify marriage and ensure participation in the capitalist work force, which endures as a conventional obligation into today’s society<sup>lxviii</sup>.

The use of female labor does not remain exclusive to the ‘home’ and reproductive labor of the family. Capitalism has recognized that a “surplus population of workers must exist”<sup>lxix</sup> in order for production to persist during times of crisis, i.e. the female labor force. One such notable example in American History is when a predominate female labor force moves into the factories during World War II to ensure the continuation of capitalist production while the male labor force participates in warfare. Ideally, capitalism will utilize its surplus female work force “in accordance to how and where it wants to use them. When it wants to use them in a large scale as either full- or part-time workers within the process of production, however, it expects the absolute total of housework supplied to remain the same.”<sup>lxx</sup> The female laborer not only rescues the productive labor of the nation state but at the same time continues reproductive labor without a drop in quality or quantity of family life, i.e. the creation of the double work day.

Initially the female laborer was never meant to sustain the double work-day on a continuous basis, only when capitalism deems it necessary to the validity of the nation state. Once the crisis has been removed the necessity of female productive labor no

longer appears necessary to the survival of production accumulation. Therefore, the ideal capitalist female work force will/must return to the 'home' so that the male work force can fulfill their rightful place as productive labor; however, the female laborer did not leave the factories to the dismay of the capitalist system. In the movement of modernity that follows women joined the permanent productive labor force threatening the co-dependency of gender roles in the 'home' along with the exchange-value between productive and reproductive labor.

The absence of female labor in the 'home' disrupts the co-dependent nature built into the duality of productive and reproductive labor. If the female laborer can perform both productive and reproductive labor the concept of marriage and the family no longer appears as obligatory to participate in capitalist society. Fortunately for capitalism, marriage and the family have been intertwined with all major religious beliefs for quite some time providing a non-tangible value to the perception of matrimony. The problem remains, who will perform non-value reproductive labor of the family when all are eligible to perform use-value productive labor that provides monetary compensation as well as respect within capitalist society?

The capitalist system introduces reproductive labor to the open market as commodities for sale, a commodity without predetermined value. First, how could an institutional structure, such as capitalism, dependent on female labor remaining in the 'home' allow their permanent fixture in productive labor? This question and sequence account leads us to the feminization of labor.

Regrettably, the feminization of labor derives from gender stereotypes originating from capitalism, which continues to endure with additional ethnic and cultural

stereotypes typical of those who belong to the lower socioeconomic class or undeveloped nation states. The manufacturing industries did not shift to a predominate female productive labor force overnight, an introduction of flexible work stations and an oppressive labor discipline<sup>lxxi</sup> meant to exploit gender attributes assist the transition. Aihwa Ong explores the presence of gender stereotypes encompassed with the development of the feminization of labor in the industrial modernization of Malaysia<sup>lxxii</sup>. While the feminization of labor that takes place in the Malaysian market in no way embodies a universal market transition, it can demonstrate the use of cultural controls and gender stereotypes in subjecting a large female work force. Before the transformation of the productive labor population, a modification of production methods must take place.

The introduction of transnational companies lured by the promise of export processing zones or “free trade zones”<sup>lxxiii</sup> has paved the way for female labor-intense manufacturing<sup>lxxiv</sup>. The export processing zone provides subsidiaries to transnational companies with minimum costs that include tax exemptions, low customs fees and autonomy of the geographical location of the production site, including workers.<sup>lxxv</sup> The nation state creates a state of exception within its own traditional territorial borders to ensure the accumulation of capital for the transitional company and in turn the nation state. In creating the economic processing zone, the nation state relinquishes sovereignty to a private entity thus turning over the Bios of the population found working and living within the new state of exception.

Acquiring autonomy over a new productive labor force is feasible through methods of production meant to keep the skilled worker from producing the final product on their own such as the Taylorist method. The Taylorist method separates the mental

tasks of production from the physical<sup>lxxvi</sup> in an effort to divide labor into easily controlled fragments of repetitive steps<sup>lxxvii</sup> intended to accelerate production. In doing so, the Taylorist method progressively de-skills the productive labor force creating a continual flow of semi-skilled cost effective labor minus the additional maintenance required of skilled long term labor. Early in the transition to the Taylorist method, organizers recognized that a male productive labor force cannot flourish under such conditions due to man's alleged superior intellect and skill. The ideal Taylorist labor force appears to be an all-female population who are "biologically suited"<sup>lxxviii</sup> to repetitive tasks with low intellectual stimulation.

"Biologically suited," the phrase promotes the targeting of gender stereotypes in selecting a labor population. In reference to the female physical physique numerous manufacturers focus on the petit proportions of the female stature, most notably the hands. "Her hands are small and she works fast with extreme care. Who, therefore, could be better qualified by *nature and inheritance* ...?"<sup>lxxix</sup> In addition to the female workers' natural dexterity, ethnic origin now dictates further biological characteristics or in this case skills suited toward the Taylorist method of production. "The oriental girl"<sup>lxxx</sup> holds numerous feminine traits tailored to the success of the assembly line such as fine eyesight adapted for assembling miniaturized components necessary in electronics manufacturing. "The assembly of components is a tedious job... [with] miniaturized components we feel that females are more dexterous and more patient than males."<sup>lxxxi</sup> Motherly traits traditionally utilized in the rearing of children prove beneficial to the factory floor as well citing patience and the ability to concentrate on routine work for a lengthy stretch of time.<sup>lxxxii</sup> The 'publicized' submissive and docile nature of "the oriental girl" only works

to further recommend female labor for the high employment turnover characteristic of transnational companies found within the economic processing zones of the developing world.<sup>lxxxiii</sup>

An unpleasant consequence for factory employees of the Taylorist methods utilized by management appears to be the high turnover rate of female labors.<sup>lxxxiv</sup> Generally not viewed as cost effective to an industry due to additional costs of training and severance packages, turnover has become a means for manufactures to lower production costs and reap the skills of young female labors while at their peak. “Since little skill was acquired in assembly work, it was no loss to the factory to replace an “old” operator with a fresh one who could be trained in two weeks to assemble component parts or mind machines.”<sup>lxxxv</sup> Furthermore, production costs can remain consistently low even if high turnover does not occur because the daily wage offer to the female productive laborer remains significantly lower than the male productive laborer.<sup>lxxxvi</sup> The same “biologically suited” traits that recommend the female laborer to the manufacturing industry, similarly dictate her production use-value or presence of non-value. The notions of capitalism and the division of productive/reproductive labor continue to influence how the female is perceived in the work place. The female productive labor may still only work towards a supplemental income while the male productive worker may earn the family-wage, according to the proper mechanisms of capitalism which is nothing more than an ideological fantasy of the past.

For better or worse, the female labor force has entered the productive labor market, not only disrupting the gender division of labor but expanding her interaction from the private to the public sector. An outcome unforeseen by transnational companies,



local governments and communities appears to be the persistent mass mobilization of women out of the home disrupting traditional structures. Furthermore, employment in ‘foreign’ transnational companies has led to the Westernization of a young female labor force making reintegration, upon termination into the home community difficult.<sup>lxxxvii</sup> Unknowingly the feminization of labor has brought forth a new mobile semi-skill labor force that the economic processing zone cannot sustain or contain within the confines of its autotomized territory. The transnational companies have no intention of maintaining their large work force evident through the policy of high turnover as a means to keep cost production low. Therefore, the developing nation state is left with a large unemployed female labor force that has become untethered to the local community creating a population pool ripe for emigration.<sup>lxxxviii</sup> Emigration occurs where auspicious employment opportunities appear abundant in the developed nation states of the First World near major nodes of production sites called the global city.

The global city,<sup>lxxxix</sup> a concept of Saskia Sassen, is based on the idea that the Third World or developing world resides within the borders of the First World<sup>xc</sup> due to three interconnecting occurrences. The first being the expansion of industrial manufacturing in the developing world seen through the creation of economic processing zones along with the feminization of labor described above. The second follows the return of industrial manufacturing to the developed nation states’ technological and financial hubs to consolidate all segments of production. The third manifestation is the combined growth of the specialized service sector and immigration of an unemployed foreign labor force into the new economic center that comprises the global city.<sup>xci</sup> This where we find the pool of unemployed semi-skilled female labor force of the developing

world, working in the heart of the global city's service or manufacturing sectors of the developed world.

The Third World migrates to service the First World in what can only be described as an urban domain as diverse as the globe itself, hence the name global city. The growth of consumer services can be attributed to the emergence of high-income positions within the financial and managerial sectors that foster a lifestyle of extravagance.<sup>xciii</sup> While the surplus labor population from the developing world fills the low-income positions within the new consumer service industry. Ideally the semi-skilled female labor force would find placement in the factories surrounding the global city, however manufactures have changed from a policy of high turnover toward downgrading.<sup>xciii</sup> Downgrading refers to the transformation of the production process to high-tech methods, or machine production, meant to accumulate capital while eliminating large employee populations. The smaller pools of high-skilled technical workers<sup>xciv</sup> displace the semi-skilled laborer from the formal manufacturing sector unceremoniously transplanting them into the informal service sector.

The informal service sector generates a surplus of low-wage jobs absorbing the inflow of immigrants because they require minimal training, language proficiency and are disposed to detrimental working hours.<sup>xcv</sup> The majority of these positions cater to maintaining high-income lifestyles,<sup>xcvi</sup> in particular performing the reproductive labor of the growing upper-middle class. While the most notable profession performing reproductive labor is the domestic worker, other specific trades include the nanny, personal cook, food caterer, decorator, laundress and others.<sup>xcvii</sup> The key characteristic of all reproductive labor occupations is that these tasks have traditionally been performed by

female family members for free. Some specialized reproductive trades do operate within the formal service sector with legitimate store front locations, advertisement, employee benefits as well as standardized working hours generating low-wage jobs with credibility such as the dry cleaners, day cares and professional carpet cleaners. Nevertheless the informal service sector holds numerous traditional full-time jack of all trades reproductive services that the immigrant female labor force will perform, for instance the domestic worker/maid and nanny who act as independent operators. The independent operator appears desirable when hiring a full-time staff member because working conditions, terms of employment and pay remain at the discretion of the home employer who can take advantage of immigrant labor.

The financial and industrial visionaries of the global city bring widespread economic disparity to the doors of the developed nation state contributing to the expansion of the lower socioeconomic class.<sup>xcviii</sup> Three pertinent conditions found within the global city introduce a hierarchy of power amongst the women who participate in the purchasing and selling of reproductive labor. (1) The introduction of women into productive labor. (2) The emergence of the informal service sector selling reproductive labor. (3) The increased mobility of the foreign female labor force. Utilizing these characteristics of the global city, Rhacel Salazar Parreñas devises a three-tier hierarchy of power in an attempt to explain the migration of reproductive laborers from developing to developed nation states called the international division of reproductive labor.<sup>xcix</sup>

The international division of reproductive labor focuses on gender inequality among women based on a division according to race, class and nationality that emerges within the confines of a global city that turns reproductive labor into a use-value

commodity. The mobility and introduction of female labor initiates a system of gender inequality that allows the transfer of reproductive labor among women in two separate nation states is referred to as the international transfer of caretaking.<sup>c</sup> The international transfer of caretaking occurs as an exchange of reproductive labor based on a three-tier hierarchy of reproductive labor that distinguishes between distinct class and labor output of female laborers. The top of the hierarchy represents the (1) class-privileged female productive laborer of the developed nation state, (2) mobile foreign reproductive/productive laborer of the developing nation state and (3) non-mobile reproductive/productive laborer of the developing nation state.<sup>ci</sup>

The international transfer of caretaking begins with the predominant presence of class-privileged female labor participating in productive labor, ideally as a domestic white-collar worker. The new female productive laborer suffers a double work day by attempting to juggle the responsibilities of both the office and home thus neglecting the reproductive labor of the home creating a niche for the growing service sector. Next the mobile foreign female labor force arrives in the global city searching for diminishing productive labor positions only to find employment within the new service sector. The second-tier, foreign female labor force, is hired by the first-tier female productive laborer to perform the reproductive labor of the household that she can no longer maintain on her own. The second-tier laborer leaves her household reproductive needs unattended due to her absence, producing the need for use-value reproductive labor in the home nation state. The third-tier of the international transfer of caretaking ends with the mobile foreign female laborer hiring the non-mobile female labor of her home nation state to

perform the reproductive labor of the household she left behind in her search for transitional employment opportunities.<sup>cii</sup>

The three-tier hierarchy dictates a sequence of “gradational decline in worth of reproductive labor”<sup>ciii</sup> based on class, race and citizenship as dictated through the international transfer of caretaking. As use-value commodified reproductive labor moves down the hierarchal ladder it declines in market value because “as care is made into a commodity, women with greater resources in the global economy can afford the best-quality care for their family. Conversely, the care given to those with fewer resources is usually worth less.”<sup>civ</sup> The female citizen of a developed, mostly Caucasian, nation state holds greater purchasing power than the mobile foreign female laborer holding citizenship of a developing nation state. Subsequently the mobile female laborer maintains a higher class status within her home nation state allowing greater purchasing power than the lower socioeconomic non-mobile minority female laborer. The transnational market has produced a need for declining use-value commodified reproductive labor at all socioeconomic levels in capitalist society.

The use-value commodification of reproductive labor based on class and race in the global market does not occur as a new phenomenon; however, the addition of citizenship status appears alongside the intertwining growth of the nation state and capitalist productive/reproductive labor system. The power to purchase reproductive labor no longer exclusively lies within the means of the wealthy but in a declining slope of citizenship as show in the three-tier hierarchy of international transfer of caretaking.

In coming full circle the transnational domestic worker finds herself within the gray area of the Continuum of Exploitation due to (1) the diminishing power of the nation

state; (2) the transformation of the nation state based citizenship to a market – driven citizenship; (3) the emergence of transnational migration eliminating the need for permanent resettlement; (4) the creation of transnational connections based on commodified nationalism; (5) the elimination of traditional capitalist household units; (6) the feminization of labor in productive manufacturing; (7) the emergence within the global city of the informal service sector; (8) the commodified use-value reproductive labor and (9) the development of international transfer of caretaking based on hierarchy of desirable citizenship and class. The domestic worker holds a specialized niche in the emerging transnational market maintaining the reproductive labor of the female productive labor in the developed and developing world. The only question that remains is how the nation state and the concept of citizenship will evolve to protect the growth of a transnational workforce that blurs traditional boundaries of state power.

