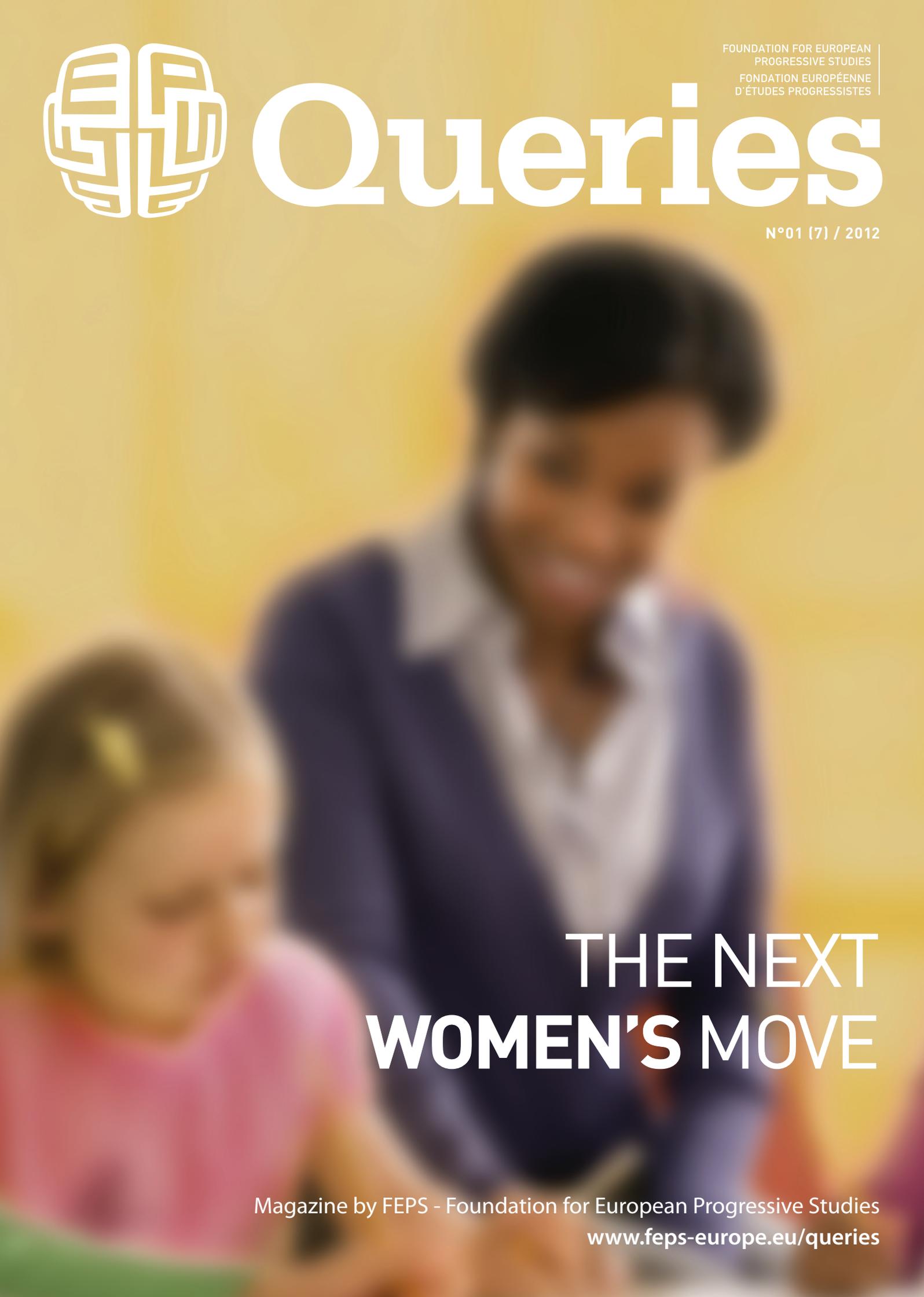




FOUNDATION FOR EUROPEAN
PROGRESSIVE STUDIES
FONDATION EUROPÉENNE
D'ÉTUDES PROGRESSISTES

Queries

N°01 (7) / 2012



THE NEXT WOMEN'S MOVE

Magazine by FEPS - Foundation for European Progressive Studies
www.feps-europe.eu/queries

About **Queries**

Isaac Newton's famous book "*Opticks*" concludes with a set of "Queries".

These "Queries" are not questions in the ordinary sense,
but rather rhetorical questions intended to stimulate thinking.

This was Newton's mode of explaining "**by query**".

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“**Queries**” is the scientific magazine of the Foundation for European Progressive Studies.

The Foundation for European Progressive Studies is a European progressive political foundation, close to the Party of European Socialists (PES). As a platform for ideas, FEPS works in a close collaboration with social democratic organizations, and in particular national foundations and think tanks, to tackle the challenges that Europe faces today.

Publisher: FEPS – Foundation for European Progressive Studies
First published in Belgium 2012

Publishing supervisor: **Dr. Ernst Stetter** (Secretary General – FEPS)
Managing Editor of Queries: **Dr. Ania Skrzypek** (FEPS Senior Research Fellow)

Editorial support: **Judit Tánczos** (Policy Advisor – FEPS)

With the financial support of the European Parliament.

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ISSN 2032-9113

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Queries

The Next Women's Move



Foreword



Dr. Ernst STETTER
FEPS Secretary General

Feminist debates, alongside with the “women’s issues” they focus on, tend to be regarded as an important, but somewhat fringe thread of the ideological debate within the social democratic family. In certain realities references to gender equality became rather an issue of political correctness, than a shared belief that women’s emancipation is indispensable to achieving any societal progress. In order to break through this practice and to show the angles that should be embraced as new priorities for a progressive agenda FEPS is presenting this new issue of “Queries” – FEPS Scientific Magazine that outlines “*The Next Women’s Move*”.

The choice of the title is not a coincidence. It refers to the social reality in which women are “on the move” in many different ways. First of all, women *moved* into the labour market and they are there to stay. It is not only for their dreams about professional self-fulfillment or making a substantial contribution to the prosperity of society. It is also because reality demands that. From an individual perspective, one salary is no longer enough to financially sustain a household. Most economic analyses show that without women being active and fully participating in the labour market no recovery from the financial crisis will be possible.

Secondly, since women *moved* out of a situation in which their focus was entirely on housekeeping and provision of care within the family, it created a vacuum. In the 1990s and first decade of the new century, social democrats created a discourse that this meant a need for finding ways in which they could “conciliate” their professional and private lives. This pledge however is not reflected in policies. The ongoing crisis and resulting austerity measures, additionally undermine current welfare states. And the ageing society adds an additional demand for care provision, which can no longer be met by public funds. The only way left seems to be resorting to the private sector.

Domestic work is therefore a quickly developing sector, which however has nothing in common with the values of the social democratic movement that laid ground for the legal provisions of modern social and employment policies in Europe. It is mostly women who serve as domestic workers, and a vast majority of them are migrants. They answer to the demands of western societies, experiencing shortcomings in the labour force that would engage in care. Once the migrants are looking for seeking employment in the receiving countries, hosting populations take advantage of their desperation. Overall, domestic workers are often engaged without an employment contract, without decent pay, without social or health insurance. Their jobs are precarious; they remain victims of psychological and physical harassments. Since the households remain outside of any supervision, this practice of massive exploitation remains in many ways unnoticeable. The

adoption of the ILO Convention 189 concerning Decent Work for Domestic Workers and corresponding Recommendation is the first step to bring about change, but is by far not sufficiently resolving major issues. The “12 by 12” Campaign, which is coordinated by ITUC – International Trade Unions Confederation, points out several of these other remaining challenges. “Queries” provides academic assessments of the situation, all of which join in the conviction that this theme should become a mainstreaming issue for progressives around the globe. It is in the very core of a debate on equality; on value of labour; on a vision for the new concept of welfare provision that could replace undermined and inefficient contemporary welfare systems.

Thirdly, the title “*The Next Women’s Move*” refers also to a growing need for progressive men and women to define their new, distinctive feminist agenda. The predicament, in which the feminist movement finds itself nowadays, shares certain communalities with the overall crisis of politics. Individualisation of the post-modernist society on one hand, and discrediting world of politics in general the other, are the factors that disable any attempt for collective action. What makes it even worse is that right wing (conservatives and extremists) invented “new ways” of appealing to women. The women on the top, who originate from those parties, appear modern, liberated and they carry on saying that their success was achieved by them individually because of their own skills and work. By doing so, they put in doubt any sense of collective women’s action. This must be responded to in the name of social democrats of the past generations, whose efforts paved the way for women into politics. Strengthened with this meaningful tradition, social democrats must develop therefore a new, complex and credible vision addressed to women and designed in such a way, that a new generation can identify themselves with it and work on its implementation.

This 7th issue of “Queries” is launched on 8th March 2012, almost two years after issue 2 “*The Next Wave of Emancipation*”. As such, it reflects the recent developments of the long-established FEPS research project on gender, diversity and democracy. It echoes the discussions at the FEPS conference in the European Parliament on the occasion of the 100th anniversary of International Women’s Day: “*Clara Zetkin could do it. So can we!*”. It benefits from studies concluded within the transatlantic project that was launched by FEPS with the support of Fondation Jean Jaurès with 3 annual events, the last of which was entitled “*Restrengthening global sisterhood - Emerging women’s issues for a new global agenda*”, organised in Washington D.C. in cooperation with Woodrow Wilson International Center for Scholars and AARP. Its results are reflected in respective contributions in this issue.

I would like to therefore express my sincere gratitude to Fondation Jean Jaurès for our fruitful cooperation and especially to Ghislaine TOUTAIN who has most enthusiastically led the project, encouraging through her own commitment many other researchers and activists to join in. Using this opportunity, I would like to thank also Zita GURMAI, President of PES Women and Vice-President of FEPS for having continuously ensured that the elaborated proposals are heard on a political stage. Last but not least, I would also like to thank Judit TÁNCZOS, FEPS Policy Advisor, who tirelessly manages this crucial work domain of FEPS on a daily bases.

Ernst STETTER was nominated as Secretary General of the newly created Foundation for European Progressive Studies (FEPS) on January 30th 2008. Ernst STETTER worked for the Friedrich Ebert Stiftung from 1980 to 2008 in various positions, which included amongst others, the offices in Dakar, Paris and Brussels. Ernst STETTER is an economist and political scientist. He obtained his Ph.D in political science in 1980. In 2003 he received the Chevalier de l’ordre national du Mérite.

Feminism of the 21st Century: Which Way to Go?



Zita GURMAI, President of PES Women and Vice-President of FEPS

The question and reflection on what the feminist movement of the 21st century represents and fights for has been discussed through several meetings organized by FEPS and PES Women. Although the cause of the feminist movement and the *raison-d'être* has not changed over the last hundred years, the strategy keeping gender equality on the political agenda as well as today's socio-economic and political context have changed.

First of all, we cannot talk about new strategies for feminism in Europe without underlining the strong division between Left-wing and Right-wing values and visions on this issue. Gender equality is one of the core values of our socio-democratic family and embedded in our parties' structure through strong women's organisations and feminist movements. Social Democrats have therefore always been the frontrunner of women's rights, of progress and of giving women their own choice and voice. There is no feminism without a progressive framework: "*we are feminists because we are socialists and we are socialists because we are feminists*", a slogan I have heard from former Spanish Prime Minister Zapatero.

Taking the above-mentioned starting point of left-right division to build new strategies for feminism in Europe, we need to ask women and men: do you want to go back to the past or do you want progress? Do women want to have their own choice and voice or do women want to be told what to do and not to do? **The progress for women is only possible if we are united, if we gather together - women and men - as progressives against the conservative backlash that has been settling slowly but surely across the world, including in Europe.**

Secondly, the need for putting women and men on equal footing on the labour market and re-thinking our socio-economic model in a way that a true balance is found on the one side between women's a men's contribution but also between professional and private life for women and men. We unfortunately witness blatant examples of this backlash in Europe, but also in other parts of the world. How not to mention the current financial, economic and social crisis, which has a harsher impact on women, as PES Women already pointed out several times? The austerity measures encouraged by conservative and right-wing governments throughout Europe, namely the cuts in sectors that employ most women and the cuts in the public spending

that women need, affect women more profoundly than men. In this context of crisis and budgetary cuts, we cannot ignore the secondary effects on the issue of reconciliation between professional and private life, including childcare facilities and elderly care services. The cuts in public spending also raise the issue of health provisions and services, as well as the future of education and training. This will without doubt have extreme consequences on women's economic independence and on gender equality in the long term. Moreover, the correlation between gender based violence and women's socio-economic status is apparent. But unfortunately, the silent crisis affecting women is not taken into consideration when talking about recovery plans or new growth models. We need new economic growth models that look at creating new jobs, including those for women. That is why PES Women focuses for 2012 on combating gender-segregation in education and on labour market as well as on offering more new jobs, especially green jobs, to women. Also in 2011, PES Women focused on a currently important issue related to the labour market, i.e. pensions. This was launched in the framework of the recently adopted Commission's White Paper on pension reform.

In addition to the previous socio-economic arguments, a sector that is still too often forgotten is the care sector. More than ever, the care sector is important for the aging society in which we live and in which juggling with private and professional life becomes difficult. **The care sector in Europe is dominated by women and an increased number of migrant women. But while the care sector is increasingly important, it is still often underpaid and undervalued.** Besides the huge strain on the sector and the budgetary cuts in this sector, we are witnessing a new tendency of care-chains. While we are trying to maintain the care sector, with decreasing resources, people, especially women, migrate from North to South, from South to South and from East to West to find better conditions but ending up working in worse conditions such as in domestic work or care services. Migrant women are thus faced with additional vulnerability or multiple discriminations in times of crisis leading to more precarious situation in the destination countries.

This leads us to the third challenge for a renewed feminism in Europe; the need for a more inclusive approach, i.e. taking all women's situations into consideration within the progressive women's movements. **Women facing multiple discriminations, because of their different ethnic background, their religion, their sexual orientation or their handicap should be at the core of the feminist struggles as well as members of our networks and movements.** We cannot oppose oppressions and discriminations but we have to understand them all in their common aspects and to address them in an intersectional approach.

Fourthly, our movement also has to embrace more young women, that is why PES Women has been collaborating with ECOSY from the beginning. Feminism is more than ever a hot topic. Young women's future is at stake. Achievements from the past are never established forever; many fights have still to be won by the feminist movement: combating youth unemployment among women, achieving reconciliation between professional and private life, closing the gender pay gap, securing a decent pension for women at older age, ensuring decent job for all and especially for migrant women, increasing the participation of women in decision-making and promoting Sexual and Reproductive Rights of women, including abortion. On the last point, PES Women campaigned heavily in 2010 under the motto "My Body, My Rights" Young women should also keep in mind that violence against women is not eradicated yet. This is



probably our most challenging goal for the future: ending this widespread but very common violation of women's rights. Therefore I am particularly proud that the European Parliament adopted the European protection order in December 2011. This directive, initiated by the EU's Spanish Presidency – under the Zapatero Government, will enable anyone protected under criminal law in one EU State to be guaranteed the same protection, regardless whether they move to another Member State.

Last but not least, gender equality is not only a women's issue, it is an issue that concerns the whole society. **Gender equality is a social and human rights issue for both women and men.** A more gender equal society would be a progress for everyone, given that the struggles women experience are not just women's issues. That is why new feminist strategies should include working more closely with men, from diverse origins, ages and sexual orientations.

In a nutshell, challenges are numerous, but opportunities to build together new strategies for feminism are even wider. PES Women together with Gender Equality Researchers from FEPS will stay the forefront European progressive movement promoting women's rights and gender equality, for a brighter future, for a better Europe; achieving the same rights for all women across Europe.

Zita GURMAI was elected as President of PES (Party of European Socialists) Women on October 21, 2004. In 1995, she became involved in the women's section of the Hungarian Socialist Party and was elected as its president in 2001. One of her first major initiatives was the "Women for Change" movement, often referred to as "yellow scarf movement," which succeeded in introducing gender quotas in the Hungarian Socialist Party. Zita GURMAI was instrumental in establishing and directing three gender equality foundations in Hungary and currently plays an important role in the Central and Eastern European Network for Gender Issues. During the 2004-09 European Parliament term, she was Vice-President of its Women's Rights and Gender Equality Committee and a member of Regional Development Committee. In 2009, she was re-elected as a member of the Parliament and appointed vice-president of its Constitutional Affairs Committee. Zita GURMAI also promotes gender equality and women's rights in the Global Progressive Forum project.

Queries



01

Emancipating Contemporary Women - Recognising Value of Domestic Work

There are over 100 million workers employed within private households worldwide. The vast majority of them are women, many are migrants. Every day they tirelessly carry on with ordinary tasks of housekeeping and provide care, where the welfare systems fail, for elderly, children and sick. Their work is indispensable for other women, who are then able to continue their professional lives. Despite the fact, that domestic workers play such a crucial role in families and overall in society their situation remains most precarious. Their work is often delivered without any employment contract; without social security and health insurance; remains underpaid, undervalued and disrespected. The articles of H. SCHWENKEN, I. PENG and S. MICHEL, E. BORIS and J. KLEIN, and F. SAUQUILLO touch upon particularities of the working and living circumstances of domestic workers around the world. Their diverse deliberations unite in one voice to support the ongoing "12 by 12" campaign, which raises awareness and builds up pressure on the governments to ratify and implement the ILO Convention 189 and Recommendation 201 (the description is included at the end of this Chapter, in a contribution kindly offered by the ITUC). This is however the first step only. The articles assembled point out that the question of domestic work is the next mainstreaming theme for all progressives - embodying an overall need for solid answers to the ageing society, evolving labour markets and the crisis of welfare states.