## Chapter 2: Exporting Profitable Citizens

The domestic worker is marketed as though she were an inanimate household appliance: she comes in various models, goes on sale, includes a warranty, and can easily be replaced if the customer is not satisfied.<sup>cv</sup>

The transnational movement of female reproductive laborers across territorial borders is not solely made up of the migrant Filipina worker, who for the most part remains concentrated in care work.<sup>cvi</sup> The transnational migrant female labor comes from various national and racial backgrounds in both developing and developed nation states, seeking employment abroad in the growing informal service sector, as domestic workers, of the global cities.<sup>cvi</sup> The Philippine government offers a unique twist in that it supports a large government program that assists in the active recruitment and placement of its female citizens abroad to work as domestic workers.<sup>cvi</sup> In essence the island nation has managed to set up an export-oriented<sup>cix</sup> economy based on the selling of its female citizens' reproductive labor, cornering the emerging specialized 'niche'<sup>cx</sup> market of commodified reproductive labor.

Capitalizing on the reproductive manpower of one's citizens, while it may appear as a relatively new phenomenon, has been practice by various nation states for decades as a means of introducing foreign currency into the local economy. The Asian and Pacific region, in particularly the Philippines, has witnessed a steady out flow of migrant workers since the end of World War II.<sup>cx</sup> Over the years the Philippines has maintain a steady increase of exporting citizen productive and reproductive labor in the international labor market. Today the Philippine government estimates that more than 4 percent of the country's total population is overseas contract workers.<sup>cxii</sup> For the island nation of the Philippines overseas contract reproductive workers have provided the economy with one of its largest resources of foreign currency.<sup>cxiii</sup> In 2005 alone the government reported that

anywhere from US \$10 to \$12 billion dollars in foreign currency was generated by roughly one million overseas contract workers.<sup>cxiv</sup> In an effort to maintain the inflow of foreign currency the Philippine government has construct a state sanctioned program to monitor and assists citizens who wish to seek employment as overseas contract workers, the Philippine Overseas Employment Administration (POEA).<sup>cxv</sup>

Weighed down by hefty international debt policies implemented by the International Monetary Fund, the Philippine government has cut social services in an effort to maximize the nation's ability to settle its debts<sup>cxvi</sup>. The reduction of social services such as education, public works and health care appear as standard International Monetary Fund recommendations meant to ensure revenue, however, these policies also lead to the increase of reproductive labor that female family members must maintain in order to absorb the loss of government programs.<sup>cxvii</sup> “The policies of international debt won't work in their current form unless mothers and wives are willing to behave in ways that enable nervous regimes to adopt cost-cutting measures without forfeiting their political legitimacy.”<sup>cxviii</sup> Cynthia Enloe states that when a female national experiencing International Monetary Fund structural adjustment “decides to emigrate in order to make money as a domestic servant she is designing her own international debt policies. She is trying to cope with the loss of earning power and the rise in the cost of living at home by cleaning bathrooms in the country of the bankers.”<sup>cxix</sup>

The Philippine government has relied on feminized labor abroad and at home to sustain International Monetary Fund debt creditors. First the Filipina moved into productive labor finding employment on the local economy working on plantations, tourist resorts and the factories of the Economic Processing Zones that pump foreign



currency into the local economy.<sup>cxx</sup> Now dependency has shifted to the remittances of the overseas reproductive contract worker to ensure the inflow of foreign currency to sustain the island economy.<sup>cxxi</sup>

Initially referred to as the “manpower exchange programme”; the overseas contract workers government program began in 1974 under President Ferdinand Marcos to capitalize on productive and reproductive labor demands in the international labor market.<sup>cxxii</sup> Since its implantation the “manpower exchange programme” has remained a major contributor of foreign currency, leading the Philippine government to officially consider labor migration as an economic development strategy for excess labor that could not be absorbed by domestic production<sup>cxxiii</sup>. Officially becoming a government agency in 1984 the Philippine Overseas Employment Administration<sup>cxxiv</sup>, overseen by the Department of Labor and Employment, monitors the exit of its citizens and establishes labor conditions for all overseas contract employees.<sup>cxxv</sup> About 700,000 Filipinos have been deployed through the government agency each year in 1993 and 1994.<sup>cxxvi</sup> “In 1991, women constituted a larger proportion of the country’s overseas workforce (41 percent) than its domestic workforce (36 percent). Of those overseas, approximately 70 percent are women working as domestic servants in middle- and upper-class homes in Europe, Japan, and the Middle East, the United Kingdom, and the United States.”<sup>cxxvii</sup> The labor conditions set forth by the Philippine Overseas Employment Administration appear in all official labor contracts monitored by the administration thus legally binding the transnational employer to domestic standards of employment set forth by the Philippines. Nonetheless, in the case of the transnational migrant domestic worker the labor contract is not signed directly with each individual home employer but rather a foreign

recruitment agency, approved by the Philippine government, located in the host nation state with the authorization to uphold the labor conditions set by the Philippines government. In the end the home employer never legally agrees to labor conditions laid down by the Philippine government.

The influence of the Philippine Overseas Employment Administration does not end once the labor contract has been signed and the migrant worker heads overseas, the Philippine government attempts to demonstrate a continue presence in the Overseas Worker's Welfare Administration (OWWA). An official government office the Overseas Worker's Welfare Administration provides social services to migrant workers and their families as a means of government support in a foreign nation state. The Overseas Worker's Welfare Administration offers an array of services meant to ease the burden of transnational relocation and disruption of family life all migrant workers face. These services can include but not limited to housing, counseling, legal advice, life insurance and emergency travel assistance.<sup>cxxviii</sup>

The Philippine government does take precautions when exporting its citizens by offering essential services and legal protection however the administrations still remains powerless to implement said benefits in receiving nation states due to sovereign jurisdiction and lack of direct funding. While the Overseas Worker's Welfare Administration is an official government office it does not receive direct funding from the Philippine government. Instead the government collects mandatory membership fees from all participating migrant workers to cover basic operational costs and plans for the worst case scenarios.<sup>cxxix</sup> “In fact, as one high-ranking OWWA official informed me, most of the funds “sit” in an emergency release fund reserved to cover the cost of the

sudden mass deportation of Filipinos from high-risk destinations – for example, to evacuate Filipino contract workers from Israel if war were to break out there.”<sup>cxxx</sup> While the agency provides an extensive list of services it’s willing to apply, due to budgeting demands selective services are offered in various host nation states. Reduced to operating on a skeleton budget Overseas Worker’s Welfare Administration offices provide minimal hands on support and limits its self to a case by case basis.<sup>cxxxi</sup>

In addition to the office’s lack of financial power, the Overseas Worker’s Welfare Administration doesn’t have the authority to interfere in the sovereign law or jurisdiction of the host nation state on behalf of the transnational migrant worker. One such example occurs in a Saudi Arabia where a Philippine government welfare center was closed down “because the Saudi government thought that providing shelter to runaway maids constituted foreign intervention in their internal affairs.”<sup>cxxxii</sup> In attempting to protect its citizens abroad the Philippine government must struggle with the difficult task of defining what constitutes proper intervention without infringing on the sovereign power of the host nation state. Once again the situation diminishes the reach of sovereign power over foreign territorial borders putting the citizen or the migrant Filipina domestic worker in the state of exception.<sup>cxxxiii</sup> This realization brings into question the authority of the Philippine Overseas Employment Administration to administer and insure the labor conditions granted to migrant workers in overseas labor contracts when it can be view as unwarranted foreign intervention. “In Malaysia, for example, the “state is not legally bound to recognize contracts that are signed overseas”<sup>cxxxiv</sup>. Consequently, migrant Filipina domestic workers receive lower salaries and fewer rest days than those stipulated by the POEA as fair standards of employment.”<sup>cxxxv</sup> At every turn the Philippine

government meets with resistance to its attempts to extend sovereign protection for its citizens in foreign territories.

The Philippine government does not encourage its citizen to work aboard with the intention of being unable to provide protection, which is evident by the numerous offices dedicated to assisting overseas contract workers. Due to the uncertainty of the transnational market and lack of sovereign authority within foreign borders the Philippine government, unbeknownst to them, has made legal migrant Filipina domestic workers susceptible to becoming victims of Human Trafficking.

Prior to the raid a Filipina servant, Eva, consoled her friends who were complaining of long work days with no rest periods, by insisting “the law” and the Philippine embassy were on their side: “We have contracts. We show the employer contracts. They cannot do anything to us. We will tell the embassy. We can read. We know the law.” This small measure of potential protection that the embassy could offer was criticized greatly by a fellow compatriot Lita, who replied: “The embassy? They cannot do anything. They don’t care. You go no and see what they’ll do for you? Nothing! If I have a problem, I won’t go there.”<sup>cxxxvi</sup>

In spite of setbacks the island nation’s government endeavors to protect its citizens via embassies, consulates, and official government offices, like the Overseas Worker’s Welfare Administration, yet the Filipina domestic worker does not hold much faith in such agencies. While the government does offer assistance the Filipina domestic worker’s ability to reach her embassy for said assistance can be difficult due to various employment restraints. Even in light of the many misgivings the government and the transnational migrant worker continue to participate in overseas employment every year in search of sustainable foreign currency.<sup>cxxxvii</sup>

The accumulation of foreign currency enters the Philippine economy in the form of remittances which continues to be its second largest resource of foreign currency after electronics production.<sup>cxxxviii</sup> Remittances, a sizable portion of a migrant worker’s salary,

periodically arrive home via banks, checks or cash to support family members who remain on the island, which accounts for roughly 30 to 50 percent of the population.<sup>cxxxix</sup> “In 1994, the Central Bank of the Philippines recorded the receipt of \$2.9 billion in remittances by overseas workers. Remittances through informal channels have been estimated at \$6 to \$7 billion annually.”<sup>cxli</sup> Before the remittances can arrive to bolster the family and economy the government must actively recruit female citizens to work aboard as migrant domestic workers.

The recruitment of transnational migrant domestic workers takes place in true capitalistic fashion through government sanctioned propaganda. The Philippine government churns out positive propaganda on the virtues of domestic workers calling them “modern day heroes”<sup>cxlii</sup> of the small island nation, thus building her into an icon or simultaneous symbol if you will of the nation and the family. The government evokes the images of motherhood woven together with the national flag in an attempt to package the commodified reproductive labor of its female citizens and sell it to the highest bidder on the transnational market. Conversely, not even the domestic worker herself believes in the government propaganda fed to the masses. “Filipina domestic workers are aware that they are displaced from an economy that labels them as heroes, yet they know they are not rewarded for their heroism, because as heroes the country pushes them to leave with the knowledge that they cannot be protected as heroic citizens.”<sup>cxliii</sup> Once more the protection afforded by citizenship or the lack thereof while working abroad appears as a major concern of the migrant Filipina domestic worker.

We are called the living heroes or the new heroes. Yet why are we called “heroes” when we are slaves in other countries, Oh, OCWs (overseas contract workers) – the heroes without monuments. Yes, we earn a little bit more yet the pain of our bodies, minds and most of all feelings are equal to none. Why does the

government, instead of supporting our college graduates and youth and pushing them to strive in our country, actually allow them to leave the country yet without any sufficient protection as citizens? .... When can you finally provide us with a peaceful and simple life?<sup>cxliii</sup>

The migrant Filipina domestic worker recognizes the reality of what it means to sacrifice and suffer in silence through the loss of citizenship in an effort to support her family and government. The abuse and suffering of the migrant Filipina domestic worker represents the end product of the government's mass call to serve one's nation state through the selling of its commodified reproductive labor. First, the Philippine government's procedures in the transporting and packaging of the migrant Filipina domestic worker must be explored and compared to common trafficking networks in an effort to draw similar transnational connections of exploitation amongst legal and illegal migrant workers.

The Philippine government performs similar services to that of a trafficking network because regardless of the means the end goal remains the same, to connect the commodity with the buyer, in this case connecting the migrant Filipina domestic worker with the home employer. A key initial difference between the Philippine government and the common trafficking network is the nature of transportation across international borders. The Philippine government can and does provide legal means for its citizens to travel across international borders while trafficking networks take a more clandestine form of transportation. Once across the border the migrant worker in the hands of the trafficking network will be given to the next link in the chain, mostly likely a safe house of some sorts where the holder connects the commodity/migrant worker to the buyer. For the migrant domestic worker traveling with the Philippine government, upon arrival in the host nation state she enters under the tutelage of a recruitment agency who acts as the

holder connecting the commodified reproductive laborer to the home employer, concluding the subversive legalize exchange of Human Trafficking.

Recruitment agencies are not official representatives of the Philippine government but rather licensed foreign - based companies in the host nation state authorized to facilitate the legal transactions of placing the migrant Filipina domestic workers into the employer's home. A memorandum issued by the Philippine Overseas Employment Administration known as "MC 41" bans the use of personal contacts to locate employment abroad effectively making the use of recruitment agencies mandatory.<sup>cxliv</sup> While the Philippine Overseas Employment Administration does provide a list of government approved recruitment agencies the fees associated for such services come directly out of the pocket of the migrant Filipina domestic worker.<sup>cxlv</sup> The fees charged to the migrant domestic worker vary in accordance to the final destination or host nation state. Consequently numerous factors go to determining fees for each receiving nation state such as distance to the Philippines, potential wages<sup>cxlvi</sup> and the value of that nation state's foreign currency.

Recruitment agencies charge approximately U.S. \$600 in fees for a job placement in Hong Kong, where in 1993 the monthly salary of domestic workers, as stipulated by labor contracts, was H.K. \$3,200 (approximately U.S. \$410) (Constable, 1997) In Singapore, which is another low-cost destination, the average salary of foreign domestic worker is even less, amounting to only U.S. \$200 per month (Yeoh et al., 1999). In contrast, the average salary of domestic workers in Italy is much higher, as are fees charged by recruitment agencies, which in the early 1990s were not less than U.S. \$5,000.<sup>cxlvii</sup>

The pricing list set by recruitment agencies are meant to prevent an unwarranted influx of migrant Filipina domestic workers into the receiving nation states while funneling others into less congested countries. In an odd way these fees display a class

divide between the more affluent middle class and the poorer migrant Filipina domestic worker influencing their employment destination.<sup>cxlviii</sup> One will find a large number of highly educated women working in highly developed nation states such as Italy and the United States where legalized entry proves both time – consuming and costly.<sup>cxlix</sup>

The creation of these recruitment agencies were meant to control the inflow of migration into destination states and to curb the practice of illegal migration by providing a safe alternative. Along with government officials who have attempted to establish not only standard working conditions but a set market price for commodified reproductive labor. In a small way the Philippine government attempts to implement a soft form of job security to cover the inadequacies of citizenship and protect the civil rights of its migrant citizens. One can still argue that recruitment agencies are nothing more than informal warehouses where migrant Filipina domestic workers can be perused and purchased by potential employers. The main goal of a recruitment agency is to connect the migrant Filipina domestic worker to the potential home employer. In order to efficiently and effectively do so the recruitment agency brands and packages the migrant Filipina domestic worker to ensure she meets the needs of the transnational market buyer. Just as with any commodity, creating the correct branding and packaging to attract buyers takes a little research, time and large amounts of paperwork.

When connecting a migrant domestic worker with the correct home employer recruitment agencies attempt to provide a unique shopping experience similar to that of a dating service if you will allow the comparison. Potential home employers are asked to provide a list of any specific requirements deemed desirable in a domestic worker. Then recruitment agents provide the client with the files of prospective domestic workers such



as applications, videos and biographical packets that fit specific trait requirements listed by home employers.<sup>cl</sup> An application usually consists of a photograph of the migrant domestic worker along with a short personal essay that can take the form of a personal letter to prospective home employers.<sup>cli</sup>

Dear Sir and Ma'am in Hong Kong,  
My Father is a farmer and my mother is a housewife. We live in Isabella. I want to be a domestic worker because I want to work very hard to help my family earn money so we can send my younger brothers and sisters to school. I promise to work very hard and faithfully and to be honest and obedient if I can work for you in Hong Kong. When I work for you I promise that I will stay in Hong Kong and finish a two year contract.<sup>clii</sup>

Secondly, videos offered by recruitment agencies consist of the migrant domestic worker providing a personal introduction similar to that of a personal essay or a short interview conducted by the agent.<sup>cliii</sup> The interview consists of typical occupational questions, however, the domestic worker must “answer more personal questions concerning her age, marital status, religion, financial situation, and salary at her previous job.”<sup>cliv</sup> Finally a biographical packet appears as the equivalent to a commercial catalog where prospective buyers can compare each commodity’s assets. These packets contain numerous amounts of paperwork including a twenty – item questionnaire gauging the domestic worker’s ability to carry out common household tasks require by standard contracts.<sup>clv</sup> Traditional household chores such as washing, cooking, cleaning and babysitting appear on a wide ranging list mingling with nontraditional tasks demonstrating that the questionnaire not only gauges the migrant domestic worker’s ability to perform standard tasks but also anticipates additional nontraditional household tasks the home employer may request.

Among the questions were: “Are you willing to work if 50 percent of your salary is deducted to pay your debt? And “Are you willing to wash cars.” Some of these

questions, not only anticipate the indentured nature of transnational migrant female domestic labor, but also expand the tasks required of a domestic worker to include physical work outside of the house, e.g., washing cars, cleaning storm drains, and so forth.<sup>clvi</sup>

In jumbling nontraditional tasks along with common everyday tasks during initial commodified packaging recruitment agencies misrepresent the duties that migrant domestic workers are willing to perform for future home employers. While the migrant domestic worker believes she is only required to perform certain duties stated in her initial standard contract approved by the Philippine Overseas Employment Administration, the home employer assumes she will carry out all duties listed in the agency's questionnaire. Not only does the recruitment agency redefine the job description of the domestic worker to attract potential home employers but also includes product satisfaction guarantee along with any made purchase.

When one purchases an item in a store, catalog or online the seller provides a probationary period for the buyer to find satisfaction with the item purchased, such as the 30 day return rule, recruitment agencies offer similar guarantees. One such recruitment agency in Hong Kong offers new home employers a three month probationary period to find satisfaction with their newly acquired migrant domestic worker.<sup>clvii</sup> Not all agencies offer such generous grace periods, others offer a 30 – 40 day time-period to exchange their domestic worker and if satisfaction still cannot be found the home employer may return the domestic worker for a partial refund.<sup>clviii</sup> Either way, where a probationary period does exist some recruitment agencies offer a maintenance warranty of the current commodity before numerous exchanges can take place. Maintenance warranties come in the form of “reeducation” classes given by the recruitment agency so the domestic worker can be tailored to better fit the home employer's needs.

“Reeducation,” I was told by a client (employer of a foreign female domestic worker) of the particular agent, meant an overnight stay at an agency home wherein the domestic worker would be instructed to look down and away from the employer if and when the latter reprimand her. (Regardless of the circumstances, the servant would always have to apologize to her employer.)<sup>clix</sup>

“Reeducation” does not stop with the proper instructions on how to endure being reprimanded as if you were a five-year-old child. The migrant domestic work may be required to take courses in home economics, “basic courtesies and skills,”<sup>clx</sup> and child care. Many domestic workers find the so-called training degrading when the course topics run the gambit of how to plug in a vacuum cleaner to the proper use of washing machines. Even the Philippine Overseas Employment Administration introduced a two-week training course in 1994 in an effort to offset the need for “reeducation.”<sup>clxi</sup> In addition the migrant Filipina domestic worker is taught how to properly respond to her home employer because the best response is always “the employer is right.”<sup>clxii</sup> The response goes hand in hand with the deferential behavioral mannerisms<sup>clxiii</sup> taught to migrant domestic workers in order to display proper attitude toward the home employer. This involves “playing along”<sup>clxiv</sup> with the home employers’ perception that the migrant domestic worker is inferior to themselves. “In learning how to answer such questions “correctly,” no matter how much a woman feels she is just “playing along,” she begins to learn how to fit herself into the home employer’s desired mold, in some cases even by adjusting her age and her personal history.”<sup>clxv</sup> Some warn that the prescribed learned behavior of a migrant domestic worker while appears as a technique for self-preservation cause an internalize sense of inferiority.

Traditionally home employers hire migrant domestic workers who are perceived to be socially, racially and nationally inferior in an attempt to establish their dominance.

This need to establish supremacy over the domestic worker appears as common theme throughout the employer – employee relationship resulting in severe and even extreme actions against the migrant domestic worker. Hence the recruitment agencies, as part of the application process, instruct the domestic worker on how to “look the part” of the proper domestic worker in order to deter conflict and ensure employment.<sup>clxvi</sup>

The migrant domestic worker receives instructions on how to alter her appearance to please potential home employers such as cutting her hair short, removing finger nail polish, wearing little to no makeup, no jewelry and dressing modestly. The migrant Filipina domestic worker will even adjust her age to meet the necessary preference of potential home employers adding or subtracting years to fit into the ‘safe’ productive age bracket between twenty-five - thirty-five.<sup>clxvii</sup> “As I was told by agency staff in Hong Kong and by domestic workers, a prospective worker must look neat and tidy but not so attractive as to put off women employers.”<sup>clxviii</sup> The fear of putting off female home employers is genuine. Incidences of female home employers terminating contracts upon meeting the Filipina domestic worker for the first time due to “how beautiful she was” is not an uncommon occurrence.<sup>clxix</sup>

In January 1993 Christina, a 27-year-old unmarried Filipina, arrived in Hong Kong to begin work as a foreign domestic helper (or “FDH”). She told me several months later, Mrs. Wong, her employer, met her at Kai Tak airport. In the care on the way home, Mrs. Wong began their conversation by reciting a list of rules: “on your day off you must be home by 8 PM. You cannot wear dresses or skirts, only pants. You must keep your shoulders and upper arms covered at all times, and you cannot wear fingernail polish, jewelry, or perfume.” Furthermore, she said that Christina’s hair, which was thick and long at the time, had to be short. Mrs. Wong then proceeded directly to a barbershop where she instructed the barber to give Christina a “man’s cut.” Two days later Christina’s contract was abruptly terminated.<sup>clxx</sup>

In the recount above, the female home employer upon procuring her migrant Filipina domestic worker proceeds to establish dominance through physical alteration of the migrant domestic worker's appearance in cutting her hair as soon as she steps off the plane. Coupled with the additional rules established on how to dress and how to hold the carriage of her body the female home employer attempts to asexualize the Filipina, just like the recruitment agencies, in an effort to curtail the anxiety of hiring a migrant domestic worker. The presence of an 'other' female in the household can lead to feelings of inadequacy as a woman and fear of replacement within the household. The only aspect of reproductive labor the migrant Filipina domestic worker does not perform is the actual act of reproduction and this is what exactly where the female home employer fears becoming superfluous within the family. Of course the migrant domestic worker does not enter employment with the intention of replacing her female home employer in the family household, nevertheless, this fear remains pervasive with the majority of female home employers.

Intrusion upon the migrant domestic workers' physical appearance does not end with mere physical alterations; recruitment agencies exert further control through medical invasion of the body. Recruitment agencies require that migrant domestic workers submit to various physical examinations and medical tests that are required by a majority of receiving nation states as well as the Philippine government.<sup>clxxi</sup> Overseas employment contracts written by the Philippine government encourage medical intrusion and examination by potential home employers stating that "the Helper should submit his/her medical certificates to the Employer for inspection ... to scrutinize the medical certificates before sponsoring the Helper's application for an employment visa."<sup>clxxii</sup>

Domestic workers must present tests results on a number of diseases such as hepatitis, syphilis, herpes and other STDs. Even the migrant domestic worker's weight comes under scrutiny, with recruitment agencies setting "ideal weight" goals to ensure maximum productivity on the job.<sup>clxxiii</sup> Further contributing to promiscuous sexual stereotypes of the foreign migrant domestic worker recruitment agencies and home employers have felt compelled to require periodical pregnancy testing.<sup>clxxiv</sup> Far from being viewed as medical invasion all medical tests and procedures are done in the "best interests" of the migrant domestic worker to ensure her well-being and provide peace of mind to potential home employers when selecting a domestic worker.

Through medical invasion of the body we witness the complete conquest of the body by the recruitment agency application process and future home employer's expectations to fit a particular gendered prototypical. To finalize the brand packaging of the migrant domestic worker the recruitment agency provides a so-called "Code of Discipline"<sup>clxxv</sup> which is a list of accepted behavioral rules. The "Code of Discipline" is not only meant to curtail unwarranted behavior but to persuade the migrant domestic worker into accepting deplorable, even illegal, working conditions.

1. On your day off, you must be back home by 10:00 P.M. and you can never stay out overnight.
2. You can never ask for a salary advance or borrow money from your employer.
3. You can never receive collect international calls from your friends and relatives.
4. You can never use the telephone for international calls.
5. You can never use the phone without permission from your employer.
6. You can never bring your friends and relatives to the house of your employer.
7. You can never beat the children of your employer
8. You must be willing to adopt the ways your employer wants you to do the housework.
9. You must be willing to take care of children the ways your employer wants you to.
10. You must never go out without permission unless there is an emergency.

11. You must take care of your personal hygiene very well.
12. You must take your shower once a day before you take your rest at night.
13. You must brush your teeth at least once a day.
14. You must keep your fingernails short and clean.
15. You must keep your hair clean. Wash your hair at least twice a week.
16. You must perform all your duties as tidy as possible.
17. You must be hardworking. You must never use your work hours to do personal things.
18. You must be kind and patient to children.
19. You must be polite and respect all people in the family of your employer.
20. You must be honest and perform your duties faithfully.
21. You must not argue with your employer.
22. You must not show your temper to your employer or his/her children.
23. You must not use any personal belongings of your employer.
24. You must not take away any possessions of your employer or his/her family.
25. You must pay utmost attention to any instructions given by your employer.
26. You must follow every lawful instruction given by your employer.
27. You must not let strangers in unless you are under supervision of your employer.
28. You must inform your employer of any mistakes you commit.
29. You must not attend any religious rituals other than simple prayer before rest at night in the house of your employer.
30. You must contact [your agency in Hong Kong] whenever you have any problems in Hong Kong.<sup>clxxvi</sup>

Domestic workers may be asked to sign “Codes of Discipline”, like the one above, as personal oaths of conduct to be placed inside application packets which can be interpreted as part of an official contract that potential home employers will take seriously. Many employers and employees remain unaware that signed “Codes of Discipline” are illegal and “that the official government contract supersedes any agreements made with the agency or the employer.”<sup>clxxvii</sup> Therefore recruitment agencies and home employers are in breach of contract with the Philippine Overseas Employment Administration. Regardless that recruitment agencies and home employers appear to be in breach of contract at this point of the application process the migrant domestic worker enters into a separate employment contract with her new home employer. Now begins the cultivation of a unique employer – employee relationship based on various forms of

discipline to control the body of the migrant domestic worker in the unregulated private sphere.

Initially the home employer is lead to believe, by the actions of the recruitment agency, that the key to creating the proper employer – employee relationship is in establishing the migrant domestic worker as “girl – child incapable of making decision.”<sup>clxxviii</sup> In doing so this places the entire well-being of the migrant domestic worker subject to the home employer’s authority. The home employer has full power over “her body, her personality, her voice, and her emotions.”<sup>clxxix</sup> Not limiting control within the immediate household, the home employer concerned for the naïve migrant domestic worker feels the need to control all contact and influence outside the household as well.

Several Chinese employers commented that domestic workers could not be trusted to behave. Many employers considered themselves responsible for helping assure that a domestic worker “won’t get herself into trouble.” As one woman employer explained, “even the most well-intentioned domestic workers need a bit of help resisting [sexual temptations].”<sup>clxxx</sup>

Of course whether this move is in the best interest of the migrant domestic worker or the home employer remains speculative due to the rather personal interaction between all involved. The main concern shared by home employers does not appear to be job performance but presumed sexual promiscuity that can occur inside or outside the home. This fear underlines the stringent physical scrutiny and medical invasion that the migrant domestic workers undergo to secure employment in the first place. The lack of trust appears to be a main focal point hindering the growth of employer – employee relationships which are essential due to the intimate nature of the workplace, in this case the household. In order to facilitate a safe household environment for all involved local



governments and recruitment agencies recommend a set of standard rules of engagement.<sup>clxxxix</sup> Numerous precautions or rules utilized by the home employer to create a harmonious household can be construed as acts of exploitation and abuse against the migrant domestic worker. The level of abuse that a migrant domestic worker can receive in the household varies accordingly along the Continuum of Exploitation and the majority of these offenses remain hidden in the unregulated gray area of the home or private sector.

Any action of abuse toward the migrant domestic worker can begin on the smallest scale initially meant as a form of labor control by the home employer.<sup>clxxxix</sup> Home employers have been known to confiscate personal items to indoctrinate the idea that when the migrant Filipina domestic worker enters the household she is no longer an individual but rather a full-time employee.<sup>clxxxiii</sup> “She must obey her employer’s rules, even at night and in her own room.”<sup>clxxxiv</sup> Only once the migrant domestic worker’s contract terminates does she regain individuality.