From Maid to Worker



By **Helen SCHWENKEN**

Introduction

In June 2011 the International Labour Organisation passed convention 189 entitled *“Decent work for domestic workers.”* Myrtle Witbooi, chair of the International Domestic Workers Network, celebrates this moment as *“a great victory for domestic workers. Until now we have been treated as ‘invisible’, not respected for the huge contribution we make in society and the economy and denied our rights as workers. It is an injustice that has lasted too long.”*

Convention 189 is not a convention as any other. Domestic worker unions and associations have fought for it during an intense three year campaign. They raised awareness among governments and trade unions that this group of often informally employed (migrant) women workers needs a global norm that helps changing the working conditions in all countries of the world. The convention helps to make something visible that has historically been invisible. It states clearly that the services (migrant) women are performing in other peoples’ households are work that these need to be remunerated adequately and the workers treated fairly. This sounds banal, but in fact it is not. During the negotiations at the ILO some features of the convention that would make domestic work a work as “any other”, have been a matter of fierce dissent. The sceptical and even emotionally put forward arguments against the convention have illustrated that domestic work is considered by many delegates work as “no other” – impossible to regulate.

The passing of the Convention 198 is indeed a significant step forward to improve the working conditions for workers in the informal economy. In many countries domestic workers have been explicitly excluded from national labour legislation. The most common decent work deficits are low payment, working long hours, the exclusion from any social security, pension and health insurance provisions and in many cases various forms and degrees of abuse and exploitation. What adds to the precarious situation of many domestic workers is a particular kind of employer-employee relationship, because the household

worker is very close to the family she works for, but many families do not consider them as “real” employees, but as ‘part of the family’. These characteristics of the domestic work sector give an idea that changes may be difficult to achieve. The ILO Convention attempts to address a number of these challenges. However, given the nature of the instrument – global labour norms – and the sector the convention will not change the situation of domestic workers easily and quickly.

The first part of the paper gives an insight into the modes how domestic workers organize themselves, because this is often overlooked when discussing the issue. Too often domestic workers are considered “poor women” or “victims of maltreatment” that need “help”. Organized domestic workers though make clear that they are capable of formulating their demands and struggling for those. In the next part the process towards and the content of the ILO convention “*Decent work for domestic workers*” is briefly explained. This part is followed by the main part that highlights the achievement of the negotiations and the domestic workers’ mobilization of making the employment relation visible. The article is finishing with some thoughts on contentious issues that came up in the past three years during the process of mobilizing for the ILO convention.

Domestic workers organize themselves globally

Domestic and care workers organize themselves, despite the challenges of working in a workplace that is difficult to organize and working hours that make it difficult to find time for joint action. **The private household is not considered a proper workplace and unions’ efforts to organize these workers have in many countries been “rare”.** To analytically grasp the differences between models of collectively organized domestic workers, the South African sociologist Shireen Ally identifies two ideal-types: the “association model” and the “union model”¹. Domestic workers are in most cases organized at the local and national level in numerous (informal) associations. They fight back the non-payment of wages, provide shelter and support for domestic workers in distress or participate in demonstrations and campaigns. A union model incorporates domestic workers into existing unions or encourages the establishment of domestic workers’ unions. The framing is employment-oriented, activities are situated at the collective level and in comparison to the association model less emphasis is given to the individual and the every-day needs. Innovative models for organizing domestic workers are part of a broader trend towards union revitalization that reaches out to precarious workers.

At the global level the ILO process fostered the foundation of a global network of domestic workers’ unions and associations: the International Domestic Workers’ Network (IDWN). The global union federation IUF, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Association, is officially the union federation responsible for the sector of domestic work. The IUF and WIEGO, a global network on informal employment, have been instrumental in supporting domestic workers organizations in the ILO process. They facilitated contacts between domestic workers that were active in different corners of the world, but had not heard of each other or met before. In the beginning an advisory structure was considered, but the active domestic workers themselves challenged this in 2008 and were very clear that it should be a domestic workers’ organization and that the union women acted as “technicas” supporting the domestic workers, but not taking the decisions. Only individuals who (used to) work as

¹ Sh. Ally, *Caring about Care Workers: Organising in the Female Shadow of Globalisation.*, *Women and Globalization Conference*, www.globaljusticecenter.org/papers2005/ally_eng.htm (accessed on 13.09.2009).

domestic workers can hold official functions. The network is represented by regional representatives.² Such collaboration between a trade union federation and domestic workers did not exist before³.

Given the tripartism of the International Labour Organisation, the relation between domestic worker organizations and trade union centres is important. Trade union centres are – apart from sympathetic governments – the only channels through which domestic workers organizations can gain visibility and influence on the ILO floor. The openness of trade unions for and the organizing degree of domestic workers depends on the context. While in Germany, for example, trade unions just start engaging with domestic workers at a very low level of intensity, domestic workers' unions are common in other countries (e.g. since 1936 in Brazil, since 1926 in Chile). In countries such as the United Kingdom and the Netherlands, domestic workers are integrated into general trade unions and successfully struggled to being represented in the union decision-making bodies.

Research shows that unionized domestic workers in most cases continue to have their own (ethnic) organizational structures and associations to keep their independence from and within the union^{4,5}. Therefore, Ally's ideal-type models are not mutually exclusive, but they may merge. Nevertheless, structural tensions are often underlying the relationships: Trade unions are rather established organizations with a specific logic and clear hierarchies, often dominated by men and anchored in formal sector employment. Domestic workers, on the other hand, work in precarious and isolated environments and their main form of organizing is through informal networks. They perform a typical feminised work, oftentimes in the informal sector. From this alone, one can sense that the organization of domestic workers in traditional unions may bring difficulties. Trade unions can reach domestic workers only with huge efforts and financial investments, as they work geographically dispersed in private homes. The fact that in many countries (irregular) migrants dominate the sector, makes the organization in trade unions even more difficult, as many unions not actively support them; more often they consider them as competitors, undermining general working conditions and wages⁶. Employers also tend to create a "hierarchy of the bottom"⁷ and foster competition rather solidarity among workers. **These perceptions of migrant workers are reflected in dilemmas trade unions face: Shall unions cooperate with the state concerning migration policies? Shall unions advocate for equal rights for migrant workers or shall they be relegated to a "special treatment"?**⁸ In recent years the trade union movement's agreed-upon language is to point to the universality of workers' rights and not ask about the status of a worker. However, this is the agreed language at the international level, the reality on the ground often looks differently.

The relationship between associations and unions in the sphere of domestic work is thus characterized by hitches: Associations may challenge a traditional union-based labour movement, while trade unions are critical about NGO-driven or donor-driven associations without proper democratic legitimacy. These

2 For Africa it is the South African Domestic, Service and Allied Workers' Union (SADSAWU), for Asia the Asian Domestic Workers' Network (ADWN) and the Asia Migrant Domestic Worker Alliance (ADWA), for the Caribbean the National Union of Domestic Employees (NUDE) from Trinidad & Tobago, for Latin America the Confederación Latinoamericana y del Caribe de Trabajadoras del Hogar (CONLACTRAHO, Latin American and Caribbean Confederation of Household Employees), for North America the National Domestic Workers' Alliance (NDWA); the regional representation for Europe has to be decided upon.

3 K. Pape, *Betreten der internationalen Bühne. Hausangestellte organisieren sich zur Einforderung global geltender Standards*, [in:] *Frauen-Solidarität*, 3, 2009, pp. 26-27.

4 D. Nuriyati & R. Pabon, *Migrant Domestic Workers Movement: Domestic Workers Groups and Trade Union Relation in the Case of Hong Kong and Amsterdam*, Master Thesis Submitted to the Global Labour University, University of Kassel and Berlin School of Economics and Law. Kassel, Berlin 2009.

5 M. Bloifield, *Feudal Enclaves and Political Reforms: Domestic Workers in Latin America*, [in:] *Latin American Research Review* (44) 1 /2009, pp. 158-190.

6 R. Pennix & J. Roosblad, *Introduction*, [in:] *Trade Unions, Immigration and Immigrants in Europe 1960-1993*, Pennix, R. & Roosblad, J. (eds.), New York, Oxford: Berghahn 2000, pp. 1-19.

7 R. Waldinger & M. Lichter, *How the Other Half Works. Immigration and the Social Organization of Labor*, Berkeley, Los Angeles, London: University of California Press 2003.

8 H. Schwenken, *Rechtlos, aber nicht ohne Stimme. Politische Mobilisierungen um irreguläre Migration in die Europäische Union*. Bielefeld: transcript 2006.

discussions show how important it is not only to bridge activities on different spatial levels, but also different organizational logics. The campaign for an ILO convention on domestic work brought these different actors and logics together. It can be considered a success that involved mutual learning and collaboration.

ILO convention no. 189

“Decent work for domestic workers”

Since 1948 domestic work was placed intermittently on the ILO agenda, however, it never came to the adoption of an instrument. In 2008 the Governing Body decided to put the issue again on the agenda. What followed was an intense process that involved several rounds of information gathering, consultation and negotiation. Finally, in June 2011 the International Labour Conference passed convention 189 entitled “*Decent Work for Domestic Workers*” and thereby set global minimum standards. The support for the convention was unexpectedly high: Convention 189 was approved by 396 votes in favour, 16 against and 63 abstentions. The related recommendation has been even more overwhelmingly approved with 434 votes in favour, 8 against and 42 abstentions.

The Convention defines domestic workers in a very inclusive way, as working *in or for a household/s* and as *any person engaged in domestic work within an employment relationship* (art. 1). It includes undocumented migrant domestic workers (“applies to all DW”, art. 2). Among the provisions are: domestic workers need to be informed about the terms and conditions (art. 7), they should enjoy standards “like workers in general” (several art.), a weekly rest period of at least 24 consecutive hours (art. 10(2)), a minimum wage coverage “where such coverage exists” (art. 11) and affordable and easy access to dispute settlement (art. 16). Member States should consult the most representative organizations of employers and workers (several articles).

For the International Labour Conference in 2010 eleven national trade union federations appointed a domestic worker (or somebody very closely working with domestic workers) as a delegate for their delegation. For the 2011 decision-making conference this number raised to 35. In most of these cases, domestic workers are comparatively strong rooted in a domestic workers’ union or a larger union. They were not participating on an individual basis, they were organized in a regional alliance and active in the IDWN. The representation of *migrant* domestic workers depends on the region: in the United States, in many Asian and in many European countries, the majority of workers are migrants. This is well reflected in the activities of organized domestic workers. However, the IDWN stresses the fact the domestic workers are not necessarily migrants, but that the global discourse tends to set domestic workers synonymous with migrant women. Undocumented migrant domestic workers were only indirectly represented at the International Labour Conference through formerly undocumented women who had acquired a secured legal status in the meanwhile.



Making the work relation visible: From “maid” to “worker” – and: from “mistress” to “employer”

International labour standards only matter if the labour relation is acknowledged by all parties involved. On a discursive level in the domestic work sector a derogative terminology prevails that dates back from centuries-long perception of household workers as “maids” or “servants”. They are not considered workers, self-employed or employees. For many domestic worker organizations the discursive recognition has been an important part of their struggles. Mexican household workers, for example, expect from a reform in Mexican labour legislation that the term ‘servant’ is to be changed to “worker”⁹.

During the negotiation of the ILO convention, the term “worker” itself was not questioned. However, what was contested was how broad the definition should be. The singular or plural in “household(s)” was debated, for example. The plural finally was included in the convention’s text, a singular, however, would have excluded the many domestic workers that work on an hourly basis in multiple households. A group that is in fact excluded by the final version, and that was debated various times, are foster children who are working in the households of the family that is caring for them and paying for their education – not uncommon in many Sub-Saharan African countries.

A similar clarification of terminology necessary would have been for “employers”, though it was not discussed as controversially as the definition of “domestic worker”. Employers of domestic workers usually do not consider themselves as proper employers and are only in very rare cases organised in employers associations. The successful campaign for a Bill of Rights for Domestic Workers in the state of New York therefore aimed at convincing the public, employers and legislators that domestic work is real work and that employers are real employers¹⁰. For that purpose, they gained the support from some employers of domestic workers active in the organization Jews for Racial and Economic Justice. Hobden¹¹ considers this campaign element key for the final success of the passing of the bill. For many employers clear regulations can also be a welcomed guide to what the actual standards are. Experiences at the national level show that only in very few countries employers’ associations are identifiable and recognized, which is a precondition for collective bargaining. During the ILO discussion this dilemma became obvious as the accredited employers associations stated that the employers of domestic workers are all private persons, not the established umbrella employers associations represented at the ILO. And to make it more difficult, of course, also trade unionists are employing domestic workers. Defining employers shined up two times during the negotiations at the ILO: The employers group attempted (but not succeeded) to exclude agencies as employers of domestic workers by arguing that a separate convention, No. 181, covers those workers. The second debate about the employers’ side of the relation dealt with the term “private” and “private household” as the workplace that was laid down in the draft working definition. Employers and a part of the government delegates objected the household to be considered a workplace like any other workplace, because the privacy of the family needed to be guaranteed and not obstructed by for example labour inspectors. The workers’ group responded that the home becomes a workplace – that therefore is also subject to inspections – in the moment someone is employed. With regard to labour inspections, the workers’ group gave examples that there are ways of checking documents and talking to the employer and/or the domestic worker without entering the private home at all; checking the

9 M. Thomson, *Workers not maids - organising household workers in Mexico*, [in:] *Gender & Development* (17) 2 / 2009, pp. 281-293.

10 C. Hobden, *Winning Fair Labour Standards for Domestic Workers: Lessons Learned from the Campaign for a Domestic Worker Bill of Rights in New York State*, International Labour Organization, Global Union Research Network (GURN), Working Paper No. 14., ILO: Geneva 2010.

11 *Ibid.*

worksites should be the last step. This debate on the home as a workplace was among the most controversial ones during the negotiations.

These contested debates on defining domestic workers, their employers and the workplace, point to the fact that none of them have so far been considered “proper” workers, employers and workplaces. The civil rights argument of protecting one’s privacy has been functionalised by critics of the convention in order to question the household to be a proper workplace.

What has been said and what has not been said...

The question of redefining the notion of “worker”, “employer” and “household” may appear as just an issue of terminology, but they point to the level of underlying ideas that inform the employment practices and also the regulatory level of policy-making. The ideas over time became institutionalized and part of the social organization of societies. “Having” a domestic worker, and calling her whenever there is demand for certain services, is in many middle and upper income groups considered a right in itself. Implicitly the assumption was made during the negotiations that the employment of a precarious, flexible and female migrant workforce in the household is the most convenient and “appropriate” mode, given the employers’ interest that the services are delivered in a flexible way and contain an affective dimension of labour. This is in line with the point brought forward by some employer and government representatives that work in the private home should not be completely formalized, because this would make it less “personal”. Referring to the migration and the gender dimension is therefore parenthetically instrumentalized by the employers and some governments to argue against a convention.

Changing these underlying perceptions is difficult, because it also involves a change in the everyday lives of many people.

Another challenge that determines the potentials for success of the convention is that informal sector employment, labour migration and gender are issues within the context of the ILO that are marginal and often not consensus among the constituents. This is a similar situation as with the home workers more than a decade ago: *[A]ll home-based workers disturb the rules that have been codified in the international labor regime. These rules are premised upon a separation of home and work [. . .]. In the case of the homework convention, this fed a contentious debate of what it means to be a worker*¹². In the context of the ILO’s Decent Work Agenda and gender mainstreaming, these issue-areas gained a more prominent status.

Labour migration is also a peculiar issue: government policies in the Global North prefer restrictive approaches, employers associations do not see much need to grant migrant workers more rights, and trade unions have an ambivalent relationship towards migrant workers who may be considered a threat for undercutting wages and working conditions¹³. During the ILC in 2010, the issue of (irregular) migration has not been dealt with prominently, except for the government representative of the United States who called to protect the undocumented. The silencing of the situation of undocumented migrant domestic workers has been criticized by some observers, because it makes them once again invisible. Others welcomed this silencing, because it emphasises the universal character of the norm and evades a delicate issue in order to not let the convention collapse. Unionists were afraid

¹² E. Prügl, *Processes of Empowering and Disempowering Domestic Workers*, Paper given at the Workshop “Strategies for Empowerment of (Migrant) Domestic Workers”, International Center for Development and Decent Work/University of Kassel, 30.11-01.12.2009 (unpublished manuscript), Geneva 2009.

¹³ R. Pennix & J. Roosblad, *op.cit.*

that a convention that includes undocumented workers will remain meaningless, because those ILO conventions including undocumented migrants have not been ratified by most member states.