The key to indoctrination within the household is to create a sense of isolation from the outside world by limiting contact with family, friends and others located outside the employer’s home. Home employers have been known to confiscate passports to ensure that the migrant domestic worker cannot travel without consent from the home employer. Employers may even seize address books in conjunction with banning or regulating the use of the telephone to minimize connect with family members or what the home employer may consider to be undesirable associates.<sup>clxxxv</sup> The practice of isolation continues with the threat of withholding salary, hindering the migrant domestic worker’s ability to participate in the local consumer market or mail home remittances to sustain the

home. The labor controls enacted so far establish the migrant domestic worker's position within the household as an employee who does not have a personal life outside the household further establishing her inferiority to the home employer.<sup>clxxxvi</sup>

Once seclusion within the household has been achieved the home employer enacts further segregation to separate the migrant domestic worker from all family members. Ideally all live – in domestic workers would receive private quarters separate from the family, a place that spatially distinguishes time on and off the job.<sup>clxxxvii</sup> Additional labor controls can be seen in the creation of the timetable or daily work schedules designed “to eliminate the danger of wasting time”<sup>clxxxviii</sup> while on the clock. The clock or job never stops for the migrant domestic worker when home employers withhold personal space. There have been incidences when migrant domestic workers have been ordered to sleep in the same room as infants, small children or the elderly to administer emergency care, indefinitely extending working hours.<sup>clxxxix</sup> Lack of personal space does not end here; migrant domestic workers have been ordered to sleep in hallways, kitchens, terraces and other interchangeable common spaces within the home as long as it doesn't inconvenience the home employer. By denying the migrant domestic worker a space to call her own the home employer reminds us that unlike other occupations a “maid” is on call twenty – four hours a day seven days a week, regardless of her physical and mental condition. The lack of personal space reduces the migrant domestic worker to the status of a home appliance that does not require rest, making the worker less than human thus justifying the poor treatment she receives in the home.

Home employers enact additional stringent labor controls based on the perceived sexual promiscuity of foreign female migrant laborers. The use of mandatory dress

codes<sup>cxv</sup> similar to those taught by recruitment agencies assist in asexualizing the migrant domestic worker in an effort to eliminate concerns of sexual advances. The anxiety of sexual advances appears to be a paradox of contradictory apprehensions. On the one hand the migrant domestic worker fears the sexual advances of the male home employer while the female home employer fears possible sexual advances on behalf of the migrant domestic worker toward her husband. Notably both the female participants of the employer – employee relationship fear the possible infidelity of the male home employer.

The domestic worker is the newcomer and in many cases has already been labeled as inherently promiscuous. Indeed, I met many women who come to the Mission for Filipino Domestic Worker (a nonprofit run mainly by Filipina volunteers) for legal or personal advice because male members of the household had made sexual advances and, in few cases, had attempted rape.<sup>cxvi</sup>

Sexual abuse, attempted or otherwise, remains the most severe and publicized form of exploitation that a migrant domestic worker can experience during home employment. Live – in domestic workers continue to be more susceptible due to stringent labor controls meant to enclose her inside the household. Traditionally, when incidences of abuse occur the migrant Filipina domestic worker rarely reports it to the proper authorities because she will be accused as the aggressor not the home employer. The social stigma pre-assigned to the migrant domestic worker as the foreign sexual aggressor poisons opportunities for a biased investigation with local authorities into accusations of sexual advances. Accused male home employers have been known to blame the sexual nature of the migrant domestic worker claiming entrapment.<sup>cxvii</sup> When a migrant domestic worker does find the courage to report incidences to the proper authorities it can take years and numerous additional incidences before justice will be served. “In a famous case, a forty-seven-year-old Filipina domestic worker, a widow and mother of five

children, charged her employer ... with five counts of indecent assault.<sup>»cxci</sup> The migrant domestic worker, Anastacia, first visited her local Philippine Consulate who decline to testify during trial. Not until Anastacia went to the police station with physical DNA evidence on her clothing did the local authorities take action and find the home employer guilty of sexual assault.<sup>cxci</sup>

The official statistics on employer related abuse toward foreign migrant domestic workers in major receiving nation states remain vague and speculative at best. “NGOs that lobby for migrant worker rights and/or counsel abuse foreign domestic workers argue that there are anywhere between five to ten unreported cases of abuse for every documented case.”<sup>»cxv</sup> Incidences of abuse can and do remain hidden for a number of cultural, personal and situational reasons. If and when the migrant Filipina domestic worker decides to seek advice from her origin nation state the Philippine embassy offers legal representation however faith in their ability to enforce standard labor conditions outlined in employment contracts remains uncertain. Even though when it comes down to it all and any abuse toward the migrant Filipina domestic worker appears as a breach of contract made with the Philippine Overseas Employment Administration. The Filipina recognizes her nation state’s powerlessness to fight on her behalf in a foreign nation state. Unfortunately, the majority of migrant Filipina domestic workers lack the opportunity to approach her home nation state embassy due the home employer’s labor restraints.

Indeed, in theory, foreign servants who are intent on filing complaints can leave their employers’ houses and take a taxi or bus ride to their respective embassies. Foreign servants who are not given any rest days and who are prohibited from using the telephone, receiving visitors, or leaving employer’s houses would not be able to do so.<sup>cxvi</sup>

Hidden in the employer's home many migrant Filipina domestic workers cannot report abuses to the Philippine embassy. Even though the government tries its best to make services available to its citizens it appears to not be enough in light of the situation. Once the migrant Filipina domestic worker returns home abuse continues to remain unreported due to fear of persecution with in the Philippine community who already looks down on the female migrant worker. This leads the migrant Filipina domestic worker to question her government; a government that she feels does not invest in its human capital but rather ships it away to reproduce in other nation states, thus denying her gifts to the home nation state.<sup>cxvii</sup> The migrant Filipina domestic worker continues to work overseas in droves despite the frustration and complaints acknowledge by all involved. The Philippine government does not want to discourage the steady out flow of migration, which maintains the inflow of foreign currency that assists in sustaining the island nation's struggling economy.

The place the migrant Filipina domestic worker holds within Philippine society appears inconsistent and shifts accordingly to national mood. On the one hand the Philippine Overseas Employment Administration churns out positive propaganda that paints the migrant domestic workers as modern – day heroes or saviors of the Philippine economy. While the other represents traditional Filipino patriarchal society that consistently questions the new position of the transnational female worker. Society views her as a marker of change, an attack on traditional gender norms and values that have shaped the Philippine culture for generations.<sup>cxviii</sup> Who would want to praise a woman that goes against tradition leaving her family without a mother to work abroad cleaning the homes of those who abuse her? Furthermore who would want to follow in these

women's footsteps to become a victim herself? The modern-day hero keeps silent in order to preserve their myth and hide their shame from those who would judge them.

Cultural ideology fuels the concept of filial piety where children care for their parent's economic stability due to strong belief of personal responsibility and loyalty to the family's overall survival. This perception remains different from contemporary Western expectations of child – parent relationship where children are not taught nor expected to care for their parent's economic welfare during their golden years. Commonly seen in Asian and Latino cultures filial piety permeates strong family values, since the Philippines has both strong Asian and Latino influences we can see how it remains an important element of the island's culture. In all related cultures filial piety takes on a gender slant, a son given every advantage abandons the family while daughters fully accept responsible.<sup>cxix</sup> The daughter acknowledges filial piety because caring for the elderly and younger siblings is reproductive labor and only women perform reproductive labor in 'traditional' societies. Filial piety steers toward the concept of remittances where migrant female workers send home the majority of their wages to sustain the family, which in turn supports the island's economy. Even if traditional filial piety dictates that the female family member (daughter, wife, etc.) must support her family the dominant structure of the patriarchal family counter acts against the modern – day hero stating that the male family member must financial support the family. It's confusing when Philippine society condemns the modern-day hero for taking advantage of the growing transnational market only to support her family even when tradition dictates that it must be so.

The greater mobility of women in the transnational labor market has caused a shift in gender assigned roles in Philippines culture. Customarily mainly men have participated as transnational workers in the shipping or oil manufacturing industry. Only recently has demand for migrant male laborers tapered off due to the influx of migrant female laborers in the growing commodified reproductive labor market. The mobility of the migrant female worker creates erosion in the patriarchal or capitalist family structure.<sup>cc</sup> If women leave the home to join the productive labor market who does that leave to perform the needed reproductive labor at home, the men? Throughout the span of colonialism the migration of men or fathers in the family is not viewed as damaging to the family structure for two main reasons. First, men have always been labeled as the primary breadwinners of the family therefore migration for work is viewed as a duty. Second, as the main proponent of productive labor the male has never been needed nor expected to perform the reproductive labor of the family.<sup>cci</sup> The absence of the father does not cripple the family as the absence of the mother does. Today the Philippine culture must recognize a reversal of traditional gender roles with the mother becoming the breadwinner and the father picking up the mantle of the nurturer of the family.<sup>ccii</sup> However, one cannot expect an entire cultural ideology of traditional family values to change within a mere decade or two. Change must come from the main participants of the family dichotomy, the mother and father. The mother has been able to transition from nurturer to breadwinner out of necessity recognizing the survival of the family depends on her ability to migrate for work. The same cannot be said of the father according to cultural stigmas engrained within the Philippine community.<sup>cciii</sup> The focus on the mother in the family dichotomy is due to her predestined role as the nurturer, which is highly

publicized not only through the community but school, religion and even publications.<sup>cciv</sup>

While the Philippine Overseas Employment Administration generates positive propaganda on the modern – day hero local organizations on the island counter act by producing negative propaganda on the absent mother.

A striking image on the December 1994 cover of the *Tining Filipino* shows a Filipino family surrounded with traditional holiday décor. The father, clutching a sleeping baby with his right hand, raises the traditional Christmas lantern by the window as his other son, who looks about five years old and holds onto a stuffed animal, is next to his older sister in her early teens. The family portrait evokes a feeling of holiday celebration as the caption states; “Pamilya’e Masaya Kung Sama-Sama” (The family is happy when everyone is together.). Yet the picture is not supposed to call forth an image of celebration but directs viewers to think of a “broke family,” as a very small highlights subcaption strategically placed next to the family portrait asks in Italian “pero dov’e mamma?” (but where is mama?) The subcaption reminds the readers that a mother, not a father is supposed to invoke a feeling of loss as the man, not the woman, cares for the family.<sup>ccv</sup>

The representation above attacks the creation of the new transnational household as well as unwittingly describing the reconfiguration of gender roles that encompass the change required of society. Here we have a father who is actively nurturing not one but three children of various ages and genders. The description above shows the family actively participating in a traditional holiday ritual without the assistance of the mother. The main point to take away from the negative propaganda is that family life continues without the presence of the mother. The children in the picture appear well fed, clean and loved. We also witness the active attentiveness of the father described as holding the infant thus demonstrating the male’s ability to nurture. In essence the negative propaganda produced by those who fear change in society has manufactured proof that change has occurred and has been successful.



Traditional society views the reversal of gender roles as the main threat to domestic bliss. In society's attempt to maintain the consistency of proper gender roles one overlooks the fact that these families are not suffering but prospering financially due to the migrant domestic worker's productivity. Rhacel Salazar Parreñas cites that migrant domestic workers have attempted to transform the intimacy between mother and child into relationships based on the accumulation of transnational goods.<sup>ccvi</sup>

While abroad many migrant Filipina domestic workers attempt to nurture through the greater availability of telecommunications in an effort to soften the shift of gender roles.<sup>ccvii</sup> Not for a lack of effort, many experience a loss of intimacy of day-to-day activities that tend to define a close family tie.<sup>ccviii</sup> The migrant Filipina domestic worker and her family try to not dwell on the loss of intimacy but rather focus on material gains and financial security made possible by remittances.<sup>ccix</sup> The idea that a new computer or home appliance can ease the pain of separation may appear as a naïve rather than realistic, however, for many families financial support means the difference between poverty and financial stability through the accumulation of commodities. Capitalism not only creates a special 'niche' for transnational commodified reproductive laborers to work abroad but also re-defines and regulates the new transnational family. In doing so the Philippine transnational community globally demonstrates how transnational capitalism can dictate and reshape the traditional family.

“Saang dako ka man ng mundo, Hong Kong, Australia, Singapore o Saudi, bablik at bablik ka rin...” (In whatever corner of the world you are in, Hong Kong, Australia, Singapore, or Saudi Arabia, you are eventually going to return...) so a song goes And just like species of birds who migrate from their place of origin during the winter season to another place, so they don't feel the pangs of coldness, we, too, migrant workers are bound to go home for good after our stint abroad. No matter how long it has been, what achievements we have accomplished and what factors have driven us to be home at last. At long, long last.<sup>ccx</sup>

The migrant Filipina domestic worker is just like a tropical bird migrating in search of warmer weather, no matter how long or where she flies the Filipina will always find her way home. In the end the Philippine government counts on the migrant domestic worker to return home with her accumulated wealth of foreign currency to demonstrate the economic stability that can be gained by those who chose to serve her nation state as modern day heroes. No one speaks about the numerous hardships and obstacles that Philippine's modern day heroes must overcome in order to keep up with the Joneses. (1) High application fees paid to the Philippine Overseas Employment Administration and recruitment agencies. (2) Physical and mental alteration undergone to attract employers. (3) Medical invasion of the body in the form of pregnancy and STD testing. (4) Poor working conditions in conflict with standard Philippine overseas contracts. (5) Isolation from friends, family and the outside world in general. (6) Abuse at the hands of the home employer. (7) Loss of intimacy with family members, mainly children. (8) Attacks from Philippine community for altering traditional family values and gender roles.

The listed hindrances only scratch the surface of what the migrant Filipina domestic worker meets on the road toward financial stability. The challenging work lays ahead in finding recourses to assist the migrant domestic worker in overcoming the globally institutionalized practices that exploit reproductive labor and the women who perform it. The migrant Filipina domestic worker being a transnational creature herself must find a transnational/international solution to provide legal options to protect her human and civil rights while working abroad.

### Chapter 3: Dissecting United Nations Protocol

The migrant Filipina domestic worker undergoes a number of so called “alterations” of her physical appearance and mental disposition to please potential home employers in hopes of finding a position within the transnational commodified reproductive labor market. Domestic governments and partner commercial agencies have done their best to provide assistance locating gainful employment in these markets, and yet fail to protect basic citizen rights once abroad. The sovereign power of a nation state simply cannot supersede another therefore the migrant domestic worker must look toward supranational entities, NGOs and transnational nonprofit agencies that can mediate upon her behalf. There are a number of organizations that the migrant domestic worker can turn to for assistance however the United Nations provides the most ideal mechanisms for a transnational arbitration between nation states and the migrant domestic worker. The United Nations is an entity that all nation states recognize and are a party to that creates and mandates international law meant to safe guard all mankind regardless of citizenship status. In particular the United Nations Office on Drugs and Crime<sup>ccxi</sup> answers the call to combat exploitation and abuses associated with the illegal movement of human beings across transnational territorial borders, i.e. Human Trafficking.

Before the migrant Filipina domestic worker can seek assistance from the United Nations Office on Drugs and Crime she must prove that Human Trafficking or smuggling took place. For those migrant domestic workers whose travel arrangements transpire under illegal circumstances the United Nations already grants protection under its protocol to stop migrant smuggling. “Smuggling migrants involves the procurement for financial or other material benefit of illegal entry of a person into a State of which that

person is not a national or resident.”<sup>ccxii</sup> According to the United Nations “human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them.”<sup>ccxiii</sup> The main difference between smuggling and trafficking is the motivation and mechanisms behind those perpetrating the crime. The smuggler will transport the individual from Point A to Point B for a large cash payment up front. Once across the border, if they make it, the migrant worker and the smuggler will go their separate ways ending further involvement. When trafficking takes place an organized crime group does more than just delivering the migrant worker from Point A to Point B. First the migrant worker is recruited through force, coercion or deception to travel illegally to a foreign nation state. Once in that nation state the organized crime group handles the migrant domestic worker exploiting and financially profiting from their productive/reproductive labor.

The migrant Filipina domestic worker who practices legal border crossing with the assistance of the Philippine Overseas Employment Administration does not fall under the jurisdiction of the United Nations Office on Drugs and Crime. Therefore in order to plead her case the migrant Filipina domestic worker must focus on the fundamentals of Human Trafficking and the exploitative consequences the victim/survivor endures.

The United Nations maintains a rigid set of black and white indicators of Human Trafficking that national and international law enforcement stringently follow in an effort to determine whose experience qualifies as such an extreme category of abuse. The intention of the following observation is to demonstrate how current accepted international protocols can assist and protect the civil and human rights of the law abiding migrant Filipina domestic worker’s unique transnational situation. For these purposes and

the sake of consistency only the United Nations Trafficking Protocol along with Annotated Guide and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>ccxiv</sup> will be utilized. The Annotated Guide consists of the Convention Against Transnational Organized Crime<sup>ccxv</sup>, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children<sup>ccxvi</sup>, and the Interpretative Notes<sup>ccxvii</sup>. The main reason for rejecting domestic law is that it remains biased toward migrant domestic workers therefore trust must be placed in international laws based on human rights rather than civil rights. In addition, domestic law is inconsistent with regards to Human Trafficking and the transnational nature of the migrant Filipinas' occupation. Nevertheless the practicality of strengthening domestic regulations is addressed through the United Nations Convention Against Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling<sup>ccxviii</sup>.

A plain straight-forward definition of who exactly qualifies as a trafficking victim/survivor does not appear in the preamble of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The opacity of the trafficking definition appears to be intentional so that future allowances can be taken to expand its influence and protection. A complex and limited definition of who must be fashioned together amongst the vague language of regulations set forth within the Protocol Article 3 Use of Terms.

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at minimum, the exploitation of the prostitution of other or other forms of

sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>ccxix</sup>

The definition of Human Trafficking has become based upon the destination situation, as in where the trafficked are forced or coerced to move. In straightforward terms Human Trafficking can be defined as the illegal movement of human beings across international borders into forced or coerced activity for profit. Limitations are apparent in that this definition ignores issues such as in state movement/trafficking and assumption that there cannot be a plausible voluntary choice amongst the victims/survivors to participate. Here is where migrant Filipina domestic workers encounters opposition in meeting United Nations criteria of Human Trafficking. The migrant Filipina domestic workers in this study utilize legal means of transnational movement i.e. Work Visas and Passports control through the Philippine Overseas Employment Administration which is a sanctioned government office. Nevertheless, one can argue that the Philippine government actively participates in the recruitment of migrant female laborers for the purpose of financially benefiting from the influx of foreign currency in the form of remittances to support the nation state's economy. The entire process can be viewed as an abuse of sovereign power that was meant to protect its citizens from becoming victims of exploitation through forced labor, coerced labor or fraud.

The United Nations Interpretative Notes<sup>ccxx</sup> states that “the travaux preparatoires should indicate that the reference to the abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.” Therefore when the Philippine government abuses the sovereign power granted to it by the people it falls under “travaux preparatoires” because the Philippine Overseas Employment Administration, an agency

of the Philippine government takes advantage of the vulnerability of its population's economic difficulties by convincing the Filipina that the only viable solution for financial stability is to seek employment overseas. While overseas the migrant Filipina domestic worker earns foreign currency that is mailed home periodically that financially benefits the Philippine government. Continuing with the United Nations Protocol on Human Trafficking the next section discusses the notion of consent and how it plays into trafficking when force, coercion or deception has been used to gain consent of the individual.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;<sup>ccxxi</sup>

Here the convention reiterates that consent is not possible when an individual is coerced or deceived into working conditions of servitude or slavery. Let's focus on the concept of consent with regards to the migrant Filipina domestic worker. The Philippine Overseas Employment Administration knowingly deceives the migrant Filipina domestic worker about the safety and labor conditions of her employment while working in a foreign nation state. The deception is that the Philippine government has any form of influence, control or knowledge of the Filipina's working conditions within a private foreign household. The key notion of Article 3 is that an individual cannot consent to a lie or deception about working conditions, which the Philippine Overseas Employment Administration and recruitment agencies cannot guarantee. The remainder of Section (c) and (d) of Article 3 do not pertain to this study because of the focus on the exploitation and trafficking of children. While a mammoth and unfortunate portion of Human

Trafficking consists of children, for the purposes of this study we will only focus on adult women i.e. migrant Filipina domestic workers.

The majority of the following Articles of the United Nations Convention Against Transnational Organized Crime and its Protocols focus on organized criminal groups and the scope of trafficking activity. Most importantly these Articles only cover trafficking on a large scale excluding trafficking of one or two individuals. Traditionally these Articles do not pertain to the case of the migrant Filipina domestic worker because the Philippine government and official offices cannot be recognized as an organized crime group due to the sovereignty of the state. Nevertheless, Articles 2 and 3.2 *Use of Terms: Scope of Application* provide an opening for the migrant Filipina domestic workers to build a case of Human Trafficking against the Philippine government as an organized criminal group based on the basic definition of the terms used in the protocol.

2(a) Organized criminal group shall mean a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established [by] the Convention [or Trafficking Protocol], in order to obtain, directly or indirectly, a financial or other material benefit.<sup>ccxxii</sup>

Calling the Philippine government and official offices an organized crime group may take things a tad too far because the government is an elected entity of the people meant to combat organized crime groups, however, these entities do operate as an organized group who work for an indefinite period of time with the aim of recruiting female citizens to work abroad in order for the government to receive indirect financial benefits in the form of foreign currency. Specifically the Philippine Overseas Employment Administration can be representative of an organized criminal group within the official government. The Philippine Overseas Employment Administration is a large



government office with satellite sites around the world with the aim to establish migrant domestic workers into positions of employment so the government can indirectly receive financial benefits from the inflow of foreign currency through the worker's remittances.

At this point we run into the situation of who has the authority to order or even suggest an overview of the Philippine Overseas Employment Administration and in turn the Philippine government. A nation state is an autonomous entity that cannot be arraigned by any known supranational court without relinquishing sovereign privileges. Yet, further support for analysis of the Philippine Overseas Employment Administration can be found in the following Article 3.2, which provides parameters for transnational offences which ironically is the unique complication that encompasses the plight of the migrant Filipina domestic worker.

3.2 ... an offence is transnational in nature if:

- (a) It is committed in more than one State;
- (b) It is committed in one State but a substantial part of its preparation, planning, directing or control takes place in another State'
- (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) It is committed in one State but has substantial effects in another State.

The above Article outlines four key points in order for an offence to be transnational in nature. Right away the migrant Filipina domestic worker can utilize point (a) because through the Philippine Overseas Employment Administration she can be placed in a number of foreign nation states across the globe for employment. Point (b) recognizes that the planning and preparation to place a migrant domestic worker overseas transpires outside the receiving nation state and begins at home in the origin nation state, the Philippines. I will shy away from point (c) on the mere fact that once in the host nation state the recruitment agency takes control of the migrant domestic worker, while

these recruitment agencies are licensed by the Philippine government they are not official government offices of the Philippine Overseas Employment Administration. The last and main point (d) represents the means to an end mentality the migrant Filipina domestic worker keeps with her throughout the entire ordeal. The substantial effects arrive in the millions of dollars' worth of foreign currency that enters the origin nation state through remittances sent home to support the families left behind. In addition the abuse that migrant domestic worker endures at the hands of inexperienced home employers leave lasting effects that the Filipina brings home to the Philippines. While the transnational offences occur in a foreign nation state true consequences are felt in the Philippine culture and family waiting back home.

In the following Sections and Articles of the Protocol one becomes aware of the protections put in place to assist victims/survivors of Human Trafficking. A major quandary that appears with regard to the migrant Filipina domestic worker's unique situation is that the origin nation state is responsible for safeguarding victims/survivors of Human Trafficking. How can the origin nation state be responsible for the safety of its citizens when they are accountable for the transnational offences against the migrant Filipina domestic worker?

Another point of controversy hindering the acceptance of the migrant Filipina domestic worker as a trafficked person happens to be that incidences of exploitation are viewed as a singular incident rather than a collective. The abuses of the migrant domestic worker appear singular due to the fact that that the Filipina labors alone within her employer's household. The situation however of the migrant Filipina domestic worker is collective due to the level of organization that takes place in planning and preparing her

for transnational movement across borders. The Philippine Overseas Employment Administration does not just send one person at a time to work abroad but rather thousands a year, making the transnational offence a collective organized movement.

The United Nations Convention Against Transnational Organized Crime and its Protocols is customarily concerned about the interactions between the victim and organized criminal group who procures the means to perform clandestine border crossings as well as the individual who commit acts of abuse. Technically one can argue that the situation the migrant Filipina domestic worker finds herself in is actually a domestic dispute because it's between the nation state and the citizen. The Protocol does take into account the difficulties domestic situations arise under Article 3.2 on transnational offenses because in the end a transgression against a citizen is a domestic matter. In response Article 34.2 has been written to combat any situations that cannot be covered by the previous Articles.

34.2 The offences established in accordance with articles 5, 6, 8 and 23 of this Convention shall be established in the domestic law of each State party independently of the transnational nature or the involvement of an organized criminal group as described in article 3, paragraph 2, of this Convention, except to the extent that article 5 of this Convention would require the involvement of an organized criminal group.<sup>ccxxiii</sup>

The above establishes that by signing the United Nations Convention Against Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling the nation state agrees to independently apply the protocols' principles into domestic law regardless of its transnational nature and direct involvement of organized criminal groups. This places the responsibility to prevent initial organization to commit Human Trafficking square on the shoulders of the nation state and domestic law. Once

again the power to act is placed in the hands of the very government perpetuating the crime.

Turning to the Recommended Principles and Guidelines on Human Rights and Human Trafficking<sup>ccxxiv</sup> presented by the United Nations Economic and Social Council<sup>ccxxv</sup>. Guideline 2: Identification of Trafficked Persons and Traffickers assists in driving home the points made when reviewing Article 3 of United Nations Convention Against Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling.

Trafficking means much more than the organized movement of persons for profit. The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion, and/or deception throughout or at some stage in the process – such as deception, force or coercion being used for the purpose of exploitation. While the additional elements that distinguish trafficking from migrant smuggling may sometimes be obvious, in many cases they are difficult to prove without active investigation. A failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. States are therefore under an obligation to ensure that such identification can and does take place.<sup>ccxxvi</sup>

Again we witness the use of the word deception as a key term that could be used in the defense of the migrant Filipina domestic worker. Throughout the entire process the Filipina is deceived by the Philippine Overseas Employment Administration, recruitment agency, home employer, Philippine community and finally by each other of the unforeseen consequences of overseas contract employment. No one is willing to state that anything immoral or possibly illegal is occurring when the entire operation is based on the exploitation of an individual's reproductive labor through the means of legalized Human Trafficking for profit. First, the Philippine Overseas Employment Administration spreads deceitful propaganda to coerce Filipinas into entering the government's

transnational commodified reproductive labor program. Second, the Philippine Overseas Employment Administration assists in procuring the proper travel documents for the migrant domestic worker to travel abroad for a substantial fee. Third, once overseas the recruitment agency coerces the migrant Filipina domestic worker into altering her physical appearance and mental well-being in order to please potential employers. Fourth, the home employer uses force to ensure maximum use of the product or human being they bought to perform commodified reproductive labor. It's a vicious cycle utilizing coercion, forced labor and deception in procuring migrant Filipina domestic workers to travel overseas to seek gainful employment in order to bring foreign currency back to the Philippine economy. In the end the migrant Filipina domestic worker ends up in the same predicament, how can a nation state that perpetuates the abuse of its citizen in a cycle of legalized Human Trafficking be held accountable when the nation state retains the sovereign power to do so without interference?

Until recently Human Trafficking has only been viewed as a crime committed by an organized criminal group transporting and exploiting one or more vulnerable docile bodies for financial profit. The concept of a nation state practicing Human Trafficking of its own citizens appears as a bastardization of the social contract drawn up between the nation state and its' citizen population. This turn of events witnesses the continued devaluation of citizenship, corruption of sovereign power and diminishing significance we as human beings place upon humanity. In the end, we must ask ourselves when it became acceptable for a nation state to sell its own citizens' labor as commodities on the global market as well as debase the authority we the masses give to a sovereign entity in exchange for the protection attached to the traditional social contract.

The United Nations has recognized the growth of the international labor market as well as future incidences that may arise due to the undefined international labor standards which are evident in the case of the migrant Filipina domestic worker. Therefore the United Nations has drafted a new convention in the past decade called the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>ccxxvii</sup> The United Nations General Assembly adopted the UN Convention on Migrant Workers on December 18, 1990.<sup>ccxxviii</sup> Many view the new UN Convention as another layer of protection covering the Human Rights of migrant workers<sup>ccxxix</sup>, however, others feel it falls short by depending on national legislation for real protection.<sup>ccxxx</sup> Juhani Lonrot questions if the UN Convention can provide protection to the migrant female domestic worker due to its “equal treatment” approach<sup>ccxxxi</sup> to international labor standards.

This principle implies that an individual must be treated on a nondiscriminatory basis irrespective of a number of characteristics, including nationality. The determination of standards according to which migrant workers and indigenous workers should be treated on equal terms are left to the national legislation or other international instruments.<sup>ccxxxii</sup>

Once again the protection of the migrant female domestic worker falls into the hands of domestic law which the receiving nation state continues to willfully ignore. This statement also leads to the conclusion that if domestic law fails to protect the migrant female domestic worker some other form of intentional legislation will, however who that would be is not stated.<sup>ccxxxiii</sup> The UN Convention on Migrant Workers does provide particular protections that many migrant domestic workers find lacking with regards to standard living and working conditions such as Article 25.