The issues that have been on the ILO negotiation table, explicitly as well as implicitly, show that domestic workers' living and working conditions are characterised by a high complexity, because four dimensions and political regimes overlap: (a) the gender regime and the gendered division of care and reproductive labour, (b) the care regime as part of the welfare regime with its specific division of responsibilities between the state, the market and the family, (c) the migration regime that encourages or discourages the outsourcing of domestic and care work to (irregular) immigrant women¹⁴, (d) the labour regime that often excludes domestic work from its national labour regulations, which makes it more difficult for domestic workers to claim unpaid wages etc. These regimes are nationally specific, but it is often overlooked that they are embedded in historically grown global geographies of labour and capital circuits¹⁵. In these circuits, low-paid feminized reproductive work of migrant domestic workers is juxtaposed to the high-end jobs at the economic top. It is unlikely that an instrument such as the work-related ILO convention can fully respond to these complexities of overlapping regimes and of labour circuits that are part of structural and postcolonial global inequalities. This is in particular the case in so far as the employment of domestic workers in many countries is the individualised and privatised response to the dismantling of public services such as crèches and elderly-care facilities and the time flexibility demanded from employees. **If the issue of domestic work is discussed in a way that captures the regime complexity, it would be necessary to also speak of issues such as the commodification of care, the international division of labour, the feminization of migration and the division of reproductive work in intimate relationships and in families.** However, these issues have not even been raised explicitly during the ILO negotiations. Even though it is clear that ILO instruments have specific purposes and therefore clear limitations, the general debate was not used to place the issue of domestic work in its context. Employing domestic workers was taken as a matter of course, a service like any other.

The focus on the working conditions of domestic workers addresses some of the most pressing issues of exploitation and justice; however, it excludes the broader societal context in which the employment of domestic workers takes place. It also excludes the historical legacies of colonialism and racist discrimination that determines to a large extent until today who is employed as a domestic worker.

Conclusion

The passing of the ILO convention "*Decent work for domestic workers*" in 2011 has been a historic step towards the recognition of a group of women and migrant workers that do not enjoy many rights. The ratification and implementation process has just started and the success will have to be evaluated in the future. Domestic workers moved from the kitchens of the world to national and regional levels and further to the global one of the ILO, in particular the processes of setting up the International Domestic Workers Network made a difference and brought organized domestic workers together that had not collaborated before. **The impressive extent to which domestic workers organized themselves and mobilized for a convention speaks against sceptics who consider the sector as unorganizable. Domestic workers around the world were able to identify with the cause and also to be symbolically present at the International Labour**

14 H. Lutz, Introduction: *Migrant Domestic Workers in Europe*, [in:] *Migration and Domestic Work. A European Perspective on a Global Theme*, H. Lutz (ed.) Aldershot: Ashgate 2008, pp. 1-10.

15 S. Sassen, *Two Stops in Today's New Global Geographies. Shaping Novel Labor Supplies and Employment Regimes*, [in:] *American Behavioral Scientist* (52) 3 / 2008, pp. 457-496.

Conference by putting their handprints on quilts that were brought from all over the world to Geneva.

Though, domestic workers' visibility at the ILO does not guarantee their success. This became apparent during the negotiations of the convention in which the inclusive meaning of the term domestic worker and the acknowledgement of the private home as a workplace were challenged by the employers' group and some governments. Hence, the issues what it means to be a "worker" and "employer" remain on the agenda.

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Constructing Care Markets in Familialistic Societies

East Asia and North America in Comparison



By Sonya MICHEL & Ito PENG

Introduction

Care regimes in the developed societies of the United States, Canada, Japan and South Korea reflect both longtime familialistic ideals of care and neo-liberal constraints on welfare state development. The recent uptick in female labor force participation in these countries has produced large “care deficits” in the areas of child care and elder care, creating openings for migrants to provide care. Yet there are marked differences in how these societies are going about recruiting migrants to perform care work.

The liberal welfare regimes of the United States and Canada have generally failed to develop universal, state-supported social services, relying instead on either the voluntary sector or the market for most such provisions.¹ Both now and in the past, much of this work has been performed by members of racial and ethnic minorities. As immigration/multicultural societies, the U.S. and Canada are accustomed to bringing in workers from across the world. In the U.S., the combination of historical reliance on African Americans and other minorities to do domestic work entrenched the practice of middle-class dependence on migrants as domestic servants and now as caregivers. Although less accustomed to using racial and ethnic minorities for domestic service, Canadians are increasingly viewing migrants as potential care workers. Because of the close association between domestic and care work and ethnic minorities and migrants, both countries tend to view care work as unskilled. But until recently, the immigration regimes of both have given preference to skilled workers. In the U.S., this means that many potential care workers must enter the country illegally. Canada, however, has instituted a formal policy to recruit migrants specifically for this type of work.

¹ Canada has a national health system; with regard to other types of social policies, there is a good deal of variation among the provinces, with Québec, Ontario, and British Columbia generally taking the lead. There is also variation among the American states, with the South usually lagging well behind the rest of the country in terms of generosity and progressivity of social provisions.

Japan and South Korea (hereafter Korea) are facing serious social and demographic issues as a result of very low fertility and rapid population aging. Throughout the post-war era, these two developmental states actively used social policies to achieve their economic development objectives. Since the 1990s, both countries introduced social investment policies focused on child care and elder care to deal with the issues of fertility decline and care deficit. In both cases, the programs are service-focused and aimed to free women from responsibility for family care so as to simultaneously redeploy their human capital into the labor market to meet labor shortages and encourage them to have more children.

In addition to the preference for native-born child care providers, these two ethnically homogeneous societies also have had very little experience with immigration (though they have long been sending countries). Only in the recent decades have these countries seriously begun to consider foreign temporary workers as a solution for their labor shortage problem. As such, immigration programs in Japan and Korea are small, targeted, and temporary. Unlike the U.S. and Canada, foreign care workers are often recruited as skilled or semi-skilled workers in targeted and narrow labor market niches. This has led individuals and families to turn to international marriages to meet some of their family care needs. In short, the strict and limited temporary foreign workers policies in these countries have resulted in “marriage migrant” policies that often perform double duty as care worker policies.

This paper, based primarily on analysis of existing empirical studies and policies, compares the origins and workings of care markets in the two regions. It shows that the U.S. and Canada differ markedly from Japan and Korea in their approach to migrant care workers, reflecting differences in their immigration, welfare, and employment regimes. **The combination of the developmental state legacy and strong adherence to the idea of racial and cultural homogeneity in Japan and Korea have resulted in more instrumentalist care policies, with stronger state regulation of care work and better conditions for native-born care workers. At the same time, individuals and families are increasingly turning to international marriage as a way to address their family care problem.** In the U.S., despite unfavorable immigration policies, the prospect of immediate employment has attracted enough migrants willing to enter the country illegally that the state has not been forced to reform its immigration regime, and working conditions for caregivers are for the most part unregulated and very poor. Canada, exerting a somewhat less powerful draw, has been forced to institute a more formal program, the Live-in Care Program, which includes oversight and has produced better working conditions for care workers. In what follows, the paper first outlines welfare, care, and immigration regimes in the four countries, grouped in pairs (East Asia and North America). Then it shows how differences in welfare/care regimes and orientations towards immigration/multiculturalism have led to divergent immigration regimes between the two regions. It concludes with a discussion of how this can help us further our understanding of immigration regimes.

Welfare and Care Regimes

Japan and Korea

Japan and Korea share very similar familialistic care regimes that are underpinned by the developmental state-led model of economic development. In these countries dualistic and segmented employment system dividing insiders from outsiders extends beyond the labor market, and includes insider/outsider divide between men and women in public and private spheres, and between the employment (labor market) and unpaid care (family). The policy logic of these care regimes is very similar to the male breadwinner model.

These East Asian states see their primary role as leading and maintaining the public and market institutions through economic and industrial policies; while the responsibility for welfare and care provision is almost entirely relegated to the family. Hence, until recently, almost no public or private-market sources of care existed in either country, as the states saw no rationale to provide alternatives to family-based care. Instead, the states' policy attention was almost entirely focused on the economic growth management through market coordination and by ensuring high (male) employment.

This post-war institutional equilibrium, however, has begun to shift as a result of two factors: 1) the socio-demographic changes resulting from the rise of the maternal employment, and more importantly, rapid fertility decline and population aging; and 2) global economic competition leading to neoliberal pressures towards economic and labor market deregulation. In Japan, the employment rate of women in the peak childbearing age (30-34), rose from 56.7% to 67.2% between 1998 and 2008, respectively, while that of women aged 35-39 increased from 61.5% to 65.5% during the same time. In Korea, the employment rate of women in the peak childbearing age (25-29), rose from 35.9% in 1985 to 69.3% in 2008, while that of women aged 30-34 and 35-39 increased from 43.6 and 52.9% to 53.3 and 58.5%, respectively². Both countries have experienced a steady drop in fertility rate since the mid-1970s; their current total fertility rates (2010) are 1.2, well below the replacement level. That year, the percentage of people over the age of 65 in Japan was 23% and 11% in Korea. Since 2007, the total population of Japan has been declining³. In Korea, the population over the age of 65 is projected to reach 24% of the total by 2030, and the total population is expected to decline after 2018. The two governments have responded to these demographic imperatives through family-work reconciliation policies: there have seen a dramatic increase in government support for public and market-based child care and elderly care since the 1990s⁴. These policies are widely seen as instrumentalist and pro-natalist approaches to addressing fertility decline. They also underscore the seriousness of care deficit in both countries.

At the same time, along with child care and elder care expansions, both governments have also introduced employment legislation reforms to deregulate and flexibilize their labor markets. In both cases, standard employment has declined, while non-standard employment has expanded rapidly. In Japan, the proportion of standard employees as a percentage of all employees dropped from 79.8% in 1990 to 65.7% in 2010⁵. In Korea, the trend towards increased labor market formalization through expansion of standard employment since the 1980s, reversed after the mid-1990s. Here, the combination of the 1997 Asian financial crisis and the employment reforms after 1998 led to a sharp drop in standard employment, from 58.1% of all workers in 1995 to 47.9% in 2000. In 2009, the proportion of workers in standard employment stood at 57.1%, slightly lower than the 1995 level⁶.

Employment deregulation has led to increased women's entry into the labor market. Increased unemployment and job insecurity have created pressures on middle-class families to have second wage earners, often women. This pressure is further reinforced by new gender norms about women's lifetime employment. The expansion of non-standard employment, most of it in service and knowledge-based sectors, has created opportunities for women to work. In Japan, for example, the percentage of all women workers in non-standard employment increased from 39% in 1995 to 53% in 2009⁷. The cumulative effects of

2 J. Joo & C. Lee, *Changes in the Status of Korean Women Observed in 2008 Statistics*, [in:] *Gender Studies and Policy Review*, Vol. 2: 96-111, 2009.

3 Japan Bureau of Statistics 2011

4 I. Peng, *The Good, The Bad, and The Confused: Political Economy of Social Care in South Korea*, [in:] *Economy & Development*, Forthcoming.

5 Japan Statistics Bureau 2011

6 KWDI 2009

7 Japan Statistics Bureau 2011

socio-demographic and economic and labor market changes in both countries include increased married women's employment, very low fertility rates, and increased demand for child care and elder care. As the demand for care continues, both countries are faced with growing pressure to rethink their not only their care regimes, but also their non-immigration policies.

Current Care Policies in Japan and Korea

Despite the growing policy interest in foreign care workers, the preferred solution to solving care deficit and demographic shifts in Japan and Korea is still pro-natalism. Indeed, immigration, is still largely considered a secondary and a less ideal solution to the problems of the care deficit and demographic aging, more a back-up plan in case of continuing care deficit. In both places, immigration policies remain tentative and more economic- and industrial development-focused⁸. Moreover, given the two countries' traditional emphasis on human capital investment in children, foreign care workers are seen as a solution only for elder care, not child care.

Child Care

The Japanese government significantly expanded public child care after 1994. The total number of children enrolled in licensed child care centers increased from 1.8 million to 2.02 million between 1990 and 2008, at a time when the total number of pre-school children was actually declining.⁹ In 2006, the percentage of children enrolled in formal care or early education services in Japan was 28.3% for 0-2 years and 87.6% for 3-5 years, noticeably higher than in the U.S. (31.4% and 58.4%, respectively) and Canada (24.0% and 56.8%, respectively)¹⁰. The Japanese government's total social expenditure on children and family also rose from ¥1.6 trillion in 1990 to ¥3.6 trillion in 2007¹¹. Much of the child care expansion is aimed at helping women reconcile family-work responsibilities, encouraging married women's employment, and offering young couples an incentive to have more children.

In Korea, a significant push for child care came after 2003. The total number of child care centers increased from 1,919 in 1990 to 29,823 in 2007, while the number of children enrolled in child care centers rose, from 48,000 to 1,062,415^{12,13}. There has been a push for the integration of early childhood education and early child care for children ages 3 to 5, and universal free pre-school education for all 5-year olds. In 2006, the percentage of children enrolled in formal care or early education services in Korea was 37.7% for 0-2 years and 79.8% for 3-5 years, again, comparatively higher than the US or Canada¹⁴. Korea's ECE budget increased from 356 billion Won to 886 billion Won between 2002 and 2006, while that of child care nearly quintupled, from 435 billion to 2,038 billion, respectively.

Child care expansion in both countries constitutes an important part of family-work reconciliation policy reforms. Both countries now provide fully-paid maternity leave, and paid parental leave (40% salary replacement in Japan and 500,000 Won per month (US \$500) in Korea). In Korea, the parental leave period has also been

8 <http://www.kantei.go.jp/jp/21stcentury/report/htmls>

9 The total number of children under age six in Korea has been declining since the 1970s (Summary of Census Population, Korean Statistical Information Services, http://www.kosis.kr/eng/database/database_001000.jsp?listid=B&subtile=Population,percent20Household Accessed 11/04/2011).

10 OECD 2011

11 NIPSSR 2009

12 MOGEF 2007

13 In both Japan and South Korea the majority of publicly funded child care is provided by "private" (for and not-for profit) child care centres. Currently, only 5.6 percent of all child care centres (caring for only 11 percent of all children enrolled in child care centres) are truly public, that is they are governmental institutions and child care workers are considered public servants. Most private child care centres in Korea are in fact not-for-profit, meaning they are run by NGOs and other registered non-profit organizations. Home day care is a home-based day care or playroom often provided by child minders in their own homes with a small number of children as an alternative to large institutional child care. Home child care is also mandated to care only for children two years and under. Workplace day care is often institutionally based and provided by employers for employees' children, located in the workplace or in company housing compounds.

14 OECD 2011

extended to 3 years¹⁵. In both countries, paternity leave has been introduced. In Japan, an unpaid family care leave was also introduced in 1999. A number of employment reforms have been added since 2000 as well to make work places more “family-friendly”, including nursing care leave, limitations on overtime and late-night work, measures to reduce working hours, extension of social security support for part-time and dispatch workers, and job search and skills retraining support for women returning to work after childrearing¹⁶. The Korean government has also extended maternity leave to non-standard workers, and instituted similar “family-friendly” workplace policy reforms since 2006.

Elder Care

Japan and Korea implemented Long-term Care Insurance program (LTCI) in 2000 and in 2008, respectively, thus universalizing elder care services. The number of LTCI recipients in Japan increased from 1.49 million in 2000 to 3.29 million in 2005, and its expenditures rose from ¥3.25 trillion to ¥6.3 trillion between 2000 and 2007¹⁷. Evidence shows that the LTCI in Japan has led to a noticeable decline in the care burden felt by family caregivers¹⁸, and increase in women’s employment rate¹⁹. In its first year of implementation in Korea, a total of 230,000 older people received elder care services through the LTCI (5.3% of the population aged 65+). This number is projected to increase to 320,000 by 2013 (MOHWFA 2009). No data is available for the total government spending on LTCI in Korea.

In both countries, the introduction of LTCI system has been coordinated with recruitment and training of women, mostly married, to work as licensed care workers. In Japan the total number of certified care worker rose from 18,375 in 1999 to 134,066 in 2010²⁰. In Korea, a total of 456,633 people were trained and certified as certified elder care worker by 2009. Like child care, in both countries, elder care services are largely provided by public, and public and private not-for-profit organizations, under regulated market systems. In both cases, the state plays an important role in financing and regulating services and certifications of workers.

Both Japan and Korea are faced with significant elder care deficit as a result of LTCI. In Japan, a 2008 government survey found that the ratio of job offers to job takers in elder care services sector nearly doubled between 2004 and 2007, from 1.14 to 2.10, in contrast to the average figure for all other industries of less than 1.0²¹. The situation is even worse for part-time care workers, with the ratio rising from 2.62 to 3.48. Labor supply for elder care work is further worsened by high rates of job separation and turnover²². The situation in Korea is less serious at the moment largely because the LTCI was only implemented in 2008. However, anxiety over the shortage of care workers is also evident in Korea. Both governments therefore have begun to actively consider

15 Korea Net, *Childcare leave to extend to 3 years*, viewed on 14 April 2008, 2006

16 MOHLW 2008

17 NIPSSR 2008

18 K. Kumamoto, A. Yumiko & S. Zarit, *Use of Home care services effectively reduces feelings of burden among family caregivers of disabled elderly in Japan: preliminary results*, [in:] *International Journal of Geriatric Psychiatry*, vol 21 / 2006, pp. 163-70.