Article 25

1. Migrant workers shall enjoy not less favorable than that which applies to national of the of the State of employment in respect of remuneration and:
  - (a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these term;
  - (b) Other terms of employment, that is to say, minimum age of employment, restriction on work and any other matters which, according to national law and practice, are considered a term of employment.
2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article.
3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.<sup>ccxxxiv</sup>

Supporters of the UN Convention highlight additional Human Rights precautions that have been added in Part III of the Convention that contain Articles 8 – 35.<sup>ccxxxv</sup> Geertje Lycklama à Nijeholt chose to focus on Article 10 that states “No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>ccxxxvi</sup> Nonetheless, other experts such as Shirley Hune criticize the narrow interpretations on Human Rights provided in Part III of the UN Convention stating that it fails to recognize “women’s vulnerability as victims of prostitution and sexual entertainment, sexual abuses such as rape and other forms of violence and harassment...”<sup>ccxxxvii</sup> In addition Lycklama à Nijeholt finds that while the UN Convention does recognize that both men and women participate as migrant laborers through the use of gender appropriate terms, it fails to acknowledge the difference between gender specific occupations<sup>ccxxxviii</sup>. The clarification between gender specific occupations is important because women’s work and men’s work differ in location and

labor expectations.<sup>ccxxxix</sup> Women's work generally occurs in the private sphere of the household performing reproductive labor while the majority of men's work takes place outside the home in the public sphere performing productive labor. Therefore, dissimilar coverage is required to ensure that all migrant workers, regardless of gender and occupation, can find protection under the convention.

Being the first of its kind in international law the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>ccxli</sup> remains an historical piece of international legislation that takes us in the right direction toward universal labor rights that are able to cross sovereign territorial borders. This UN Convention does not provide all the answers for the migrant Filipina domestic worker because nation states still have the choice to denounce or interpret the legislation in their own manner, making enforcement of the legislation tentative at best. Nonetheless, if the answer to the plight of the migrant domestic worker is to be found it must be found in a nonbiased international forum, such as the United Nations, where all can be involved.



## Chapter 4: What Happens Next?

At this point the majority of observations culminate into a twelve point program or “How to” list of actions to be taken in order to resolve all major concerns pointed out in the outlined arguments. When it comes to the abuse of sovereignty and citizenship there is no one size fits all solution. The idea of revamping an entire political system, dismantling global markets and restructuring the nation state remains nothing more than an idealist view point based on the hopes of a utopian society. Nonetheless, chalking up the plight of the migrant Filipina domestic worker as an unfortunate consequence of capitalism feeds into a “the ends justify the means” mentality that the capitalist system thrives on. Change must occur, however it needs to begin from the bottom up not the top down. In order for true change to take place it must begin with the individual. True change cannot come from a government mandate. It must begin as an idea in the heart and mind of the people for it to have real meaning. Once society as a whole believes in the idea it can become law thus creating significant and lasting change

The migrant Filipina domestic worker has an obligation to herself and future colleagues to initiate change in the Philippine Overseas Employment Administration, recruitment agencies and potential home employers. In beginning from the ground up, reeducation starts at the home renovating cultural and social ideologies that teach us to undervalue commodified reproductive labor and the women who perform it. Therefore, in the spirit of social revolution I shall begin with a synopsis my own family.

My parents currently reside in Bangkok with the United States Department of State Embassy Mission in Thailand. Traditionally Thailand is not viewed as a receiving nation state but rather the third largest sending nation state of migrant domestic

workers<sup>ccxli</sup> most notably to Hong Kong.<sup>ccxlii</sup> However, recently Thailand has found itself shifting into a receiving nation state for Burmese migrant workers to combat “local labour moving upmarket in search of better work for higher wages.”<sup>ccxliii</sup> In all their twenty-seven years of marriage while caring for two highly demanding daughters on numerous continents they have never found the need for a domestic worker until now. While my parents’ part-time domestic worker is not Filipina I feel this still pertains to the social revolution that the situation calls for.

Planted by various friends and co-workers from within the embassy, the idea to employ a part-time domestic worker took grasp of my parents practically overnight. Nevertheless, before my parents did decide to hire a part-time domestic worker we as a family discussed the social ramifications of such a move. First, my sister and I no longer live with my parents significantly eliminating fifty percent of the reproductive labor my parents have to perform. Secondly, both my parents perform reproductive labor on a daily bases sharing the burden of the double work day. Third, my mother’s job keeps her and my father traveling for at least 4 months or more out of the year therefore eliminating a significant period of time when reproductive labor would be performed in their household. Fourth, my father is a tidy man who prefers to do his own laundry and clean his own personal space within the household. Lastly, my mother utilizes cooking as a stress reliever from her high pressure occupation.

Next my parents provided the following reasons why they were considering becoming home employers. A paramount reason appears to be that at the time my mother injured her back, severely limiting her mobility for a substantial period of time. During her recovery friends and neighbors sent their part-time domestic workers in shifts

to care for my mother when my father had to attend to the office, giving my parents firsthand experience on how useful a part-time domestic worker can be in a crisis situation. In addition, the doctor does not recommend that she perform strenuous any tasks that involve heavy lifting until she fully recovers. Unfortunately, my mother has been trying to fully recover for the past two years, but due to her unwillingness to rest and recognize signs of fatigue she continuously experiences relapses. In the end my parents presented me with an argument comprised of practical motivations, however, it continued to raise ethical debates with regards to my own viewpoint that has been evident throughout my observation.

For the most part my parents have been able to indulge in luxuries that were once viewed as costly due to the low cost of living in Thailand. While cost effect, the luxury of a domestic worker introduces ethical, racial and class implications that conflict with political ideologies my family has held for decades, in particular the right to a living wage and fair labor conditions that numerous relatives have lobbied and protested for on behalf migrant farm workers. Therefore, to hire a foreign national to perform commodified reproduction labor for exceptionally less pay, on her own native soil, than the domestic worker's counterpart in the United States represents an elitist lifestyle that takes advantage of economic disparity. The question that perplexed my parents was what is the standard wage for a part-time domestic worker and does it meet the standard living wage in Thailand. Since there are no courses one can take on becoming a home employer that discuss standard wages, guidance was freely received from numerous home employers currently assigned to the U.S. Embassy Mission in Bangkok. It has been stated through general gossip around the embassy compound that all home employers attempt

follow a set salary for part-time domestic workers in an effort to standardize salary rates. My mother assured me that the salary rates met the standard living wage in Thailand and that by hiring a part-time domestic worker they would be providing an employment opportunity where it may have been nonexistent.

The fact that both my parents work full-time jobs, a little assistance at home twice a week does not seem an endorsement for at-home slavery but rather an acknowledgment that one cannot do it all thus providing a practical motive for procuring a part-time domestic worker. Ironically, the female productive labor of the First World prescribes to similar motivators that lead my parents into becoming home employers in order to obtain some relief from the double work day. In the end it appears my own parents have fallen into Rhacel Salazar Parreñas' three-tier hierarchy of international transfer of caretaking<sup>ccxliiv</sup> where the First World productive laborer procures the reproductive labor of the Third World to perform the reproductive labor of the First World household.

While I can understand and validate my parents' reasons for hiring a part-time domestic worker, I do not know if I could enter into the home employer – employee relationship myself because it perpetuates the exploitation of vulnerable docile bodies. Recently the situation has presented itself while shopping with my husband, Peter, on Yongsan U.S. Army Garrison<sup>ccxlv</sup>, a military facility that he has been assigned to in South Korea. We were perusing the message board located in the food court for pre-owned vehicle advertisements when I came across an advertisement for domestic services. My initial response was to take a picture which I did hastily, startling Peter. Once the flash subsided I explained to Peter that this particular advertisement caught my eye because the

first piece of information that the domestic worker felt vital to express happened to be her nationality.

Part-time Nanny & Housekeeper

Hello, I am a Filipina lady looking for a position as a nanny and housekeeper. I have lots of experience housekeeping and caring for children both young and old. I am great with infants, young children as well as older kids. I am available Monday from 1:00 PM – 5:00 PM and Friday from 09:00 AM – 5:00 PM. I can provide references if needed. Call Below number to set-up interview.<sup>ccxlvii</sup>

National and ethnic preferences on the part of the home employer greatly influences where migrant Filipina domestic workers seek overseas employment. In this case the migrant domestic worker is capitalizing on that fact that Filipinas remain highly sought after in affluent Asian global cities such as Singapore, Taiwan, Hong Kong and Seoul<sup>ccxlviii</sup>. “When it comes to caring for their children, some employers prefer Filipina nanny/housekeepers because they speak English well (English is the official language of schools and universities in the Philippines), and because they tend to be highly educated.”<sup>ccxlviii</sup> These qualifications endear the migrant Filipina domestic worker to the home employer who not only wishes to have their children cared for but simultaneously educated in a foreign language that dominates the global market. The Filipina who wrote this particular advertisement knows what skills home employers in Seoul seek in a domestic worker and attempts to capitalize on the qualities she possess.

After explaining my particular fascination with the ingenuity that the Filipina domestic worker utilized in placing her advertisement, Peter asked me if I have given any thought to employing a part-time domestic worker for our new home. Now I found myself asking the same question I presented to my parents when we began discussing the possibility of them employing a part-time domestic worker. Would I hire a domestic

worker given my fears of what such an action implies ethically, socially and politically about me and the academic path I have chosen to pursue?

My response to Peter was a firm no; I do not need nor want a part-time domestic worker. I followed my response with an inquiry of my own, why did he ask? Peter said he assumed I was interested in hiring a part-time domestic worker because I took a picture of the advertisement. Secondly, he noticed that I do not enjoy certain aspects of housekeeping such as scrubbing the bathroom and vacuuming therefore thought a part-time domestic worker would be a plausible alternative. Initially I responded that I do not clean and cook because I enjoy it. I do it because I love him and want to take care of him. Furthermore, we do not need a part-time domestic worker because I am currently unemployed. I also expressed my deep concerns about becoming a home employer. How much do I pay a part-time domestic worker? What is the standard living wage in Seoul? These were questions I was not ready to answer. Unlike my parents I could not find a practical reason to hire a part-time domestic worker other than the fact that we can afford to do so. Unfortunately, many individuals hire part-time and full-time domestic workers as a marker of wealth and affluence.<sup>ccxlix</sup>

The conversation did not end with my objections. Peter could not understand some of my initial fears because his family has employed a part-time domestic worker for a little over twenty-eight years, Rosa. One of the first things that came out of Peter's mouth when describing the family's relationship with Rosa happened to be a familiar phrase that has plagued domestic workers for decades "She is just like one of the Family."<sup>cci</sup> Of course Alice Childress and I have our doubts with regards to the loosely used phrase, however my husband, being the genuinely naive and kind person that he is,

truly believes this, seeing as Rosa has been with the family since Peter was born. While I do not want to hire a part-time domestic worker myself, I understand why Peter's parents chose to become home employers.

My husband comes from a very large Catholic family of twelve children. Both my mother-in-law and father-in-law work as Professors of Philosophy at the Pontificia Universidad Católica de Puerto Rico<sup>ccli</sup>. While my mother-in-law only works part – time, raising twelve children is no easy task and a full – time job in itself. Therefore the decision to hire a part – time domestic worker to assist with household tasks does not appear as an unreasonable solution. Conversely, a part-time domestic worker does not sound like a cost-effective luxury a college Professor can afford when raising twelve children. Taking a page from my own parents, hiring a part-time domestic worker is possible due to the low cost of living on the island of Puerto Rico. Once again the inexpensive cost of hiring a part-time domestic worker appears as a strong indicator when purchasing commodified reproductive labor.

Through numerous family discussions I first attempted to convey the transnational market motivations and delicate social standing domestic workers find themselves in with regards to the commodified reproductive labor market. Secondly, my family educated me on the numerous practical motivations why one would hire a domestic worker, while at the same time reaffirming that commodified reproductive labor continues to be viewed as cheap devalued labor in the domestic worker's origin nation state. This becomes evident in both family situations where affluent First World citizens move abroad to a lesser-developed nation state and take advantage of inexpensive Third World labor. On a personal level “reeducation” does not appear one hundred percent successful with my

own family, however, an exciting exchange of information took place that enable me to impart my own thoughts and learn from their own on the subject matter. Revolution on an individual case can and does extend past one's own family and friends. It has taken hold on a grass roots scale where individuals collectively join to change the world.

Global social movements have begun based upon supporting women's reproductive labor/care work particularly in the Third World. One such movement is the Global Women's Strike, an international grassroots organization that advocates for the reinvestment of military budgets into women's unwaged care work in the Investing in Caring Not Killing campaign. The Investing in Caring Not Killing campaign is a global network of grassroots organizations in over sixty countries that holds an annual global strike of 'care work' that encompasses female productive and reproductive workers in the service sector, informal economy and within personal family household units. "The Strike establishes that as careers, waged or unwaged, we are always WORKERS, and that we have the power to bring the whole economy to a halt. That's what women did in Iceland on 24 October 1975. They said, WHEN WOMEN STOP, EVERYTHING STOPS."<sup>cciii</sup> For eight years the Global Women's Strike has sent a list of demands with the goal to right the injustices that those in power commit against the women and girls who are left to perform the care work of society without support from the nation state.

#### Our Demands

- Payment for all caring work – in wages, pensions, land & other resources. What is more valuable than raising children & caring for others? Invest in Welfare, not military budgets or prisons.
- Pay equity for all, women & men, in the global market.
- Food security for breastfeeding mothers, paid maternity leave and maternity breaks. Stop penalizing us for being women.
- Don't pay 'Third World debt'. We owe nothing, they owe us.
- Accessible clean water, healthcare, housing, transportation and literacy.



- Non-polluting energy & technology which shortens the hours we work. We all need cookers, fridges, washing machines, computers, & time off!
  - Protection & asylum from all violence & persecution, including by family members & people in positions of authority.
  - Freedom of movement. Capital travels freely, why not people?
- (Global Women's Strike, 1999)<sup>ccliii</sup>

The demands of the Global Women's Strike pertain to the predicament of the reproductive laborer working as a domestic worker, nurse, nanny and all other occupations of care work that must travel near or far from home to support her family and the nation state. The first demand in particular shows concern for the undervalued reproductive labor that mothers, daughters, sisters, grandmothers and other women perform on a daily basis without support from the nation state that has removed all necessary social services in order to supplement budgets elsewhere. Therefore the majority of reproductive labor performed is done for free because governments do not see the value in providing for what can be accomplished at home. The second point calling for equal pay among the sexes has been reiterated since the Suffrage Movement when Alice Paul first introduced the Equal Rights Amendment to the United States Congress on December 10, 1923.<sup>ccliv</sup> While the call to have equal pay standardized on a global scale proves admirable, initial difficulties can emerge due to various gaps among the cost a living between nation states. I am not saying equal pay could never be globally standardized in the future, it just has numerous hurdles to overcome due to the growth of economic disparity and the continuous fluctuations of global currency rates. Nevertheless, the need for a decent wage, health care, retirement and other employment benefits for care workers have been ignored consistently due to the non-value assigned to reproductive labor. While maternity leave is widely available in the developed world with slow enclaves in the undeveloped world, food security for breastfeeding mothers is an

innovation ahead of its time for all. In addition, the idea to immediately stop ALL payments on foreign debts is a daring and worthy endeavor; however, NGOs such as the International Monetary Fund would find this particular demand irrational and would place many nation states in breach of loan contracts. The following demand for accessibility to basic needs like clean water, housing, transportation, clean technology and education are universal goals for all working toward development. Finally the desire to live free of persecution and without restraint from nation states represents the goals of the United Nations and other regional organizations around the globe. The demands listed by the Global Women's Strike are not only feasible but resonate with goals of all working toward the global acceptance of care work as productive labor.