19 S. Shimizutani, S. Wataru, & N. Haruko, *The socialization of at-home elderly care and female labor market participation: Micro-level evidence from Japan*, [in:] *Japan and the World Economy*, vol 20 / 2008, pp 82-96.

20 Japan-MHLW

21 MHLW 2008

22 *ibidem*





foreign workers as a potential solution to care deficit in elder care sector and population aging.

The US and Canada

The care regimes of Canada and the United States reflect both longtime familialistic ideals of care as well as liberal and neo-liberal patterns of welfare state development²³. Both countries currently have high rates of labor force participation for all women, including those with young children and responsibility for elders, yet neither offer adequate supplies of public child care or elder care. In Canada, about 75% of all women and 70% of mothers of children under 15 were in the labor force in 2008; in the U.S., approximately 70% of all women and 65% of mothers were gainfully employed in the same year²⁴. While these rates have fallen slightly due to the current economic crisis, a majority of mothers with children under 15 in both countries remains in the labor force. A similar proportion of persons with primary responsibility for elders also work outside the home^{25,26}. An increasing proportion of women caregivers belong to the “sandwich generation” - that is, they are responsible for both children and elders²⁷. As a result of their multiple pressures, wage-earners with care responsibilities (most often women) must find care providers outside the family. In the absence of adequate public services, they turn to the market, often employing migrant women who are compelled to accept low wages, long hours, and other substandard working conditions.

Child Care

Although about half of children five and under in both countries require some form of child care, neither Canada nor the U.S. offers universal, state-supported services. Unlike Japan or Korea, investment in the education of young children is only somewhat publicly valued in Canada, even less so in the U.S., making it primarily a private middle-class privilege. Debates over child care policies in both countries reflect a persistent set of familialistic values, including an emphasis on the mother-child bond and a preference for avoiding governmental intervention into the family²⁸. These values, which pertain specifically to the nature of child care and its potential impact on familial relations, are underscored by a general reluctance to expand government through social service provision. Though more pronounced in the United States than in Canada, the insistence on “relying on the market” has blocked repeated efforts to legislate universal child care provisions in the latter²⁹.

This devaluation is reflected in the child care provisions available. The array of provisions, particularly in the United States, is often referred to as a “patchwork,” since it consists of public and private, for-profit and

23 S. Michel, *Children's Interests / Mother's Rights: The Shaping of America's Child Care Policies*, Yale University Press, New Haven, CT; and R. Mahon & S. Philips, *Dual-Earner Families Caught in a Liberal Welfare Regime? The Politics of Child Care Policy in Canada*, [in:] *Child Care at the Crossroads: Gender and Welfare State Restructuring*, S. Michel & R. Mahon (eds.), Routledge, New York 2002.

24 OECD 2010

25 K. Cranswick & D. Dosman, *Elder care: What we know today*, Statistics Canada. <http://www.statcan.gc.ca/pub/11-008-x/2008002/article/10689-eng.pdf> 2007

26 The most recent and probably most authoritative study of elder caregiving in the U.S. by the Families and Work Institute (Aumann et al. 2010) found that a nearly equal proportion of employed men and women provide elder care – 22% of men, 20% of women – but women spend more time at it and do it more regularly (2).

27 K. Aumann et al., *The Elder Care Study: Everyday Realities and Wishes for Change*, Families and Work Institute, 2010, viewed 20 May 2011, <http://familiesandwork.org/site/research/reports/elder_care.pdf>.

28 S. Michel, *Children's Interests / Mother's Rights: The Shaping of America's Child Care Policies*, Yale University Press, New Haven, CT. 1999

29 R. Mahon & S. Philips, *Dual-Earner Families Caught in a Liberal Welfare Regime? The Politics of Child Care Policy in Canada*, [in:] *Child Care at the Crossroads: Gender and Welfare State Restructuring*, S. Michel & R. Mahon (eds.), Routledge, New York 2002

non-profit, center-based, family-based, and in-home services available part-time and full-time. Care providers range from the untrained to professionals, and compensation, benefits, and working conditions vary widely. More children are placed in informal care than in professional, center-based care. In Canada, about 28% of children under five attended child care centers in 2002-3³⁰ while in the U.S., less than one quarter of the under-fives were in child care centers in 2006^{31,32}

Further adding to the patchwork quality of provisions is the way in which they are financed: in both countries, government support is class-based. In the U.S., middle and upper-income parents can take advantage of tax credits to cover a proportion of their child care costs, while low-income families generally receive vouchers. In Canada, low-income families are eligible for a pro-rated Canada Child Benefit in addition to the flat-rate Universal Child Care Benefit all parents receive. Except for those with very low incomes, parents in both the U.S. and Canada find that the cost of child care, of whatever kind, far exceeds any government subsidies they may receive. Moreover, the fact that most government subsidies go to parents, not directly to child care providers, means that they are often operating close to the financial edge, and it is difficult for them to offer the highest quality of care³³.

The “Nanny” Option

As of 2003, more than 50% of Canadian children aged six months to five years were in some form of non-parental care³⁴, while nearly 60% of mothers of children six and under were in the labor force, thus leaving a gap between demand and supply³⁵. The annual cost of center-based care runs from about \$6,800 to nearly \$14,000 per year, while full-time care in a family care home runs from about \$6,600 to \$10,500. With women earning on average only \$30,200 in 2008, this means that full-time care for one child could absorb anywhere from a quarter to nearly a half of their total annual income; for women with multiple children, the share would, of course, increase.

In the U.S., full-time care in a center can cost anywhere from \$4,500 to \$19,000 per year; in family child care home, the cost ranges from about \$5,700 to nearly \$12,000³⁶. With women’s median income at about \$34,800 (77% of what men earn), child care costs can absorb anywhere from 13% to over half of their salaries. Taxpaying Americans may claim a child and dependent care tax credit of up to \$3000 per year per child (up to a maximum of \$6000), while low-income parents may be eligible for child care subsidies through the provisions of Temporary Aid for Needy Children or the Child Care and Development Block Grant, but these vary widely from state to state. Although costly for a single child, families with two or more children requiring care may decide that hiring a nanny is cheaper than placing their children in child care centers or family care homes. Nanny care may also prove more convenient for parents who have erratic hours or travel extensively. Finally, having an individual caregiver devoted exclusively to one’s children may fit better with parents’ “ideals of care”³⁷. Annual salaries for live-in nannies or child care workers in the United States range from about \$20,800 to \$41,600; in Canada, the range is from \$14,400 to \$22,800. For those living out and working 40 hours per week, the U.S. range is \$20,800 \$37,440; in Canada, \$22,800 to \$36,000 (www.4nannies.com; www.nanny-agency.ca). Based on the figures for women’s income cited above, in both countries, this option would be

30 T. Bushnik 2006, *Child Care in Canada*, Statistics Canada, Special Surveys Division, Children and Youth Research Paper Series, <<http://www.statcan.gc.ca/pub/89-599-m/89-599-m2006003-eng.pdf>>, 2006.

31 NCCIC 2010

32 The Canadian figure represents an increase; in 1994-5, only 20 percent of the under-fives were in child care centers.

33 S. Michel, *Children's Interests / Mother's Rights: The Shaping of America's Child Care Policies*, Yale University Press, New Haven, CT. 1999.

34 T. Bushnik, *op. Cit.*

35 *Human Resources and Skills Development Canada 2007*, 9.

36 NACCRA 2010

37 M. Kremer, *The Politics of Ideals of Care: Danish and Flemish Child Care Policy Compared*, [in:] *Social Politics*, vol. 13 / 2006, no. 2, pp. 261-285.

unaffordable for all except the highest-earning women, or women living in high-income two-earned households.

Elder Care

As the population of older people has swelled in Canada and the United States, increasing both the social and the financial burden of care, both countries have developed services with an eye toward keeping “seniors” living independently as long as possible. These include senior day care, meals-on-wheels, visiting home health and home help aides, as well as various levels of assisted living. This trend has been so successful that in the U.S. the proportion of those over 85 living in nursing homes or other full-service long-term care facilities³⁸ has actually declined in recent years, from a peak of 21% in 1985 to 16% in 2003³⁹. Driving this shift has been an emphasis on “active” or “positive” aging, a “busy ethic,” and the “gold in gray” enjoyment of “productive” aging⁴⁰. These messages are reinforced by a push for generational independence on the part of younger cohorts, mirrored by a retreat on their part from a sense of obligation for their elders⁴¹.

Such optimistic portrayals, however, have the effect of masking the realities of life for frail older people - many but not all made up of the “old old,” who require some form of care⁴². This need may be satisfied by the kinds of services just enumerated, but when those no longer suffice, the ethos of active aging often makes both older people and their relatives or friends reluctant to place seniors in a full-care facility (assuming one is available and affordable). Instead, those responsible for care may construct a kind of liminal space in which the specific tasks of day-to-day care (whether direct ministrations or overseeing other service providers) fall largely on women – daughters, daughters-in-law, and other adult female relatives or female neighbors^{43,44}. As we have noted, these same women also tend to be in the paid labor force, and, increasingly, they are turning to paid in-home caregivers, many of them migrants – about 22% in Canada, 21% in the U.S. in 2007-8^{45,46}.

Migration and Care Work

Japan and Korea

As traditionally immigrant-sending nations, Japan and Korea have been ambivalent, if not antagonistic, about taking in immigrants. As a result, foreigners still make up only about 2% of the total population in both countries. Since the 1990s, however, both countries have been forced to rethink their immigration policies, largely because of labor shortages. In both cases immigration policies have been revised to accept more temporary workers, including nurses and foreign care workers. Nevertheless, a significant cognitive barrier remains, reinforced by the pervasive notion about their ethnically and culturally homogeneous societies. For most of the twentieth century, the two countries pursued their nation-building objectives by creating national

38 In both countries, the majority of such facilities are private-sector or proprietary, and thus very costly.

39 H. El Nasser, *Fewer seniors live in nursing homes*. [in:] *USA Today*, September 27, 2007.

40 S. Katz, *Old Age as Lifestyle in an Active Society*, Doreen B. Townsend Center Occasional Papers, No. 19. http://townsendcenter.berkeley.edu/pubs/OP19_Katz.pdf, 1999.

41 C. Kemp, 'Grand' Expectations: The Experiences of Grandparents and Adult Grandchildren., [in:] *Canadian Journal of Sociology/Cahiers canadiens de sociologie, Special Issue on Social Policy: Canadian and International Perspectives*, 29 (4) / 2004: 499-525.

42 S. Katz, *op.ct*.

43 K. Cranswick & D. Dosman *Elder care: What we know today*, Statistics Canada. <http://www.statcan.gc.ca/pub/11-008-x/2008002/article/10689-eng.pdf>, 2008.; K. Aumann et al., *The Elder Care Study: Everyday Realities and Wishes for Change*, Families and Work Institute, viewed 20 May 2011, <http://familiesand-work.org/site/research/reports/elder_care.pdf>.

44 S. Keefe and P. Fancey note that family members' responsibility does not end when an elderly relative enters a full-time facility, as care provision still requires regular oversight and supervision.

45 S. Spencer et al., *The Role of Migrant Care Workers in Ageing Societies: Report on Research Findings in the United Kingdom, Ireland, 2010*.

46 These figures include both full-time and part time workers; Glenn argues that such figures may well underestimate the number of migrants working in this “gray-market” field, since many are undocumented and thus not easy to identify and count. The proportion of paid informal care providers who are migrants exceeds that for professional care providers, including nurses: 17% in Canada, 14% in the United States .

narratives around unity through racial, ethnic and cultural homogeneity. Both societies therefore have been highly suspicious of “foreigners.” In Japan, Japanese of Korean descent (*Zainichi* Koreans) have been historically segregated from the mainstream Japanese society through various institutional means, such as imposition of mandatory fingerprinting, foreign registry cards, separate Korean schools and housing, and systematic employment discrimination. Only in the 1990s were *Zainichi* Koreans given permanent residency in Japan and access to public sector employment. In Korea, the idea of a single ethnically homogeneous Korean race (*danil minjok*: unitary nation) played an important role in Korean resistance against Japanese colonial rule. In the post-war era, however, it also served as a powerful discriminatory force against ethnic minorities within Korea, such as ethnic Chinese (*hwagyo*). In both countries, national identity based on the principle of bloodline has not only made immigration nearly impossible, but also led to a hierarchical immigration policies such that “co-ethnic foreigners,” like Latin Americans and South East Asians of Japanese descent and Chinese and Russians of Korean origins, are given special and separate immigration status over other immigrants and foreign workers.

Japan and Korea are not totally impermeable to the inflow of immigrants, however. On the contrary, both countries have seen steady increases in the number of foreign permanent residents in the recent decades, mostly as a result of international marriages. In Japan, international marriages rose from approximately 26,000 (approximately 4% of all marriages) in 1991 to 45,000 (6%) in 2006. Among these, 80% are between Japanese men and non-Japanese (Asian) women. About 40% of foreign brides are Chinese; 23% Filipinos, and 19% Koreans⁴⁷. The total number of registered foreign spouses and children of Japanese doubled from 104,369 in 1990 to 214,151 in 2004⁴⁸. In Korea, international couples now account for almost 15% of all marriages-over 35% in rural areas⁴⁹. In both countries currently, the majority of international marriages are between Japanese or Korean men and other Asian women. International marriages have also become largely a rural bachelor phenomenon, as these marriages are often facilitated by rural local governments as a way to recruit young people, help aging local men without prospective marriage partners find spouses, and prevent depopulation⁵⁰. Studies show that international marriages are a strategy for men in lower socio-economic groups and/or rural areas to secure marriage partners and carers for themselves and their aging parents⁵¹. Korean surveys found over a 15-year gap in the average ages of Vietnamese brides and Korean husbands, and significantly higher rates of elderly co-residency associated with international marriages percent⁵². In sum, strict policies on foreign workers in both countries may have contributed to the expansion of international marriages, with “marriage migrants” possibly doing double duty as unpaid family care workers.

In both countries, public and political apprehensions about opening immigration have led to attempts at limited recruitment of care workers through bilateral care worker programs and restricted temporary foreign worker visa policies. The Japanese government introduced its first formal care-focused immigration policy, called the care workers candidate programs (*Kaigofukushi shi Kohosha*), through bilateral economic partnership agreements with the Philippines and Indonesia in 2006 and 2008, respectively. The care workers candidate programs commit Japan to accept up to 1000 nurses and care workers from the two countries during the first two years of the bilateral agreement. Care worker candidates (trained nurses and care workers in their own

47 MHLW 2010

48 Japan Bureau of Statistics 2011

49 H. Lee, *Marriage Migration and Immigration Policy Reform in South Korea*, paper presented to the workshop *Demography, Gender and Care Migration*, Toronto, Canada, 9 March 2011.

50 MHLW 1998

51 MHLW 1998

52 D. – DH. Seol, et. Al, *Marriage Based Immigrants and their Families in Korea: Current Status and Policy Measures*, Seoul, MOGEF 2006.

home countries) are given work placements in receiving institutions in Japan and paid the same wages as Japanese care workers, for a period of up to four years, on the condition that she/he passes the Japanese licensing examination for care workers before the end of the four-year period. If the candidate passes the licensing examination, she/he is then given a permanent residency and permanent work visa; but if not, she/he is sent back to home country. In 2009, a total of 370 nurse candidates and 510 Filipino and Indonesian candidates had entered Japan through the program. Because most candidates are given only six-month language training at the beginning with very little follow-up support, only three candidates passed the examination in 2011. Discouraged by the low success rate, the number of candidates to Japan has dropped to 118 in 2011.

Less obvious, however, are the large numbers of foreign permanent residents (*Zainichi* people) and foreigners of Japanese descent (*Nikkeijin*) who are working in or being recruited into care work. Many of these *Zainichi* people are Filipino women who originally came to Japan in the 1970s and 80s under the entertainers' visas, and have since either gained permanent residency or married Japanese men. Many *Nikkeijin* who are recruited to care services are Filipinos of Japanese descent. Since the 2008 Nationality Law, children of Japanese nationals in former Japanese occupations, such as the Philippines, are able to gain Japanese citizenship and permanent residency if the Japanese parent acknowledges the parentage. Increasingly, these "co-ethnic foreigners" and *Zainichi* people are seen as potential care workers in Japan.

The Korean immigration system, like the Japanese, is also bifurcated into status- and occupational-based visas. The status-based visas are normally given to permanent residents, such as foreign spouses of the nationals or foreign descendents of nationals. Occupational-based visas are further categorized into more than twenty different categories. In anticipation of expansion elder care services, the government opened "personal care services" as a new temporary work visa category for the co-ethnic Chinese and Russians (*josunjok* and *Goryoin*) in 2002. In 2004, the Employment Permit System opened entry channels for low-skilled foreign workers by allowing small and medium-size enterprises to hire foreign workers from fifteen approved countries. In 2007, the Working Visit System further eased the residency and employment restrictions to *josunjok* and *Goryoin*, enabling a large number of female migrant workers to work in services and care industries. Between 2007 and 2010, the number of co-ethnic migrant workers under the Working Visit System increased from 93,774 to 334,297, respectively. Many co-ethnic migrant workers are employed as elder care workers in hospitals and other long-term care institutions⁵³.

In both countries, the formal intake of foreign care workers through restrictive care workers visas operates in parallel with the more informal use and recruitment of foreign permanent residents, many of whom are co-ethnic foreigners or foreign wives of Japanese or Korean men. These two-track systems clearly reflect the national ambivalence towards foreigners and immigration. Indeed, despite the growing calls in both countries for more coherent and integrated immigration policies, public discourses have been muted and cautious. The Japanese government has acknowledged that positive immigration would be important for maintaining the country's future vitality, particularly in light of population aging and increased

53 S. Um, *Migrant Care Workers in the South Korean Elder Care Market— At the Intersection of Immigration, Care, and Labour Market Policies*, paper presented to the workshop *Demography, Gender and Care Migration*, Toronto, Canada, 9 March 2011.

globalization. Yet at the same time, it cautiously expressed: "It would not be desirable, however, simply to throw open the gates and let foreigners move in freely"⁵⁴. It therefore plans to gradually increase the intake of skilled foreign workers, including nurses and care workers. Similarly, Korea's first government policy on immigration and multiculturalism also emphasizes the strategic importance of opening Korea for immigration in light of an aging population and increasing globalization, but here too, the focus is on a two pronged-approach: the strategic and targeted recruitment of skilled workers, and the accommodation and assimilation of "multicultural families" resulting from international marriages (MOJ 2010).

US and Canada

Historical Patterns

As heterogeneous or "multicultural" societies, the official stance of the U.S. and Canada has been to view entry into the country as the first step in a path to citizenship, but in practice their doors have not been opened widely to all. While generally welcoming white immigrants from Europe (though not all were considered "white on arrival"⁵⁵), these countries placed a series of restrictions on migrants of color from other parts of the world. Some of these policies were explicitly racist in nature - for example, America's Chinese Exclusion Act of 1882, and Canada's Chinese Immigration Act of 1885 - while others discriminated in practice by setting national quotas or imposing language, skill, or educational requirements for entry that members of racial or ethnic groups from poor or developing societies were unlikely to meet.

The immigration policies of the two countries have tended to be closely calibrated to labor force demands, but not consistently. Policymakers have often found that racial considerations conflicted with labor force needs. One solution has been to de-couple immigration from citizenship, recruiting migrants to work but not necessarily to become full members of the receiving country. Chattel slavery in the United States is, of course, the most extreme example of this practice, but at various points in their history, both Canada and the U.S. have experimented with other types of temporary worker programs to fill specific occupational gaps. In 1911, for example, Canada imported 100 women from French-speaking Guadeloupe to work in domestic service, only to deport them a few years later when an economic downturn compelled native-born Canadian women to move into the occupation – one they had previously disdained⁵⁶. During World War II, the United States instituted what came to be known as the Bracero program, recruiting hundreds of thousands of Mexican agricultural workers on a seasonal basis and sending them home when the planting or harvesting was complete⁵⁷.

After the war, Canada, facing major labor shortages, sought recruits from among Europe's "displaced persons"- men to perform heavy labor in agriculture, mining and the lumber industry, women as service workers in both public institutions and private homes. The program was not intended to be temporary, but the stipulation that these migrant workers complete a year working in the jobs for which they had been recruited before gaining citizenship turned them, effectively, into indentured workers⁵⁸.

The need for domestic servants continued to drive Canadian immigration policy from the 1950s on. When the pool of DP domestic servants was exhausted, Canadians turned to Southern Europe and finally to the

54 Kantei 2000

55 M. Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race.*, Cambridge, MA: Harvard University Press.

56 S. Arat-Koc, *From 'Mothers of the Nation' to Migrant Workers*, [in:] *Not One of the Family: Foreign Domestic Workers in Canada*, Toronto, B. Bakan & D. Stasiulis (eds), University of Toronto Press 1997.

57 D. Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico.*, University of North Carolina Press, Chapel Hill, NC 2011.

58 P. Daenzer, *An Affair Between Nations: International Relations and the Movement of Household Service Workers.*, [in:] *Not One of the Family: Foreign Domestic Workers in Canada*, B. Bakan & Daiva Stasiulis (eds.), Toronto: University of Toronto Press 1997.

Caribbean, a step that forced them to abandon what had been a de facto whites-only immigration policy⁵⁹. “As the source countries of immigrant domestic workers have moved further from Britain and Europe,” Sedef Arat-Koc noted, “state regulation of foreign domestic workers has increased and become more coercive, and the work/living conditions and access to rights have subsequently worsened” (54). One reason for this is that while the white women recruited to become domestic workers Canada were expected to marry, assimilate, and become “mothers of the nation,” immigrant women of color were perceived as being disruptive when they left domestic jobs and sought to move into the Canadian mainstream.

Although occurring in a somewhat different order, similar patterns emerged in the United States, where domestic service and care work have historically been linked to low-income women and women of color. During the colonial period, it was enslaved Africans and indentured servants who were compelled to perform this work for Euro-American families. After Emancipation in 1863, African American women in the South, with few other options, continued to work as domestic servants, while in other regions of the country, successive waves of immigrants from near and far took up this type of employment⁶⁰. During the Great Migration of the early twentieth century, African American women abandoned domestic service in the South, only to find themselves channeled into similar jobs in the North. It was not until World War II, when jobs opened up for them in defense industries, and then passage of civil rights legislation in the 1960s, that African American women were able to leave this work behind, seriously depleting the supply of domestic and care workers in the U.S. At that point, the country began to attract women from outside the country - first from Mexico, Latin America, and the Caribbean; more recently from further, more distant places - Africa and different parts of Asia, especially the Philippines.

The Current Situation

In both Canada and the United States, increased female labor force participation and greater longevity have sharply increased the need for care in the past several decades. But the neo-liberal welfare state apparatus in both North American cases has meant, among other things, that there are few state-organized and -funded social services offering the kind of well-paid professional care work employment that would attract native-born workers. Instead, with few or no regulations, low salaries, long hours, and often exploitative conditions, care work remains informal, and, precisely because of the lack of oversight, becomes an occupational gray market – a magnet for undocumented migrant workers. Thus the growing demand for care will only lead to a growing demand for migrants.

Canada began to address this demand in 1992 by establishing the Live-In Caregiver Program, a policy targeted specifically at recruiting immigrants to fill carework positions. After two years of work in that field, the program offers migrants a route to citizenship and the possibility of bringing in other family members once they have obtained permanent resident status. Despite these presumed attractions, the program’s draw has been uneven. From the mid-1990s to 2004, the number of immigrants hovered between two and three thousand. In 2007, it peaked about almost 14,000, but has declined since⁶¹. Some of this may be due to the fact that potential migrants are getting word of the program’s drawbacks, which include unscrupulous recruiters and employers and long waits (sometimes as much as five to ten years) for family unification which may cause severe emotional disruption. While the government is seeking to address these problems, the

59 C. Harzig 2003, *MacNamara’s DP Domestic: Immigration Policy Makers Negotiate Class, Race, and Gender in the Aftermath of World War II.*, [in:] *Social Politics*, 10 (1) / 2003: 23-48.

60 E. Glenn, *Forced to Care: Coercion and Caregiving in America*. Cambridge, MA: Harvard University Press 2010.

61 M. Boyd 2011, *Labour Migration for Care: Women Migrants in Canada Under the Live-in Caregiver Program*, unpublished paper presented at *Rethinking Care and Migration in the Age of Low Fertility and Ageing Population*, University of Toronto, 9-10 March 2011.

proposed remedies may not be sufficient to stimulate migration quickly and greatly enough to keep pace with growing demand.

By contrast, the United States currently has no coherent policy for recruiting migrant care workers. The country does offer temporary visas for “au pairs” who are required to live with a family and study as well as provide part-time child care, but the number of takers remains low - around 4000 to 5000 per year. There are several reasons for this: the pay is usually minimal (“pocket money”); the length of stay strictly limited - up to 12 months, with the possibility of an additional one-year extension; and the application process fairly stringent, with both applicants and host families subjected to careful screening. The U.S. also offers temporary visas for immigrants who can fill certain occupations, but these are generally restricted to highly educated and highly skilled workers; care work does not qualify under this rubric. Some caregivers are recruited from women who enter under family unification programs or other legal means or who come in as skilled workers but then work beneath their level (this occurs in Canada as well), but researchers commonly assume that many if not most care workers enter the country illegally⁶². Living under the constant shadow of deportation, they have little recourse when they find that they are isolated, underpaid and exploited, or when they fear returning home to deal with family problems because they may not be able to get back into the country again.

Conclusion

The immigration policy responses to care deficits in Japan and Korea reveal some striking similarities. First, both emphasize limited, targeted and temporary work visas as the formal response to the care deficit, while leaving individuals and families to use international marriages as a private informal solution to meet family care needs. Second, in both Japan and Korea co-ethnics are preferred to other foreigners care workers. Third, both countries are willing to consider foreign care workers as an alternative for elder care, but not for child care.

These features fit closely to the two countries’ care and immigration regimes. The strong reliance on targeted, occupationally selective and limited temporary visas is indicative not only of the history of non-immigration, but also of the traditionally highly regulated labor market - a legacy of developmental states. In both countries, the states saw their main role in coordinating the economy and the market and achieved this during the postwar era through regulating and segmenting the labor market. Moreover, providing limited formal channels for temporary workers on the one hand, and relatively loose opening for individual and families to recruit family caregivers through international marriages on the other, also suggests these countries’ preference for the family to deal with care needs. Indeed, the existence of formal “public” foreign temporary work visa channel and informal “private” marriage migration channel reflects the continuation of the public and private divide that formed the basis of the Japanese and Korean welfare regimes. At the same time, the changes in the foreign temporary work visa channel might also indicate the new dynamics and tensions between the public and private spheres of care, as well as a public recognition of the need for increased state and market roles in care provision.

The preference for co-ethnic foreign workers also shows these countries’ normative understanding of their racial, ethnical and cultural homogeneity. Opening channels for co-ethnic workers signals both a resistance to the idea of heterogeneity and an admission of the limits of maintaining homogeneity. It will be

62 E. Glenn, *Forced to Care: Coercion and Caregiving in America*. Cambridge, MA: Harvard University Press 2010.

interesting to see how this concept changes over time as the boundary of co-ethnicity becomes further challenged by increasing diversification of the population in the globalizing world.

Finally, the focus on elder care is very interesting. The care of children in these countries is considered extremely important not simply from the perspective of care, but also in terms of early education. The traditional emphasis on investment in children makes their care of children a very different value proposition compared to elder care. A study of child care and elder care workers in Korea show that child care workers are better educated, younger, and better paid than elder care workers⁶³. Similar differences exist in Japan.

Race, ethnicity and familialism have also worked to shape the care and immigration regimes of Canada and the United States, but these factors play out differently in North America than in East Asia. As citizens of “nations of immigrants,” Americans and Canadians are far more accustomed to living with ethnic and racial heterogeneity than either the Koreans or Japanese. This has not, however, necessarily led to social equality or non-discrimination in employment. Indeed, racial and ethnic minorities have long been compelled if not coerced to perform domestic and care work – work whose racial and gender markings lead to the perception that it is unskilled and therefore should be low-paid – and both countries have, at one point or another, actively recruited temporary migrants to ensure that a pool of low-paid workers would be available.

The existence of such a pool throughout most of its history has allowed the U.S. to avoid developing systematic, formal, state-supported services for either child care or elder care. In Canada, a less robust, more intermittent supply of migrants has led the government to be somewhat more proactive, establishing minimal state-supported social services, at least at the provincial level, while also making efforts to recruit migrant caregivers. In both countries, these trends have been exacerbated by the prevalence of familialistic norms expressed as a preference for private, in-home care service coupled with a strong distaste for public provisions, and a relatively weak commitment to investment in human capital. The resulting weak welfare states, in combination with high rates of female labor force participation and a rapidly aging society, and fueled by a racially segmented labor market, have thus generated strong private demand for female migrant care workers. But in neither country is the immigration regime in synch with this level of demand. Canada’s LCP does not seem to be attracting sufficient numbers of takers, while in the US, the misfit between the criteria for temporary work visas and the qualifications of would-be care workers forces many into the gray market.

The impasse all four countries are currently experiencing in seeking to match immigration and care regimes does not bode well for the future. Within the next decade or so, all four will be facing deepening care deficits, particularly for older people. Their populations are rapidly aging, and only the US currently enjoys a fertility rate above replacement level (but at 2.01, just barely). To assess the scope of the coming crisis, we might look at the projected old-age support ratios of the four societies. While these figures (defined as the ratio of active workers to retired adults) are intended to measure a country’s ability to support its retirees financially, they can also serve as rough indicators of burdens of care. Currently only Japan, at 2.53,

63 I.Peng, *Social Care Expansion Reforms and their Implications for Care Workers in South Korea*, [in:] *International Labour Review*, vol. 149, no. 4, 2010

is experiencing a ratio that is considered unsustainable; Canada and the U.S. are more or less even at 4.36 and 4.53 respectively, while Korea's is a more robust 5.78. By 2025, however, all four countries are projected to be in "the red zone," with Canada at 2.10, the U.S. at 2.58 Canada at 35, Korea at 1.47, and Japan plummeting to 1.24⁶⁴. Given this imbalance, it will be difficult for these nations to manage their care responsibilities without continuing migration from countries with greater cohorts of young and middle-aged workers. But whether those workers will be willing to come, and how the destination societies receive them, remains to be seen.¹

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Who's Gonna Care for the Aging Boomers?

Migrant Women Confront The Structures of Home Care



By **Eileen BORIS** & **Jennifer KLEIN**

With an aging population and the dearth of relatives available to provide hands-on care, the United States, like Western Europe and Japan, has become a vast care receiving society. The U.S. Center for Disease Control has predicted that one-fifth of the population will be over age 65 in the next 40 years; today about 1.5 million elders, mostly women, obtain home care.¹ Throughout the media, one hears the question, “Who’s Gonna Care for the Aging Boomers?” To which *Colorlines Magazine* answered in July 2011, “Poor, Immigrant Women.”² Indeed, “Immigration Reform” has become “A Key Retirement Issue,” insisted the “Money” blog of *U.S. News and World Report*, for only this way can the nation meet a growing care work gap.³ While the progressive *Colorlines* demanded better working conditions, higher wages, and social recognition for the home caregivers who make it possible for millions to age in place, the mainstream *U.S. News and World Report* framed its story around the demands of the consumers of care for an available workforce. In both narratives, the providers and receivers of care depend on each other - an inter-relationship long posited by feminist theorists who cast care as a relationship and not merely an act done or taken.⁴ **Immigrants increasingly represent an “ideal workforce for a low-waged occupation”: without rights and needing jobs, they can substitute for citizen women sandwiched between “work and family” labors, between their children and their parents.**

But policymakers in the United States for too long have pitted the interests of those who are cared for against those who give care by regarding this relation as a zero-sum game - give the worker more, the receiver

1 L. Liedo [Andrada], *To be a home care worker . . . and a recent immigrant*, April 26, 2010, accessed September 20, 2011 at <http://blog.directcarealliance.org/2010/04/to-be-a-home-care-worker-and-a-recent-immigrant/>

2 Sh. Hilton, *Who’s Gonna Care for the Aging Boomers? Poor, Immigrant Women.*, [in:] *Colorlines Magazine*, July 13 2011, accessed September 25 2011, http://colorlines.com/archives/2011/07/whos_gonna_care_for_the_aging_boomers_poor_immigrant_women.html

3 *Immigration Reform: A Key Retirement Issue*, [in:] *U.S. News: Money*, February 11, 2011, accessed September 25, 2011 at <http://money.usnews.com/money/blogs/the-best-life/2011/02/11/immigration-reform-a-key-retirement-issue>

4 E. Feder Kittay, *Love’s Labor: Essays on Women, Equality, and Dependency*, New York: Routledge 1999.



gets fewer hours - rather than allocating more resources to the labor of care. During a 2007 hearing on the inclusion of home care workers under the nation's wage and hour law brought by Jamaican immigrant Evelyn Coke, Associate Justice Stephen Breyer of the Supreme Court worried whether "millions of people" would be able to afford home care if they had to pay overtime. *[A]ll over the country, he declared, it's the family, the children, the grandchildren, an aunt, an uncle, maybe a good friend, maybe they're not even related, who is paying for a companion for an old, sick person so they don't have to be brought to an institution*⁵. Such a formulation certainly expressed the anxieties of citizens faced with a crisis in the availability, affordability, and quality of long-term direct care. In foregrounding the concerns of receivers of domestic and personal services, Justice Breyer erased the very presence of the providers. Unsurprisingly in this context, the Supreme Court upheld the right of the government to define home care workers as "elder companions" and relegate them to the realm of "excluded" workers who labor without state protection of their wages and hours even when toiling for firms in the formal sector.⁶

The association of care with migrant workers, immigrant women predominantly from Asia and the Americas (although Eastern Europeans have niches in certain cities), marks our time.⁷ As a *New York Times* journalist observed, *home care aides are the garment workers of the modern New York economy* – immigrants caught in a new sweating system in which subcontractors pay them low wages and pocket higher rates of reimbursement (usually from state-funded medical or social security programs).⁸ The demographics of home care reflect the migrant flows of this era's global economy: workers are Latin American, Chinese, Vietnamese, Hmong, Eastern European, African, and Caribbean. *Look around your neighborhood and I'm sure you'll find a friend, family member or others who already rely on immigrant labor to access elder services and support*, claims Lolita (Liedo) Andrada, Associate Director of the Pilipino Workers Center (PWC) in Los Angeles.⁹

But it is really hard to tell how many immigrant women work in home care. In part, this inexactitude stems from a flawed measurement of all care workers because of what appears to be a vast informal sector shadowing the visible workforce counted by government and only partially captured by ethnographers and journalists. At the start of the Great Recession, official sources classified over 1.7 million people across the nation as home health or personal care aides. Under a whole other job category, "personal care" occupations, the Department of Labor registered an additional three and a half million workers. Despite undercounting of the existing workforce, home care stood as one occupation projected to expand exponentially.¹⁰ Some estimate about a third of all direct care workers are immigrant. According to economists Eileen Appelbaum and Carrie Leana, about half of all home health aides were either black or Latina.¹¹ However, such aggregate numbers do not reflect the overwhelming dominance of women of color in New

5 *In the Supreme Court of the United States, Long Island Care At Home, LTD., Et Al, Petitioners v. Evelyn Coke, No. 06-593, Transcript of Oral Testimony, April 16, 2007 (Washington, D.C.: Alderson Reporting Company, 2007), 27.*

6 *Ibid.*

7 For Eastern Europeans, see: C.Solari, *Professionals and Saints: How Immigrant Caregivers Negotiate Gender Identities at Work*, [in:] *Gender and Society*, 20 (June 2006), 301-31.