Reproductive labor performed by care workers not only maintains the basic needs of society but also preserves the nation state's sovereignty. As the Global Women's Strike hypothetically questions: "What is more valuable..."<sup>cclv</sup> than performing the reproductive maintenance of an entire nation state's public services? The continued reduction of social and health services indicates that the nation state does not concern itself with what is seen as devalued labor that naturally women will perform as part of their pre-destined task of reproductive labor. The majority of the demands pertain to the growing lack of social services that the sovereign nation state no longer performs but rather expects the citizen to achieve on their own, which represents the further diminishment of benefits that used to be guaranteed through citizenship.

In coming full circle the status of one's Bios rest on the reconfiguration of citizenship. As seen in the state of exception the nation state chooses who may retain citizenship within a defined territory. Aihwa Ong states that the neo-liberal concept of

citizenship is based on the ‘market’ value of one’s skills, which is seen with the migrant domestic worker. “Citizens who are deemed too complacent or lacking in neoliberal potential may be treated as less-worthy subjects, low – skill citizens and migrants become exceptions to neoliberal mechanisms and are constructed as excludable populations in transit, shuttled in and out of zones of growth.”<sup>cclvi</sup> Ong sums up the entire legacy that the migrant laborer and domestic worker leave behind. The migrant domestic worker performs labor that is marked as non-valued by society therefore they are viewed as an excludable population that must remain mobile to perform unskilled reproductive labor when and where needed by those who perform “valued” productive labor. Hence the migrant Filipina domestic worker is left at the mercy of the commodified reproductive labor market and her home-employer until the Philippine government is able to extend protection past its sovereign territory.

Late one morning after a Sunday church service a group of six Filipinas joined my conversation with a Filipina informant on the working conditions of foreign servants.

Felicitas: We are Human. We have the same kind of heart and body why do they treat us like we are not human?

Auntie: [Felicitas’ aunt]: I allow only because of money. If you have brain you must know that you have a human right to fight. She cannot pay me RM500 and then treat me like a slave.

Lourdes: They get my blood, you know, for the medical exam [she demonstrates with her fingers that many “inches” of blood that were taken from her]. When you take my blood, how can you treat me like a slave?

Maria Rosa: See, they don’t think we are human. We are like slaves to them. They take our sweat but they don’t give us respect.

Ruth: Chinese employers are very bad. Big house, big car, big wallet, but they give us nothing. Only want to use us like are slaves.

Pilar: Do I look like a slave? Please tell me why Malaysians treat us so badly?<sup>cclvii</sup>

“Filipina domestic workers seem to agree that their profession, as currently practiced and institutionalized globally, is a form of slavery”<sup>cclviii</sup> Filipinas do not travel abroad to become slaves but rather to earn a living not available to them on their island nation state. While job acceptance is voluntary, the migrant Filipina domestic worker ends up performing tasks that degrade their profession and assist in perpetuating the low social standing foreign domestic workers receive in the receiving nation state’s society. In the end the migrant Filipina domestic worker loses a portion of her humanity in the search for gainful employment. She has become an interchangeable commodity that can be bought and sold on the open market, pre-packed and guaranteed to satisfy all customers by her own government.

The migrant Filipina domestic worker legally crosses borders with the assistance and official sanction of the Philippine Overseas Employment Administration. She pays for the privilege of a recruitment agency to locate an acceptable position of employment as well as provide training and grooming to meet the desires of potential home employers. Lastly the home employer, based on perceptions sold by the recruitment agency, utilizes the migrant Filipina domestic worker’s reproductive labor until it’s no longer needed or desirable. This short description can be applied to numerous cases of young women who practice transnational crossings with government ‘assistance’ only to be placed in the hands of those who only wish to train than sell her to the highest bidder without considering the consequences to her person

The need for the Philippine government to undergo reform is not a well-kept secret among its citizens and government officials, as witnessed by numerous ‘political’ revolutions and calls for reform. Coined “The Sick Man of Asia”<sup>cclix</sup> the Philippines is

stuck in a state of perpetual underdevelopment, which continues to stymie economists and politicians alike. Even being a former colony of the United States, along with the assistance and ‘privileges’ this entails, the island nation remains behind its neighbors. Economists have concocted numerous theories to explain the state of underdevelopment ranging from rampant government corruption to meddling goodwill NGOs. One common thread that does appear is that the Philippines has had numerous ideologically conflicting rulers who only viewed the island as a source of cheap natural resources and a site of mass consumer consumption. Meanwhile the Philippine government, being a sovereign entity, appears to be the main hindrance preventing migrant Filipina domestic workers from utilizing United Nations protocols; no known sovereignty would allow such an intervention within their own government much less stand accused of abusing its citizens. The transnational nature of its dealing makes prosecution intricate, too intricate for current international court systems leaving no alternative than to fight the good fight in the domestic arena.

Once again change must come from the Filipino community who has more or less accepted their ‘niche’ as transnational laborers. The unique situation of the Philippine people has been described by current literary artists who act as socio-political commentators of our time.

Around me, in this tin can, my fellow travelers: we, the acquiescent, unaware insurrectionists; we who have left and returned so constantly throughout history our language has given us a name – balikabayan. Sloped-shouldered we are, freighted by absence; our hand – carries bulging with items that wouldn’t fit in overweight luggage, all the countless gifts for countless relatives – proof our time away has not been wasted.

These are my people... Besides me, a stocky, sturdy man in an acid-wash denim jacket and a slipping eyeshade, his head thrown back to snore efficaciously. Likely a construction worker, one of the million strong diaspora indentured by the

persuasiveness of dreams. ... To his side, a duet of tirelessly gossiping domestic helpers continue their nine-hour run. Their heads, wrapped in eyeshades that hold back their hair, peck at morsels of hyperbole, like pigeons at rice dropped on the pavement of park promenades every Sunday, day off to the maids who flock by the thousands in the big cities of the world. ... The women's bluster and brusqueness are crystallized by years of servitude, unconvincing confidence, irreconcilable distance from the things to which they once clung closely.<sup>cclx</sup>

In the meantime, what can the migrant Filipina domestic worker do? She cannot stop seeking transnational employment when the domestic economy fails to provide opportunities for the current population remaining on the island. Therefore the Filipina will continue to venture forth until the Philippine government finally puts aside party politics and family political dynasties to introduce a unified domestic front to combat poverty and the failing economy that drives all able-body Filipinos off the island.

## Bibliography

- Agamben, Giorgio. Homo Sacer: Sovereign Power and Bare Life. Stanford: Stanford University Press. 1995.
- Agamben, Giorgio. Means Without End. Minneapolis: University of Minnesota Press. 2000.
- Alcid, Mary Lou. "Legal and Organizational Support Mechanisms for Foreign Domestic Workers." Pp. 161-177 in Heyzer, Lycklama á Nijeholt, and Weerakoon, The Trade in Domestic Workers. 1994.
- "Annotated Guide to the Complete UN Trafficking Protocol," *International Human Rights Law Group*, 2002.
- Asia-Pacific Mission for Migrant Filipinos. 'Filipina Domestic Workers in Hong Kong', Country Study for the APDC Research Project on "Trade in Maids: Causes, Mechanisms and Consequences", Asian and Pacific Development Centre (APDC), Kuala Lumpur, Malaysia. 1992.
- Basch, Linda, Nina Glick-Schiller, and Christina Szanton Blanc. Nations Unbound: Transnational Projects, Postcolonial Predicaments, and Deterritorialized Nation-States. Langhorne, PA: Gordon and Breach Science. 1994.
- Bello, Walden. The Anti Development State: The Political Economy of Permanent Crisis in the Philippines. New York: Zed Books. 2004.
- Bertone, Andrea and Laura Langberg. Lecture. "Politics of Addressing Human Trafficking". George Washington University. Washington, DC. 3 April. 2008.
- Bose, Christine E., Jacquelyn S. Litt, and Mary K. Zimmerman. Global Dimensions of Gender and Carework. Stanford: Stanford University Press. 2006.
- Central Intelligence Agency. Publication: The World Factbook. East & Southeast Asia, Philippines. 8 January 2010. Saturday 6 March 2010.  
<<https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html>>.
- Chang, Grace. Disposable Domesticity. Cambridge: South End Press. 2000.
- Chant, Sylvia and Cathy McIlwaine. Women of Lesser Cost: Female Labour, Foreign Exchange, and Philippine Development. London: Pluto. 1995.
- Childress, Alice. Like One of The Family. Boston: Beacon Press. 1956.

- Chin, Christine. "Walls of Silence and Late Twentieth Century Representations of the Foreign Female Domestic Worker: The Case of Filipina and Indonesian Servants in Malaysia." International Migration Review. Vol. 31. No. 2. (Summer, 1997): 353-385.
- Chin, Christine. In Service and Servitude: Foreign Female Domestic Workers and the Malaysian "Modernity" Project. New York: Columbia University Press. 1998.
- Constable, Nicole. Sexuality and Discipline Among Filipina Domestic Workers in Hong Kong. American Ethnologist. Vol. 24. No. 3. (August 1997): 539-558.
- Constable, Nicole. Maid to Order in Hong Kong: Stories of Filipina Workers. Ithaca, NY and London: Cornell University Press. 1997.
- Enloe, Cynthia. Bananas, Beaches and Bases: Making Feminist Sense of Intentional Politics. Berkeley: University of California Press. 1989.
- Fortunati, Leopoldina. The Arcane of Reproduction. Brooklyn: Autonomedia. 1995.
- Foucault, Michel. The History of Sexuality. New York: Vintage Books. 1976.
- Ginsburg, Faye D., and Rayna Rapp, eds. Conceiving the New World Order: The Global Politics of Reproduction. Berkeley: University of California Press. 1995.
- Glenn, Evelyn Nakano. Issei, Nisei, War Bride. Philadelphia: Temple University Press. 1986.
- Glenn, Evelyn Nakano. Unequal Freedom. Cambridge: Harvard University Press. 2002.
- Global Women's Strike – An International Co-Ordination. 1999-2010. 7 December 2007. <<http://www.globalwomenstrike.net/index.html>>.
- Grewal, Inderpal. Transnational America. Durham: Duke University Press. 2005.
- Guzman, Aileen and Schmitt Laura. Putting Development In Perspective: Colonial and Neocolonial Dynamics in the Philippines. Making World Development Work. Albuquerque: University of New Mexico. 2007. 160 – 177.
- Hondagneu-Sotelo, Pierrette. Domestica. Berkeley: University of California Press. 2001.
- Hong Kong Immigration Department. Explanatory Notes: Employment Contract for a Domestic Worker Recruited from Outside Hong Kong. Hong Kong: Immigration Department. 1993.



- Hune, Shirley. "Migrant Women in Context of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", *International Migration Review*, 25(4) (Winter), Pp. 800-817. 1991.
- Lycklama à Nijeholt, Geertje. "The Changing International Division of Labour and Domestic Workers: A Macro Overview (Regional)." Pp. 3-29 in Heyzer, Lycklama á Nijeholt, and Weerakoon, The Trade in Domestic Workers. 1994.
- Lonroth, Juhani. "The International Convention on the Rights of All Migrant Workers and Members of Their Families in the Context of International Migration Policies: An Analysis of Ten Years of Negotiation", *International Migration Review*, 25(4) (Winter), Pp. 710-736. 1991.
- Massey, Doreen. Space, Place, and Gender. Minneapolis" University of Minnesota Press. 1994.
- Mohanty, Chandra Talpade. Feminism Without Borders: Decolonizing Theory, Practicing Solidarity. Durham & London: Duke University Press. 2003.
- Office of the United Nations High Commissioner for Human Rights. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. < <http://www2.ohchr.org/english/law/cmw.htm> > Copyright © OHCHR 1997-2007.
- Ong, Aihwa. neoliberalism as exception. Durham: Duke University Press. 2006.
- Ong, Aihwa. Spirits of Resistance and Capitalist Discipline: Factory Women in Malaysia. New York: State University of New York Press. 1987.
- Parreñas, Rhacel Salazar. Children of Global Migration. Stanford: Stanford University Press. 2005.
- Parreñas, Rhacel Salazar. Servants of Globalization. Stanford: Stanford University Press. 2001.
- Parreñas, Rhacel Salazar. The Force of Domesticity: Filipina Migrants and Globalization. New York: New York University Press. 2008.
- Pelegrin, Lea. "Home for Good." *Tinig Filipino* (October): Pp. 7-8. 1994.
- Philippine Overseas Employment Administration. "Deployment of Landbased OFWs, by Country: 1998-2003." < <http://www.poea.gov.ph/html/statistics.html> >. 2005.

- Philippine Overseas Employment Administration. Deployment Overseas Filipino Workers by Point of Destination. Manila: Philippine Overseas Employment Administration, Policies and Program Division. 2006.
- Plandano, Veronica. "Bayan, Kailan Pa?" *Ting Filipino* (October): 60. 1995.
- Ramusack, Barbara N. and Sharon Sievers. Women in Asia. Bloomington and Indianapolis: Indiana University Press. 1999.
- Rollins, Judith. Between Women: Domesticity and Their Employers. Philadelphia: Temple University Press. 1985
- Rosario, Louise de and Gordon Fairclough. "Toilers of the East. Newly Rich Asian Countries act as Magnet for Region's Workers". *Far Eastern Economic Review*, 2 April. Pp. 20-27. 1992.
- Sassen, Saskia. The Mobility of Labor and Capital. Cambridge: Cambridge University Press. 1988.
- Syjuco, Miguel. Ilustrado. New York: Farrar, Straus and Giroux. 2010.
- Tadiar, Neferti Xina M. Fantasy-Production: Sexual Economics and Other Philippine Consequences for the New World Order. Hong Kong: Hong Kong University Press. 2004.
- United Nations Economic and Social Council. < <http://www.un.org/en/ecosoc/> >. Copyright © United Nations 2010.
- United Nations General Assembly, "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families", Report: A/45/838, New York: 18 December. 1990.
- United Nations Office on Drugs and Crime. *United Nations Convention Against Transnational Organized Crime and The Protocols Thereto*. < <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> >. New York: United Nations. 2004.
- United Nations Office on Drugs and Crime. *United Nations Convention Against Transnational Organized Crime and its Protocols*. < <http://www.unodc.org/unodc/en/treaties/CTOC/index.html> > Copyright © 2010 UNODC.
- United Nations Office on Drugs and Crime. UNODC on human trafficking and migrant smuggling. < <http://www.unodc.org/unodc/en/human-trafficking/index.html> >. Copyright © 2010 UNODC.