8 P. McGeehan, *For New York, Big Job Growth in Home Care*, [in:] *New York Times*, May 25, 2007.

9 L. Liedo [Andrada], *To be a home care worker . . . and a recent immigrant.*

10 U.S. Bureau of Labor Statistics, *Occupational Employment Statistics: May 2008 National Occupational Employment and Wage Estimates, See: Personal Care and Service Occupations, and Healthcare Support Occupations*, http://www.bls.gov/oes/2008/may/oes_nat.htm, accessed 1/7/2010.

11 E. Appelbaum & C. Leana, *Improving Job Quality: Direct Care Workers in the U.S.*, Center for Economic and Policy, September 2011, table-1.

York and California, the states with the highest unionization and large immigrant populations. Among private household domestic workers overall, a survey of the New York workforce found not only that 99% were foreign born but that over three quarters were non-citizens.¹² Thousands, if not millions, of immigrants are engaged in carework in the broadest sense: elder, child, and home care and personal assistance to disabled individuals.

To understand migrant caregivers in the United States today, we need to consider the mixed public-private care regime that developed over the last half-century and the struggles of careworkers for dignity and recognition in response to state policies. We must contextualize this regime in light of immigration policy. But it is not enough to assess state policies, as important as they are in setting legal and financial frameworks for care. We must consider the self-organizing of worker/providers and consumer/receivers of care, whose interests are not always the same. As we show in our book, when they have found common ground, together providers and receivers have advanced higher wages and better care.¹³ Indeed, **the future is with immigrant caregivers in two intertwined senses: as a labor force to meet the needs of dependent people (whether children, the frail elderly, or disabled people) and as militant and organized workers who are offering renewed models of cross-class and coalition politics.** For the first component, immigrants substitute for other women: the labor force participation of wives, mothers, and daughters throughout the class structure has taken women out of the home into places of employment, while African Americans who previously dominated the care work force aren't there to fulfill the need for care workers – they have rejected domestic labors when they can for better paying jobs or have dropped out of the labor market. As citizens, African Americans can receive public assistance and have advantages in obtaining public education, which can lead to white collar employment despite lingering racial discrimination. Migrant women are arriving to fill this labor gap, a process that isn't new but appears intensified because of their greater visibility in political struggles over the wages and quality of care. In terms of the second aspect, with the current unraveling of collective bargaining for state funded home-based health and child care unions and for all public employees, the rise of a new domestic worker rights movement grounded in ethnic associations and embracing private household workers, including care workers, gives hope that social justice is possible.

The Structuring of Home Care

Private welfare agencies and social work professionals in centers of immigrant populations, like New York, Philadelphia, and Chicago, began hiring women to care for other poor people in the early 20th century. Homemaker services were a kind of reverse foster care used to substitute for “the sick mother in the household.”¹⁴ Private social welfare agencies lacked the funds to meet the crisis of the Great Depression of the 1930s, however. So the federal government stepped in. The “*New Deal*” placed unemployed black women who previously labored in domestic service in temporary work relief jobs as visiting housekeepers or homemakers supervised by a social worker; these care attendants would clean houses as well as people. The exclusion of home attendants from the labor law began in these years as care workers also were classified as domestic servants, thereby outside of “*New Deal*” enacted old age insurance, unemployment benefits,

¹² M. Huang, *Global Rights for Andolan organizing et al, Domestic Workers' Rights in the United States: A Report Prepared for the U.N. Human Rights Committee, submitted report, 2010.*

¹³ E. Boris & J. Klein, *Caring for America: Home Health Workers in the Shadow of the Welfare State*, New York: Oxford University Press, forthcoming April 2012. The history provided below is based on the documentation in this book.

¹⁴ M. Fraenkel, *Housekeeping Service for Chronic Patients*, New York: 1942, p. 68; M. Morlock, *Homemaker Services: History and Bibliography*, Washington: 1964, p. 4.

collective bargaining, minimum wages, maximum hours, and other protective measures.¹⁵ What distinguished home care, no matter who actually did the work, was the legacy of slavery and segregation that racialized the labor and defined it as low paid and unskilled – as fit work for black women, whose glorification as “mammy” confirmed their proper place in the labor hierarchy.¹⁶

Subsequent government policies reinforced these early linkages. After WWII, the discovery of “chronic” illness as a social problem and increased concern with older people expanded home care from a service focused on children to one provided to poor elderly and disabled people. Again government money facilitated private, but also public, welfare agencies in this work: states funded private services and individual recipients purchased them using monies from the Social Security Act: Aid to Dependent Children (later, Aid to Families with Dependent Children or AFDC), Child Welfare Grants to the States, Old Age Assistance, Aid to the Totally and Permanently Disabled, and Aid to the Blind. The War on Poverty during the 1960s created programs to meet labor shortages in service occupations; these included health and child aides, home attendants, and homemaker aides, jobs still classified by the U.S. Department of Labor as similar to domestic service. Though these training programs developed to improve the skills of the unemployed, they actually generated low waged jobs without career ladders. During the 1960s, state welfare agencies continued to use home care to rehabilitate poor single mothers on AFDC, transforming them from dependent people to independent workers. Such workers in turn provided a service to allow elderly and disabled people to remain in the community rather than be institutionalized. Workfare and training programs, however, remained unavailable to non-citizens. So African Americans still dominated the labor force.¹⁷

Moreover, the persistent association of home care with public assistance or welfare – clients as well as workers – didn’t help the status of or funding for home care. Despite the increased prestige of medicine and programs in the private voluntary or non-profit hospital sector, most states located their home care services in Departments of Welfare rather than Departments of Health. With the establishment of Medicare in 1965, only a limited physician ordered home health care became available to frail elderly persons; most middle class people found it cheaper to send their relatives to nursing homes because Medicare paid for that, but few wanted to do so because of the uneven quality of such facilities. Assistance with the activities of daily living, like bathing, feeding, and light housekeeping performed to maintain senior citizens in their own homes, became a means-tested service under the companion Medicaid amendment to Social Security and thus unavailable to most middle class households.¹⁸ Yet American politics turned welfare into a dirty word, particularly as the client base for AFDC changed from white widows to never married African Americans. Whenever a fiscal crisis hit, politicians of both parties found the welfare budget to be an easy target for



15 M. Poole, *Segregated Origins of Social Security: African Americans and the Welfare State*, Chapel Hill: UNC Press 2006, pp. 35-38, 90-96; V. H. May, *Unprotected Labor: Household Workers, Politics, and Middle-Class Reform in New York, 1870-1940*, Chapel Hill: University of North Carolina Press 2011, pp. 106-73.

16 M. McElya, *Clinging to Mammy: The Faithful Slave in Twentieth-Century America*, Cambridge: Harvard University Press, 2007.

17 Office of Economic Opportunity, *A Nation Aroused*, 1st Annual Report, 1965, 41, *The War on Poverty, 1964-1968*, Part I: *The White House Central Files*, microfilm edition, Reel 9, Box 125, microfilm edition; also E. Boris & J. Klein, *Organizing Home Care: Low-Waged Workers in the Welfare State*, [in:] *Politics and Society*, 32, no.1 (March 2006), pp. 1-27; and J. Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, New York: Oxford University Press, 1994.

18 J. Engel, *Poor People's Medicine: Medicaid and American Charity Care Since 1965*, Durham: Duke University Press 2006, pp. 34-39; C. M. Grogan, *A Marriage of Convenience: The Persistent and Changing Relationship Between Long-Term Care and Medicaid*, [in:] *History and Health Policy in the United States*, R. A. Stevens, Ch. E. Rosenberg & L. R. Burns (eds.), New Brunswick: Rutgers University Press 2006, pp. 203-212; J. Quadagno, *One Nation Uninsured: Why the U.S. Has No National Health Policy*, New York: Oxford University Press, 2006.



slashing because of these associations. Though connected to services for the elderly, a vocal and powerful group in US politics, home care mostly got funded through programs denigrated as “welfare.”¹⁹

Poor women’s path to independence depended on the very household labor that reduced them to the social status of servants.²⁰ Such impoverishment and marginalization were only further reinforced in the mid-1970s when new amendments to the Fair Labor Standards Act (FLSA) extended labor law protection to household workers hired directly by individuals. But the Wage and Hour Administration (of the U.S. Department of Labor) specifically excluded elder care aides, even if employed by “third parties” like private social welfare agencies or for-profit firms, from the rules to implement the new amendment. It was this ruling that Evelyn Coke later protested. So the law reinforced the low wages of care.²¹

Finally, the timing and severity of neoliberalism in the United States meant that governments would attempt to shed responsibility for the home care workforce in their employ. Beginning in the 1970s, local governments sought to move the costs of services to another level of government or save monies by contracting out to non-governmental entities, such as private charities, non-profit agencies, and proprietary vendors. When the federal government then reined in social welfare spending in the 1970s and 1980s, states and localities desperately coped through privatization of services and “flexible” labor policies.²² New York and California, the states that received the bulk of federal funds, used the politics of budgetary crisis to restructure the labor market for care and the nature of the job. These states turned more to outsourcing by contracting the job to private agencies and they reclassified attendants as independent providers, with perhaps the “client” their employer. Being designated the employer was just what the most vocal disability rights activists in the Independent Living Movement wanted - to be able to train their attendants and determine what workers did for them.²³

The home health care sector entered a phase of significant growth that as yet is unabated. In the early 1980s, Congress opened the door to for-profit agencies to provide Medicare-funded home care services. The number of agencies certified to deliver Medicare or Medicaid home health services mushroomed. Unlicensed agencies proliferated, which indirectly gained government reimbursement by contracting with certified agencies – mainly to provide homemaker and personal care services. With this growth, the home health sector became the home health industry.²⁴

Today, immigrant care workers face burdens beyond the low pay and meager benefits structured into the job. First, there is the shattering of their expectations, what Andrada refers to as *the burden and promise of*

19 A.-M. Hancock, *The Politics of Disgust: The Public Identity of the Welfare Queen*, New York: New York University Press 2004.

20 M. Poole, *Segregated Origins of Social Security: African Americans and the Welfare State*, Chapel Hill: UNC Press, 2006, pp. 35-38, 90-96.

21 Ph. Palmer, *Outside the Law: Agricultural and Domestic Workers Under the Fair Labor Standards Act*, [in:] *Journal of Policy History*, 7 (1995), pp. 416-40.

22 A. Szasz, *The Labor Impacts of Policy Change in Health Care: How Federal Policy Transformed Home Health Organizations and Their Labor Practices*, [in:] *Journal of Health Politics, Policy, and Law*, 15 (Spring 1990), 194; also P. Hollander Feldman, A. M. Sapienza, and N. M. Kane, *Who Care for Them?: Workers in the Home Care Industry*, Westport, CT: Greenwood Press, 1990, p. 55; and *Administration on Aging, Human Resources in the Field of Aging: Homemaker-Home Health Aide Services*, *Administration of Aging Occasional Papers in Gerontology*, No. 2, U.S. Department of Health, Education, and Welfare, 1977, pp. 2-3, 7; Sh. F. Koch, *Diagnosing Ills in Home Health Care*, [in:] *L.A. Times*, April 25, 1971; B. Trager, *Homemaker-Home Health Aide Services in the U.S.*, Washington D.C.: GPO, June 1973, pp. 10-12.

23 23 E. Boris and J. Klein, *Caring for America*, chapter 4. *Op. cit.*

24 24 C. Hall Ellenbecker, *The Competitive Experience in Home Health Care: Changes in Organizational Behavior and Service Delivery Since the Omnibus Budget Reconciliation Act of 1980*, Ph.D. Dissertation, Brandeis University 1988, pp. 17-18; 24.

*America as a land of dreams, as a place where you can make anything happen. Second, they have faced mistreatment as a result of cultural, language or legal barriers based on their status as recent immigrants. Care workers are among those experiencing a new era of human trafficking, recruited in Philippines and other labor sending nations to work as caregivers but ending up virtually enslaved as live-in maids.*²⁵

Immigration law has exacerbated this situation. Prior to the mid-1980s, employers could hire undocumented workers without penalty. The most significantly disabled, who required nearly 24-hour care, relied on undocumented immigrants. Indeed, the state of California colluded with such employers by handing out “pseudo” Social Security numbers until forced to stop by the INS in 1989. These employer/consumers resented rules that required them to hire citizens, whom they would have to pay more if they could even find someone. As one woman confessed in 1994: *they want you to have attendants with social security numbers, so you cant . . . get immigrants. Let them work if there willing to work, if I run an add and somebody is not an American and cant show me a SS # you think I care!!! I want to get out of bed in the morning . . . I don't care if they don't have a SS #* [original spelling].²⁶

But immigration law also made it difficult to bring people to come into the United States to be careworkers. If they did so migrate, the law makes it hard for them to stay. After the Immigration Act of 1990, the number of visas available for unskilled workers severely dropped. Those who come as domestics for B-1 visa holders - high profile businessmen or entertainers, for example - must stay with their employer to keep their visa. Like holders of A-3 and G-5 visas given to employees of diplomats or global civil servants (those working for the World Bank, for example), such domestic workers become classified as household dependents. Unlike Canada, and despite the problems with its landed immigrant program, here is no clear path to permanent residency through a “paraprofessional” status even for nurses, never mind aides. Tired of waiting for years to enter the country, many come without documents or overstay visas. Those who have gained refugee status cannot count on having prior training recognized, further adding to the pool of cheap labor. As sociologist Evelyn Nakano Glenn concludes *the U.S. Citizenship and Immigration services' main focus is on preventing fraudulent entry by those who are not genuine servants; by comparison there is little attention to protecting domestic employees once they are admitted.*²⁷

Organizing Home Care

Even as the welfare state location of the labor devalued the workforce, it opened up a new site of social and political struggle. Since the late 1970s, hundreds of thousands of black, Latina, and immigrant women have demanded recognition for the worth of their caring for elderly and disabled people as well as more funding of services for their clients. Though unions began organizing home care workers in the mid 1970s, it took more than a decade for these campaigns to gain enough traction to address the misclassification of the workforce. In coalition with some home care agencies and with senior and disability activists, Service Employee International Union (SEIU) slowly won policy innovations from state governments. In Chicago and New York, union locals obtained enhanced reimbursement rates from state legislatures, which in turn led to improved worker pay through more robust collective bargaining contracts. In California, the union in the 1990s

25 25 L. Liedo [Andrada], *To be a home care worker . . . and a recent immigrant*. *Op.cit.*

26 V. Merina, *Disabled Fear Ruling Will Mean Loss of Helpers Who Are Illegals*, *LAT*, December 4, 1988, 2-1; “Helen,” in “Focus Group Meeting – September 14, 1994,” 5, box 24, folder 21, *World Institute on Disability Papers*. Bancroft Library, Berkeley.

27 G. B. High, *Facing the Issues? Employer Sanctions, Tax Violations, and Household Workers*, <http://www.cis.org/IllegalImmigrantHiringViolations-HouseholdWorkers>, accessed October 1, 2011; E. Nakano Glenn, *Forced to Care: Coercion and Caregiving in America*, Cambridge: Harvard University Press, 2010, pp. 147-8.

spearheaded creation of the county-level public authority as an employer for collective bargaining purposes for “independent providers.” Unions won from a combination of politics and grassroots social movement coalitions. But these efforts depended on politicians’ ability to deliver resources to social welfare and with the Great Recession that has become problematic.²⁸

Trade union attention to home-based labor may be relatively recent but domestic workers long have created alternative forms of collective action.²⁹ Community- and ethnically-based organizations connect careworkers and care users, especially those located in the “grey market.” For over a decade, the San Francisco and Oakland-based *Mujeres Unidas y Activas* has run a non-profit “workforce development corporation,” the “Caring Hands” Association. It has promoted “culturally-appropriate home healthcare, childcare and housecleaning services” through “professional” training and subsequent job referrals for Latina immigrants.³⁰ In Los Angeles, the Filipino Worker Center not only provides legal services and training but also has established a cooperative for careworkers employed by families outside of the formal state run system. Its 2011 C.O.U.R.G.E. (Caregivers Organizing for United, Respect, and Genuine Empowerment) Campaign seeks “improve the conditions within the private home healthcare industry through education, employer accountability, leadership development and the creation of new legislation.”³¹ Of the “socially minded” employers of care and other household workers, Jews for Racial and Economic Justice (JFREJ) in New York has educated co-religionists on worker rights and allied with the multi-racial Domestic Workers United (DWU) for political action.³²

A coalition of immigrant associations representing South Asia, the Caribbean, and the Philippines, DWU emerged in 2000 as a major defender of “industry standards and a voice for all domestic workers,” including nannies, housekeepers and home aides. It has politicized worker grievances through passage of a Domestic Workers Bill of Rights signed in September 2010 that established a framework for greater security - physical, legal, and economic - for all household workers. Among the rights guaranteed are a living wage, paid sick and vacation days, severance pay, overtime compensation, one day of rest per week, annual raises, and health benefits, though to pass the bill at the end two key provisions were dropped: those that allowed workers to sue violators and the one that required employers to give two-weeks notice before firing. That Domestic Workers United let the demand for collective bargaining rights lapse to getting the New York bill passed may not be fatal to the enforcement of the act as long as it can sustain its strong ethnic associations. It is currently training members to police the bill of rights by reporting violations to the New York State Department of Labor. It has from the start deployed shaming devices, as visiting a bad employer, and public demonstrations to win back pay and better conditions for workers. But some alliance members find that the “bill of rights” may end up setting a ceiling rather than a floor for working conditions and recognize that continual struggle on the ground by workers collectively organized will have to persist. Indeed, the unraveling of union home care contracts when deals made by governors stood apart from a mobilized and participating membership offers a cautionary tale to those who would rely on legal instruments without continual organizing below.³³

28 E. Boris & J. Klein, *We Were the Invisible Workforce: Unionizing Home Care*, [in:] *The Sex of Class: Women Transforming American Labor*, D. S. Cobble (ed.), New York: Cornell University Press, 2007, pp. 177-193; and E. Boris & J. Klein, *Caring for America*, op.cit. Epilogue.

29 E. Boris & P. Nadasen, *Domestic Workers Organize!*, [in:] *WorkingUSA*, 11, December 2008, pp. 413-37.

30 “Caring Hands” flyer; <http://www.mujeresunidas.net/english/caring.html>; http://www.caringhandsbayarea.org/index.php?option=com_content&view=article&id=11&Itemid=6

31 A.Guevarra, “I am only a caregiver” *Redefining the Meaning of “Skill” Among Low Wage and Highly Educated/Skilled Filipino Home Care Workers*, unpublished paper presented at the Carework Conference, San Francisco, August 7, 2009; homepage, *Pilipino Worker Center*, <http://www.pwsc.org/about-us>, accessed October 1, 2011.

32 <http://www.jfrej.org>, assessed 08/13/09.

33 N. Confessore & A. Hartocollis, *Albany Approves No-Fault Divorce and Domestic Workers’ Rights*, [in:] *New York Times*, July 2, 2010; *Damayan Migrant Workers Association and the Urban Justice Center, Doing The Work That Makes All Work Possible: Executive Summary*, New York: Damayan Migrant Workers Assoc., p.12.

A coalition of similar groups also has introduced a “bill of rights” in California that would place private domestic workers under worker compensation and overtime laws. In 2003 then Governor Arnold Schwarzenegger vetoed such legislation, but in 2011 it stalled in the state Senate. Those paid under In Home-Supportive Services, however, were left out of this effort because the welfare law still controls the conditions of their labor.³⁴

Meanwhile, immigrant care workers have linked with each other. At the 2007 U.S. Social Forum a powerful contingent of domestic workers from around the nation came together to establish the National Domestic Workers Alliance (NDWA). These 13 grass-roots groups included the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), Andolan, Unity Housecleaners of the Workplace Project, Haitian Women for Haitian Refugees, Damayan Migrant Workers Association, CASA de Maryland, Mujeres Unidas y Activas, and Domestic Workers United (DWU).³⁵ In July 2011, the National Domestic Workers Alliance was instrumental in launching a national campaign, “Caring Across the Generations,” to improve the working conditions of long-term careworkers and reaffirm the right of seniors and disabled people to receive care. Unions, recipient organizations, and health care groups have endorsed this campaign. Among its planks was a “new visa category and path to citizenship for care workers.” The campaign further seeks improved jobs under labor standards in home care, training and career ladders, and support for those who need care, including registries to find providers and new funding by governments.³⁶

These workers in the “private market,” hired individually by families and often without citizenship status, are nonetheless making demands on the state. They seek to transform private labors into public work. Their ethnic associations and coalitional campaigns promise that care will remain on the policy agenda and that migrant careworkers might find better wages through recognition of the necessity of their labors. As the DAMAYAN Migrant Worker Association puts it, the vision is “a society where families are not forcibly separated just to meet our basic needs and where everyone has an equal opportunity to live in peace, dignity and prosperity.”³⁷

The practice involves implementing a series of recommendations through collective action in the United States, internationally, and in sending countries, like the Philippines, that would end exclusion and exploitation. These recommendations include self-organization – “educate, organize and mobilize domestic workers into grassroots organizations that advance the rights, welfare and collective leadership of im/migrant women workers.” They include demands on governments - in the United States that means ending “the diplomatic immunity of employer diplomats in worker(s)’ exploitation and trafficking cases;” coverage under the Occupational Safety and Health Act and under the National Labor Relations Act and in the Philippines that includes ending the liberalization of the

34 M. Rosenthal, *Crowd Rallies This Weekend for Domestic Workers Bill*, March 7, 2011, at <http://missionlocal.org/2011/03/crowd-rallies-this-weekend-for-the-domestic-workers-bill-of-rights/> of Rights, accessed March 11, 2011; California’s bill, however, excludes IHHS workers. “California Assembly Approves Domestic Worker Bill of Rights,” June 2, 2011, at <http://www.domesticworkers.org/ca-bill-of-rights>, assessed 06/23/2011. But the bill has not yet passed.

35 *Workers Rights Plenary Closes U.S. Social Forum*, Vermont Workers Center Solidarity Blog, July 2, 2007, at <http://vwcsolidarity.blogspot.com/2007/07/workers-rights-plenary-closes-us-social.html>

36 *Caring Across Generations Background*, May 4, 2011, [in:] E. Boris possession. Coalition partners include Jobs with Justice, Institute for Policy Studies, Hand in Hand: The Domestic Employers Association, the Direct Care Alliance, and AFL-CIO. SEIU was in the coalition.

37 *Doing The Work That Makes All Work Possible*, 12.

Overseas Filipino Workers Program and paying for the return of worker's remains and burial back home for those who might pass away while abroad. While bills of rights and the Domestic Workers International Labor Organization Convention, passed in June 2011, are necessary, they still are not enough. Even necessary reforms are only a first step, like immigration reform that ends "deportations, detentions and criminalization of immigrants," a work visa for domestic workers, and path to legalization and family reunification. Immigrant worker associations recognize that ultimately migrant care workers, like us all, can only fulfill their largest aspirations under fair globalization. So they demand: "End neo-liberal politics of globalization and U.S. policies that worsen poverty and forced migration." Keeping their sights on long-term change, **migrant care workers understand that they do "the work that makes all work possible."**³⁸ **With that knowledge comes power.**

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³⁸ *Ibid.*, 12.

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Domestic Workers: from **Modern-Day Slavery** to **Equal Rights**¹



By **Francisca SAUQUILLO**

Regional perspectives and initiatives to empower and organise domestic workers

According to the International Labour Organisation's (ILO), domestic work is defined as work performed in or for a household or households; a domestic worker is a person who earns a living in domestic work within an employment relationship. This includes a variety of tasks, commonly involving cleaning and housekeeping as well as caretaking tasks.

In the 21st century, domestic work around the world is still mainly informal and characterised by widespread violations of human and labour rights, ranging from the worst forms of child labour and bondage² to the “invisibility” of the work provided. It results in many domestic workers accepting precarious and irregular employment relations and a life lived at or under the poverty threshold. Due to various factors linked to the globalisation of economies and increased workers' mobility, there is a growing demand for domestic work, for example in industrialising countries in Asia, but also in Europe where changing patterns in (female) employment and demography have caused a need for foreign domestic workers.

Women represent over half of all international migrants in search of a decent job, and many of them end up doing domestic work irrespective of their qualifications. They are often exposed to “double or multiple discrimination”³ for being a migrant and a woman, which makes them a particularly vulnerable group

¹ This article is based on the briefing paper by B.Caracciolo, G.Henry & S.Rosenbusch, *Domestic workers: From Modern-Day Slavery to Equal Rights*, SOLIDAR Brussels 2011.

² Most child domestic workers are between 12 and 17 but some are as young as five or six. The ILO estimates that domestic service is the single largest source of employment for girls under 16 around the world - around 90%. See: *Action Guide: Decent work, decent life for domestic workers*, ITUC 2010, http://www.ituc-csi.org/IMG/pdf/ITUC_dwd_AnglaisWEB.pdf

³ M.Gallotti, *The gender dimension of domestic work in Western Europe*, *International Migration Paper No.96*, ILO 2009, <http://www.ilo.org/public/english/protection/migrant/download/imp/imp96.pdf>

of workers⁴. The lack of awareness and recognition of the rights of domestic workers by governments, employers and domestic workers themselves further contribute to their exploitation.

In June 2011 at the 100th International Labour Conference, the ILO Convention on “*Decent Work for Domestic Workers*” (C189)⁵ and the accompanying Recommendation were adopted. The Convention recognises domestic work as regular work with the same rights for domestic workers as for other workers. The focus now is on the ratification and implementation of ILO C189, with the International Trade Union Confederation leading a worldwide campaign “12 by 12” aiming to get 12 countries to ratify Convention 189 by the end of 2012.

Since the 1980s, domestic workers in the South and North have organised themselves to advocate for their rights. Through its partners in the Global Network⁶, SOLIDAR supports workers’ movements and civil society organisations campaigning for the ratification of the ILO Convention on the Rights for Domestic Workers, as illustrated below.

African realities: Ghana and South Africa

Within the informal economy that dominates employment in most countries in sub-Saharan Africa, domestic workers are particularly invisible and vulnerable. Working mainly in private homes, many domestic workers experience lower wages, excessive working hours, risks of violence, a lack of adequate health insurance and pensions and a lack of enforced legal employment protection. Despite being among the most vulnerable workers in many countries, domestic workers have, until recently, been omitted from international labour standards.

Law and practise in Ghana

Official figures in Ghana state that only 0.2% of workers are engaged in domestic work. This tendency to underestimate is due to perceptions of what domestic work is. 20.4% of workers are classed as “contributing family workers” who do not earn any wages. Many of these family workers are likely to be engaged in domestic work⁷. Although Ghana’s Labour Act (2003) requires employers to provide social security including pensions, maternity leave, sickness and severance pay to employees, compliance is low; and most domestic workers do not know they have the right to social security benefits and those who request this are often fired.

While some moves have been made to address the social protection needs of informal workers such as domestic workers, a majority of domestic workers are still excluded. For instance: the National Health Insurance Scheme (NHIS) was established in 2004 with premium payment exemptions for those who are poor. However, none of the domestic workers interviewed as part of the study - on which this article is based - had registered for the scheme as the upfront payments for medical care, even reduced, are unaffordable to them. Ghana’s Labour Law (2003) provides for 40 working hours per week. Any extra hours worked must be paid for as overtime and every worker should have a daily 30-minute break. However, the Act exempts domestic workers in private

4 Report: *International Migration : The search for decent work*, SOLIDAR Brussels 2011. http://cms.horus.be/files/99931/MediaArchive/30_SOLIDAR_Briefing_Domestic_Workers.pdf

5 <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C189>

6 For more information, see: www.theglobalnetwork.net

7 *Realising Decent Work and Social Protection for All: How CSOs are creating change*, SOLIDAR Brussels 2011, p.17.

homes from these provisions. The law also provides for daily rest of not less than 12 hours and a rest period of 48 consecutive hours in every 7 days. However, domestic workers interviewed as part of the study stated that although they are entitled to one day-off per week in principle, most of the employers fail to grant this.⁸

Domestic workers have little knowledge of their rights and rely on the goodwill of employers. Although most respondents have suffered and continue to suffer unfair labour practices including violence, none had reported such abuses because they did not know where to get help from. According to the Industrial and Commercial Workers Union (ICU), empowering domestic workers is made more difficult by an interpretation of the Labour Act that *'two or more people in the same undertaking can form or join a trade union'*. The Labour Department had argued that domestic workers belong to individual employers and thus are *'not in the same undertaking'*.

Successfully organising workers in South Africa

There are 888,000 domestic workers in South Africa, which represents 7% of total formal employment.⁹ *'We believe most workers would like to join the unions but they do not know about us because they are isolated'*, explains Myrtle Witbooi, Secretary General of the South African Domestic Services and Allied Workers Union (SADSAWU). Set up in 2000, SADSAWU aims to tackle the isolation of domestic workers by empowering them to step out from the backyards of their employers' homes and to find and effectively use their collective voice and bargaining power to fight for their rights and input into the drafting of future labour legislation. *Only domestic workers know their needs and therefore should be involved in any talks about social benefits programmes and social laws'* says. Set up in 2000, SADSAWU aims to tackle the isolation of domestic workers by empowering them to step out from the backyards of their employers' homes and to find and effectively use their collective voice and bargaining power to fight for their rights and input into the drafting of future labour legislation. *Only domestic workers know their needs and therefore should be involved in any talks about social benefits programmes and social laws*, says Myrtle Witbooi.

SADSAWU has actively led a number of campaigns and since June 2001 has made submissions to the Department of Labour on minimum wages for domestic workers. The results of this concerted effort to increase the minimum wage has seen an increase between 2002 and 2010 from R800 (83 Euros) to R1,442.86 (150 Euros) in urban areas and from R650 (66 Euros) to R1,197.78 (120 Euros) in rural areas. While such success is tempered by the low starting base of wages for domestic workers, it illustrates the ability of a strengthened collective voice for domestic workers to create real and impactful change.¹⁰

Undocumented and irregular domestic workers in Asia

An estimated 4 million migrant domestic workers are working within Asia and 1.5 million Asian domestic workers work outside Asia, a majority of whom are women¹¹. **Asian women from more developed economies or the newly industrialising countries who participate in the world of work need domestic workers to take care of their household. Migrant domestic workers mostly come from populous countries like India, Sri Lanka, Bangladesh, Indonesia and the Philippines.** They are mostly women, usually around their 40s, and have a large number of children, especially in South Asia. While the majority is documented, a significant

⁸ *Domestic Workers' Rights – Ghana, SOLIDAR Global Network 2011, p.4.*

⁹ *Know Your Rights : a basic guide for domestic workers in South Africa, Global Network Africa, LRS and SADSAWU, Labour Force Survey, May 2010.*

¹⁰ *Realising Decent Work and Social Protection for All: How civil society organisations are creating change, The Global Network 2011.*

¹¹ *Baseline research on Domestic Workers In Asia and the Middle East, Center for Migrant Advocacy, Global Network Asia.*

number is undocumented or irregular. But even those who are documented may find themselves irregular due to contract substitution, failure of an employer to renew their work permits or visas, running away from various human rights violations, illegal recruitment and trafficking.

Migrant domestic workers mostly have a low educational background, but although some have reached and even finished college, they do not have decent jobs at home and look for better opportunities abroad. They send remittances home to their children and other relatives as well as to pay back their creditors¹². Asia employs about 60% of child domestic workers with 1.5 million in Indonesia, 1 million in the Philippines and 100,000 in Sri Lanka; in India, 90% of households prefer to hire young domestic workers between 10-12 years old because they can pay lower wages and they are easier to manage; in Pakistan, 71% of domestic workers never went to school; in China, 83% of them stopped at primary or mid-school level; and in Taiwan, many have a university degree.

Solidarity between migrant domestic workers in Hong Kong¹³

In Hong Kong, there are around 300,000 domestic workers (9% of the population), the majority of whom are from Indonesia, the Philippines, Thailand and Nepal. In principle, migrant workers are protected by the same labour laws as all workers in Hong Kong, but, in reality, immigration laws hinder them from having full coverage.

The Hong Kong Confederation of Trade Unions (HKCTU) has been working with domestic workers for two decades and focuses on the importance of solidarity between workers as a lever to ensure decent work for all: *"We have to do away with "migrant worker" "*, explains Elizabeth Tang, Chief Executive of the HKCTU. With the onset of the financial crisis, conflict between national and non-national workers has become a problem in many countries, both developed and developing. HKCTU has managed to use **the basic principle of worker solidarity – all workers working together for their rights and for decent work – to shift the power struggle from one between national and non-national worker, to one between worker and the barriers that stand in the way of accessing decent work for all.**

Building practical foundations on the concept of workers' solidarity, in November 2010, HKCTU supported the creation of the Federation of Asian Domestic Workers' Union (FADWU). FADWU brings together domestic workers from Hong Kong, Nepal, The Philippines, Indonesia and Thailand.