United Nations Office on Drugs and Crime. UNODC Main Page. <  
<http://www.unodc.org/unodc/index.html?ref=menutop> >. Copyright  
© 2010 UNODC.

Yeoh, Brenda S.A., Shirlena Huang, and Joaquin Gonzalez III. "Migrant Female Domestic Workers: Debating the Economic, Social and Political Impacts in Singapore." *International Migration Review* 33(1): 114 – 136. 1999.



- 
- <sup>i</sup> Bertone & Langberg: April 3, 2008  
<sup>ii</sup> Massey, 1995: 166  
<sup>iii</sup> Massey, 1995: 146-147  
<sup>iv</sup> Massey, 1995: 157  
<sup>v</sup> Grewal, 2005: 11  
<sup>vi</sup> Massey, 1994: 147  
<sup>vii</sup> Agamben, 1995:1  
<sup>viii</sup> Agamben, 1995: 1  
<sup>ix</sup> Agamben, 1995: 3-4  
<sup>x</sup> Agamben, 1995: 8  
<sup>xi</sup> Agamben, 1995: 7  
<sup>xii</sup> Agamben, 1995: 15-16  
<sup>xiii</sup> Agamben, 1995: 9  
<sup>xiv</sup> Agamben, 1995: 17  
<sup>xv</sup> Agamben, 1995: 21  
<sup>xvi</sup> Agamben, 2000: 40  
<sup>xvii</sup> Agamben, 2000: 39  
<sup>xviii</sup> Agamben, 2000:40  
<sup>xix</sup> Agamben, 2000:124  
<sup>xx</sup> Massey, 1994: 157-158  
<sup>xxi</sup> Foucault, 1978: 140  
<sup>xxii</sup> Foucault, 1978: 141  
<sup>xxiii</sup> Foucault, 1978: 94  
<sup>xxiv</sup> Ong, 2006: 3  
<sup>xxv</sup> Ong, 2006: 6-7  
<sup>xxvi</sup> Ong, 2006: 15  
<sup>xxvii</sup> Ong, 2006: 3  
<sup>xxviii</sup> Ong, 2006: 177  
<sup>xxix</sup> Ong, 2006: 186  
<sup>xxx</sup> Ong, 2006: 186  
<sup>xxxi</sup> Ong, 2006: 191  
<sup>xxxii</sup> Grewal, 2005: 8  
<sup>xxxiii</sup> Massey, 1994: 154 - 155  
<sup>xxxiv</sup> Grewal, 2005: 11  
<sup>xxxv</sup> Grewal, 2005: 3  
<sup>xxxvi</sup> Grewal, 2005: 3  
<sup>xxxvii</sup> Massey, 1994: 8  
<sup>xxxviii</sup> Grewal, 2005: 13  
<sup>xxxix</sup> Grewal, 2005: 7  
<sup>xl</sup> Grewal, 2005: 7  
<sup>xli</sup> Grewal, 2005: 11  
<sup>xlii</sup> Massey, 1994: 130  
<sup>xliii</sup> Matthew 7:12  
<sup>xliv</sup> Childress, 1956: xv  
<sup>xlv</sup> Childress, 1956: 1-2  
<sup>xlvi</sup> Childress, 1956: xviii  
<sup>xlvii</sup> Childress, 1956: xvii  
<sup>xlviii</sup> Childress, 1956: 2-3  
<sup>xlix</sup> Childress, 1956: xx  
<sup>l</sup> Parreñas, 2001: 179-180  
<sup>li</sup> Parreñas, 2001: 180  
<sup>lii</sup> Parreñas, 2001: 180

---

lii Parreñas, 2001: 181  
liii Parreñas, 2001: 182  
lv Fortunati, 1976: 8  
lvi Fortunati, 1976: 7  
lvii Fortunati, 1976: 7  
lviii Fortunati, 1976: 8  
lix Fortunati, 1976: 9  
lx Fortunati, 1976: 13  
lxi Fortunati, 1976: 9  
lxii Fortunati, 1976: 8  
lxiii Fortunati, 1976: 9  
lxiv Fortunati, 1976: 11  
lxv Fortunati, 1976: 12  
lxvi Fortunati, 1976: 10  
lxvii Fortunati, 1976: 20  
lxviii Fortunati, 1976: 18  
lxix Fortunati, 1976: 149  
lxx Fortunati, 1976: 147  
lxxi Ong, 1987: 151  
lxxii Ong, 1987: xiii  
lxxiii Ong, 1987: 145  
lxxiv Ong, 1987: 141  
lxxv Ong, 1987: 146-147  
lxxvi Ong, 1987: 155  
lxxvii Ong, 1987: 234  
lxxviii Ong, 1987: 152  
lxxix Ong, 1987: 152  
lxxx Ong, 1987: 152  
lxxx1 Ong, 1987: 152  
lxxxii Ong, 1987: 152  
lxxxiii Mohanty, 2003: 72-74  
lxxxiv Ong, 1987: 146-148  
lxxxv Ong, 1987: 154  
lxxxvi Ong, 1987: 147-148  
lxxxvii Sassen, 1988: 114  
lxxxviii Sassen, 1988: 97  
lxxxix Sassen, 1988: 126-170  
xc Sassen, 1988: 176  
xci Sassen, 1988: 18-19  
xcii Sassen, 1988: 127  
xciii Sassen, 1988: 145  
xciv Sassen, 1988: 151  
xcv Sassen, 1988: 157  
xcvi Sassen, 1988: 158  
xcvii Sassen, 1988: 200  
xcviii Sassen, 1988: 157  
xcix Parreñas, 2001: 72  
c Parreñas, 2001:72  
ci Parreñas, 2001: 72  
cii Parreñas, 2001: 72-73  
ciii Parreñas, 2001: 73  
civ Parreñas, 2001: 73  
cv Constable, 1997: 62  
cvi Parreñas, 2008: 4

- 
- cvii Parreñas, 2008: 2-3  
cviii Parreñas, 2008: 4-5  
cix Parreñas, 2008: 37  
cx Parreñas, 2001:7  
cx<sup>i</sup> Lycklama à Nijeholt, 1994: 8  
cx<sup>ii</sup> Chang, 2000, 129  
cx<sup>iii</sup> Parreñas, 2008: 4  
cx<sup>iv</sup> Philippine Overseas Employment Administration, 2005  
cx<sup>v</sup> Parreñas, 2008: 4  
cx<sup>vi</sup> Enloe, 1989: 184  
cx<sup>vii</sup> Enloe, 1989: 184-185  
cx<sup>viii</sup> Enloe, 1989: 185  
cx<sup>ix</sup> Enloe, 1989: 185  
cx<sup>x</sup> Enloe, 1989: 186  
cx<sup>xi</sup> Enloe, 1989: 186  
cx<sup>xii</sup> Parreñas, 2001: 52  
cx<sup>xiii</sup> Enloe, 1989: 183-189  
cx<sup>xiv</sup> Parreñas, 2005: 13  
cx<sup>xv</sup> Parreñas, 2001: 53  
cx<sup>xvi</sup> Chang, 2000: 129  
cx<sup>xvii</sup> Chang, 2000: 129  
cx<sup>xviii</sup> Parreñas, 2005: 41  
cx<sup>xix</sup> Parreñas, 2005: 41  
cx<sup>xx</sup> Parreñas, 2005: 41  
cx<sup>xxi</sup> Parreñas, 2005: 41  
cx<sup>xxii</sup> Alcid, 1994: 176  
cx<sup>xxiii</sup> Parreñas, 2001: 53  
cx<sup>xxiv</sup> Chin, 1998: 198  
cx<sup>xxv</sup> Parreñas, 2001: 54  
cx<sup>xxvi</sup> Chin, 1997: 364  
cx<sup>xxvii</sup> Parreñas, 2001: 53  
cx<sup>xxviii</sup> Parreñas, 2001: 52  
cx<sup>xxix</sup> Chang 2000: 1306  
cx<sup>l</sup> Chang, 2000: 130  
cx<sup>li</sup> Parreñas, 2001: 57  
cx<sup>lii</sup> Parreñas, 2001: 57  
cx<sup>liii</sup> Plandano, 1995: 60  
cx<sup>liv</sup> Constable, 1997: 60  
cx<sup>lv</sup> Parreñas, 2001: 40  
cx<sup>lvi</sup> Parreñas, 2001: 40  
cx<sup>lvii</sup> Parreñas, 2001: 40  
cx<sup>lviii</sup> Parreñas, 2001: 40-41  
cx<sup>lix</sup> Parreñas, 2001: 41  
cl Constable, 1997: 61  
cli<sup>i</sup> Constable, 1997: 68  
cli<sup>ii</sup> Constable, 1997: 68  
cli<sup>iii</sup> Constable, 1997: 62  
cli<sup>iv</sup> Constable, 1997: 67  
cl<sup>v</sup> Chin, 1997: 376  
cl<sup>vi</sup> Chin, 1997: 376-377  
cl<sup>vii</sup> Constable, 1997: 61  
cl<sup>viii</sup> Constable, 1997: 61-62  
cl<sup>ix</sup> Chin, 1997: 378  
cl<sup>x</sup> Constable, 1997: 82

- 
- clxi Constable, 1997: 82  
clxii Constable, 1997: 68  
clxiii Rollins, 1985: 155-206  
clxiv Rollins, 1985: 107  
clxv Constable, 1997: 69  
clxvi Constable, 1997: 70  
clxvii Constable, 1997: 69  
clxviii Constable, 1997: 70  
clxix Constable, 1997: 71  
clxx Constable, 2008: 539  
clxxi Constable, 1997: 71  
clxxii Hong Kong Immigration Department, 1993: 2  
clxxiii Constable, 1997: 72  
clxxiv Constable, 2008: 546  
clxxv Constable, 1997: 81  
clxxvi Constable, 1997: 80-81  
clxxvii Constable, 1997: 80  
clxxviii Chin, 1997: 278  
clxxix Constable, 1997: 83  
clxxx Constable, 2008: 545  
clxxxi Constable, 1997: 83-89  
clxxxii Hondagneu-Sotelo, 2001: 137  
clxxxiii Constable, 1997: 87  
clxxxiv Constable, 1997: 87  
clxxxv Constable, 1997: 88  
clxxxvi Constable, 1997: 88  
clxxxvii Constable, 1997: 89  
clxxxviii Foucault, 1979: 154  
clxxxix Constable, 1979: 91  
exc Constable, 1979: 95-96  
exci Constable, 2008: 547  
excii Constable, 1979: 148-149  
exciii Constable, 1979: 148  
exciv Constable, 1979: 149  
excv Chin, 1997: 368  
excvi Chin, 1997: 368  
excvii Parreñas, 2001: 57- 59  
excviii Parreñas, 2001: 144-145  
excix Ong, 1987: 102-103  
cc Parreñas, 2001: 149  
cci Parreñas, 2001: 146  
ccii Parreñas, 2001: 143-149  
cciii Parreñas, 2001: 144-145  
cciv Parreñas, 2001: 146  
ccv Parreñas, 2001: 144-145  
ccvi Parreñas, 2001: 132-133  
ccvii Parreñas, 2001: 125  
ccviii Parreñas, 2001: 121  
ccix Parreñas, 2001: 122-123  
ccx Pelegrin, 1994: 7  
ccxi <http://www.unodc.org/unodc/index.html?ref=menutop>  
ccxii <http://www.unodc.org/unodc/en/human-trafficking/index.html>  
ccxiii <http://www.unodc.org/unodc/en/human-trafficking/index.html>  
ccxiv <http://www2.ohchr.org/english/law/cmw.htm>



- 
- ccxv [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/)
- ccxvi [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/)
- ccxvii [http://www.unodc.org/unodc/crime\\_cicp\\_convention\\_documents.html](http://www.unodc.org/unodc/crime_cicp_convention_documents.html)
- ccxviii <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
- ccxix *International Human Rights Group*, 2002: 4-5
- ccxx *International Human Rights Group*, 2001: 4
- ccxxi *International Human Rights Group*, 2002: 7
- ccxxii *International Human Rights Group*, 2002: 9
- ccxxiii *International Human Rights Group*, 2002: 9
- ccxxiv *International Human Rights Group*, 2002: 39
- ccxxv <http://www.un.org/en/ecosoc/>
- ccxxvi *International Human Rights Group*, 2002: 43
- ccxxvii <http://www2.ohchr.org/english/law/cmw.htm>
- ccxxviii <http://www2.ohchr.org/english/law/cmw.htm>
- ccxxix Lonroth, 1991: 713
- ccxxx Lycklama à Nijeholt, 1994:24
- ccxxxii Lycklama à Nijeholt, 1994: 24
- ccxxxiii Lonroth, 1991: 726
- ccxxxiiii Lycklama à Nijeholt, 1994: 24
- ccxxxv <http://www2.ohchr.org/english/law/cmw.htm>
- ccxxxvi <http://www2.ohchr.org/english/law/cmw.htm>
- ccxxxvii <http://www2.ohchr.org/english/law/cmw.htm>
- ccxxxviii Hune, 1991: 800-817
- ccxxxix Lycklama à Nijeholt, 1994: 25
- ccxl Lycklama à Nijeholt, 1994: 25
- ccxli <http://www2.ohchr.org/english/law/cmw.htm>
- ccxlii Lycklama à Nijeholt, 1994: 16
- ccxliii Asia-Pacific Mission for Migrant Filipinos, 1992: Table II-5
- ccxliv Rosario and Fairclough, 1992: 26
- ccxlv Parreñas, 2001: 72
- ccxlv Yongsan U.S. Army Garrison is a joint U.S. & Korean military installation located in Seoul, South Korea. <http://yongsan.korea.army.mil/>
- ccxlvii Appendix I
- ccxlviii Hondagneu-Sotelo, 2001: 54
- ccxlix Hondagneu-Sotelo, 2001: 55
- cccl Childress, 1956: xx
- cccli <http://www.pucpr.edu/>
- ccclii James & Lopez, 2004:
- cccliii <http://www.globalwomenstrike.net/>
- cccliv [http://en.wikipedia.org/wiki/Equal\\_Rights\\_Amendment](http://en.wikipedia.org/wiki/Equal_Rights_Amendment)
- ccclv <http://www.globalwomenstrike.net/>
- ccclvi Ong, 2006 :16
- ccclvii Chin, 1997: 363
- ccclviii Todd Ramlow, 1/10/11
- ccclix Guzman and Schmitt, 2007: 160
- ccclx Syjuco, 2010: 22 – 23