Latin America: paid domestic labour

In Latin America, paid domestic labour is mostly done by women¹⁴, who number 14 million and represent 14% of the region's female workers. Indigenous women, and those of African descent, make up the majority of Latin American's domestic workers. While the number of domestic workers has grown since 1990, the

¹² It is common practice to pay a high fee to agencies or even relatives who organise the travel, visa, work permit or job for the person who wishes to migrate. This means that the migrants have debts upon their arrival, which they often struggle to pay back for years. It also prevents them from saving or sending money home while it is a source of income for the intermediaries.

¹³ Realising Decent Work and Social Protection for All: How civil society organisations are creating change, The Global Network 2011.

¹⁴ Inter Press Service. Article by: D. Estrada, Strides and Setbacks for Domestic and Rural Women., <http://ipsnews.net/news.asp?idnews=48613>, 27 Sept 2009.



number of live-in maids has shrunk, as hiring “daily help” has become more common. But alongside this trend, unacceptable forms of semi-slavery and child labour persist. Lack of regulation of domestic workers’ rights has also traditionally been widespread in the region.

Domestic workers tend to work longer hours than other workers and in many countries annual vacations or maternity leave are not regulated. In nearly every Latin American country there is a minimum wage for paid domestic workers, but it tends to be lower than the minimum wage for other workers. Domestic employees also lose out on coverage for health, retirement and unemployment benefits, owing to gaps or loopholes in the law or non-compliance by employers. Few domestic workers have labour contracts or social protection¹⁵: 20% of domestic workers have a labour contract compared to 58% of the total urban workforce and 44% of domestic workers contribute to pension and/or health schemes compared to 64% of the total urban workforce. Child domestic labour is another of the region’s shortcomings: it is estimated that almost 2 million children below the age of 14, mainly girls, work in domestic service in Latin America¹⁶.

Nothing about us without us: organising domestic workers in Bolivia

In order to break the isolation in which domestic workers work (and often live) and to ensure they are recognised as workers, since the early 1980s, efforts have been made to build up workers’ organisations. In many countries in Latin America, thanks to the work of these organisations, legislations have been adopted that recognise domestic workers as workers, allowing them to access those rights ensured to all other workers.

In Bolivia, since 1992, the National Federation of Domestic Workers (FENATRAHOB), has been leading the fight for a national bill on domestic workers aimed at eliminating existing racial barriers in the area of domestic work and ensuring respect for the principles of equality and non-discrimination enshrined in the state constitution. Thanks to their action, on 9th April 2003, domestic workers won approval of the “Law Regulating Paid Domestic Workers” (Law No. 2450). This law defends workers’ rights and sets out duties, obligations and working conditions based on the principles of fairness, non-discrimination, equality, respect and social justice. Moreover, the 30 March has been declared National Day of Paid Domestic Workers¹⁷.

The law established the right to :

- An eight-hour working day (compared to the previously allowed 16 hours) raised to ten-hour working day for those who live in their employer’s house;
- Rest days, the payment of bonuses, access to schools compatible with workers’ shifts and all rights as set out in the General Labour Law.

Nevertheless, the Law does not deal with work performed without set hours or performed intermittently, as it considers this a matter of civil contract and social security and pensions are still pending as they require specific regulations.

At regional level, the Latin American and Caribbean Confederation for Domestic Workers (CONLACTRAHO), a non-profit organisation which gathers together Latin American and Caribbean organisations which promote

¹⁵ *Idem*.

¹⁶ M.E. Valenzuela & M.Ranguel, *Latin America’s Domestic Workers – The ones Decent Work Forgot*, [in:] *Labour Educations* 2007/3-4 No. 148-149, www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publications/wcms_111439.pdf

¹⁷ *Domestic Workers: From Modern Day Slavery to Equal Rights*, SOLIDAR, 2011, p.10.

and defend the rights of domestic workers, was created in March 1998. CONLACTRAHO's current members includes organisations in Mexico, Guatemala, Dominican Republic, Costa Rica, Colombia, Paraguay, Brazil, Argentina, Ecuador, Peru, Chile, Bolivia and Uruguay¹⁸.

European Union: housekeeping and caretaking

In the European Union, there is a steady and increasing demand for domestic work in both housekeeping and caretaking jobs, which cannot be met with local work force alone. *In industrialised countries, domestic work accounts for between 5 and 9% of all employment, with the vast majority of these workers being women*¹⁹. Three major reasons are behind this development :

- "increasing labour force participation of women, which translated into growing demand for paid care services"²⁰;
- the ageing of our societies - around 50% of Europe's population, 250 million people, will be dependent on some form of long-term care in their lifetime;
- and the privatisation and liberalisation of social services and the diminished role of the State.

Of course, changing social norms also play a role in those growing segments of society, from middle class households to diplomats, who can afford domestic services. Consequently, many families are turning to foreign family assistants to care for their children and elderly relatives and provide domestic help (maids). Hence, **families become employers**. While some domestic workers do enjoy a good relationship with their employer, far too many find themselves in a situation deprived of vital human and labour rights, including the right to privacy and family life, collective bargaining, living wages and social protection.

The vast majority of migrant workers providing domestic services are women. Most of them came to Europe with the motivation to escape a difficult economic situation at home. Ironically, while freeing European women to remain in the labour market after motherhood, in order to send money home, these migrant women and men are often unable to be with their own children who they leave behind with other relatives²¹.

For such reasons and especially when migrants do not have a valid residence or work permit or when they do not speak the country language, a significant number of migrants are prepared to accept an unprotected job as a apparent solution to their needs, and will give up contractual protection in exchange for a higher net income. The long working hours and the difficult demands of the job, for which the workers may have no training can lead to isolation, loneliness, and depression. Moreover, irrespective of their education and skills levels, very few women find opportunities for upward mobility, which is a "brain waste"²². **Highly skilled migrant women are on average twice as likely to be employed in low-skilled jobs as compared to EU nationals with the same level of education**²³.

18 *Realising Decent Work and Social Protection for All: How civil society organisations are creating change*, The Global Network, 2011, p. 17.

19 European Parliament, Motion for a Resolution [PE460.609v01-00], 2011 http://www.europarl.europa.eu/meetdocs/2009_2014/documents/empl/dv/empl_re_ilo_858752_/empl_re_ilo_858752_en.pdf

20 *International Labour Review*, Volume 149, Special Issue : Workers in the care economy, ILO 2010/4.

21 *International Migration : The search for decent work*, Report, SOLIDAR 2011. http://cms.horus.be/files/99931/MediaArchive/Migration_report_web.pdf

22 Case study: Through the Eyes of Migrants - The Search for Decent Work, SOLIDAR 2010, http://cms.horus.be/files/99931/MediaArchive/Migration_CaseStudies_web.pdf

23 *100 Inequalities remain.*, European Institute for gender Equality 2011. <http://www.eige.europa.eu/100-international-womens-day-100-inequalities-remain>

To avoid the considerable costs related to care, many thousands of families prefer to look for carers on the black market because they can find a more immediate and flexible response to their needs. As a result, domestic workers are increasingly employed informally. **EU Member States should therefore create and strengthen existing measures to encourage employers to regularise their workers, such as care vouchers and tax benefits (see more in recommendations section).**

For SOLIDAR, applying double standards by hiring undocumented workers with less rights for this much needed service cannot be the option. The disrespect of the rights of domestic workers and their discrimination is unacceptable and will be to the detriment of the quality of the services provided.

At European level, there is often a gap between the rights that migrant domestic workers have in theory and in practice, as a consequence of incoherent policies: *In the case of migrant workers, employment and migration regimes are intimately linked and gender and ethnicity dynamics mutually reinforcing. Even where national labour legislation guarantees equality of treatment of migrant and national domestic workers, immigration laws might de facto have primacy over labour regulations and indirectly void equality and non-discrimination provision of the latter and limit migrant worker's full enjoyment of their rights, indirectly encouraging informal working arrangements.*²⁴

There is a great need for a European framework based on fundamental principles and rights and Member States will have to assume responsibility to organise and finance quality welfare services. Even the European Commission accepts that a social insurance or tax-based system is more efficient than a system left entirely to private initiatives. Yet in order to achieve quality services, quality jobs need to be created starting with the formalisation of labour relations, decent wages and permanent contracts. SOLIDAR is convinced that improving the employment conditions, skills training and recognition of migrant domestic workers will benefit both the workers and recipients of domestic and care services. Only a rights-based and gender-sensitive approach can truly ensure the social cohesion and well-being of our societies.

European Union – Bringing Spain into line with ILO C189

The trade unions Confederación sindical de comisiones obreras (CCOO) and Sindicación Unión General de Trabajadores (UGT)'s agreement with the previous Spanish government for the integration of domestic workers into the national Social Security System in Spain is part of the Law on Pension Reform. It entered into force on 1st January 2012, but will not be fully applicable until July, and as of that date, improvements will be implemented gradually. This means that domestic workers rights will only be fully brought into line with other workers rights in 2019. In addition, the government pledged to reform the labour system in household employment as of 1st January 2012.

Reforms are now being carried out in Spain to implement the ILO's Convention C189 and Recommendation. This requires many changes in Spanish legislation, such as: the existence of a written contract that details the

²⁴ M. Gallotti, *The Gender Dimension of Domestic Work in Western Europe*, [in:] *International Migration Paper*, No. 96. ILO 2009. <http://www.ilo.org/public/english/protection/migrant/download/imp/imp96.pdf>



schedule, tasks and formula for overtime payment; payment of all hours at the employer's disposal (thus ending unpaid working hours); the same minimum wage as the rest of the population, that is to say, fourteen installments instead of the current thirteen; occupational health measures that would prevent accidents and force businesses to record the ones that happen; data collection on the situation of the sector, which would be required to be included in labour statistics - from which they are currently absent. The Convention also requires more labour inspections and controlling abuses by private labour centres.

With these changes, domestic workers will become equal to other employed people in Spain; 26 years after the creation of the Special Regime for Domestic Employees. But still, they have no right to unemployment benefits.

This agreement will benefit over 700,000 people who are at the centre of the Spanish economy. Most are women immigrants, as this job allows them to support their families in Spain and in their countries of origin, even more important in the current economic crisis.

The economist Amaia Pérez Orozco has documented the transfer of domestic, reproductive and care work from native to migrant women because of the "social irresponsibility to life care". In fact, a 2008 study commissioned by the collective loé Foundation of Savings Banks (FUNCAS), found that "for every 1% increase of immigrants in the Spanish population, the rate of female activity increases by 0.6%" and "of the 12-point increase in female employment from 1996 to 2005, at least four points are due to immigration".

Policy recommendations

The examples in this briefing from the different global regions: Africa, Asia, Latin America and the European Union, show that **there is an urgent need for global action to implement the International Labour Organisation Convention on Domestic Work C189 and its accompanying Recommendation in order to create a binding international framework with minimum standards for domestic workers. Improving the employment conditions, skills training and recognition of domestic workers, including migrant domestic workers, will benefit both the workers and recipients of domestic and care services.** Both the care giver and care taker have the right to a life lived in dignity where they can reconcile private and professional life. Migrant domestic workers are not merely economic units but human beings and only a rights-based and gender-sensitive approach can truly ensure the social cohesion and well-being of our societies.

Recommendations to National Governments Worldwide:

- Recognise domestic work as formal work by giving equal rights to all (migrant) domestic workers.
- Support the implementation of the ILO Convention C189 and accompanying Recommendation on Decent Work for Domestic Workers (see annex 12 by 12 campaign).
- Support trade unions and civil society organisations in organising domestic workers, informing both employers and workers about their rights and obligations.
- Exchange good practice examples at national level in view of reinforcing the rights of domestic workers.

- Promote the ratification and implementation of the principal international conventions protecting migrant workers rights, namely the UN Convention on the Protection of the Rights of Migrant Workers and Their Families, ILO Convention 97 on Migration for Employment and ILO Convention 143 on Migrant Workers.

Recommendations to the European Union:

- Improve the coherence between immigration and labour policies to avoid that overly restrictive immigration regulations curtail equal treatment for migrant domestic workers and encourage informal work.
- Amend current national and EU legislation to ensure the inclusion of domestic workers. For example, Council Directive 89/391/EEC on occupational health and safety and Directive 2000/78/EC on equal treatment in employment and occupation²⁵.

Specific Recommendations on Migrant Care Workers in the EU:

- Include specific measures in local welfare systems to provide for domestic care work and domestic helpers to better support families in meeting the cost of this growing need (see next point).
- Raise tax deductions or rebates for social security contributions paid by households employing family assistants. They should cover more than two thirds of the cost of social security contributions for lower income families. Alternatively a tax credit could be introduced.
- Increase the number of “window offices” to match demand with supply and encourage registration of accredited family assistants. This should only be done as part of a comprehensive system, with clear links to social services and to employment offices/services.
- Measures to regularise more irregular workers are needed. Care vouchers, for instance, can encourage the regularisation of illegal workers when they offer a clear economic benefit. The numbers benefiting from these would be further increased if they were linked to additional services that public authorities can provide such as job matching, long term support and protection, and the integration of social and health services.
- Promote vocational training for family assistants who have to care for elderly people.
- Provide counselling services for family assistants so that they can share their concerns and the pressures of their job.
- Inform migrant workers about their rights, particularly those covered by Collective Agreements on Domestic Work.

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²⁵ Ibid

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Join our campaign for rights and protection for domestic workers

The End of Modern-day Slavery

There are over 100 million workers employed to do work in someone else's house all over world. These domestic workers clean, cook, do laundry, provide care to children and the elderly and lots more. Their work is undervalued, underpaid, invisible, not recognised, and not respected. The majority of domestic workers are women (82%) – many are migrants or children.

In many countries domestic workers are excluded from labour legislation and social protection schemes. Many are denied the right, either in law or in practice, to form or join a trade union. As a result, mistreatment, exploitation, violence, and physical and sexual abuse are frequent and often go unpunished.

In June 2011 the UN body that deals with labour issues, the ILO (the International Labour Organisation), adopted Convention 189 (C189) and Recommendation 201 (R201) on Domestic Workers.

Convention 189 recognises the right of domestic workers to join and form trade unions, which is still forbidden in many countries. It also protects the right to minimum wage in countries where it exists, and protects monthly payments and access to social security including in the case of maternity.

The Convention gives domestic workers one day off per week and regulates their working hours. In essence, the Convention guarantees that domestic workers are treated as any other worker under labour legislation.

This Convention will enter into force once two countries have ratified it.

12 by 12 Campaign

The '**12 by 12**' Campaign aims at 12 ratifications of Convention 189 by 2012. It also aims at organising domestic workers in unions and to strengthen unions of domestic workers. The Campaign is organised by ITUC in partnership with IDWN, IUF, PSI, ETUC, Human Right Watch, Solidar, Migrant Forum Asia, World Solidarity and Caritas.

There are now '**12 by 12**' campaign teams in **63** countries. The teams often consist of broad coalitions of national trade union centers, domestic workers unions/groups and human rights, women and migrant organisations. These '**12 by 12**' teams keep up the pressure on governments through social dialogue, formal and informal meetings with members of parliament and through actions like in Brazil where the '12 by 12' team is collecting 1,200,000 signatures by March 8 2012 in support of C189. Or in Indonesia where the '**12 by 12**' coalition succeeded to get a domestic workers Bill back on the agenda by chaining themselves to the gates in front of the parliament while seeking media attention.

And it works:

- First ratification is expected in the Philippines, potential for ratification of C189 in at least 25 other countries
- India: Extends this year their labour laws to domestic workers
- Spain: Put into force on January 1 a new law which significantly improves the rights of domestic workers

What remains important is to keep up the pressure!



How to join the '12 by 12' campaign:

- Organise an action or event with domestic workers, trade unions and other organisations in support of Convention 189 and as part of the '12 by 12' campaign. Invite the media!
- Join us on Facebook. Here you can connect with '12 by 12' campaign teams around the world <http://www.facebook.com/groups/174009729373613#!/groups/231305920281513/>
- Get in touch directly with '12 by 12' teams in your country – for contact info: send an email to equality@ituc-csi.org
- Sign up to our '12 by 12' newsletter to get updates on activities around the world: go the '12 by 12' webpage or send an email to equality@ituc-csi.org



For more tips, resources and information go to the '12 by 12' webpage:

<http://www.ituc-csi.org/travailleurs-euses-domestiques,513.html>

Here you also check what our partners are doing as part of the '12 by 12' campaign

Join '12>12' on Facebook:

<http://www.facebook.com/groups/174009729373613#!/groups/231305920281513/>

Queries



02

Responding to Anxieties - Justifying Women's Migration

Throughout the history migration has been an expression of people's desperation and hope. Desperation related to the inability to continue living in local precarious circumstances; and hope as the anticipation that there are opportunities elsewhere to live and work in safe, decent and prosperous conditions. Recent years, with the globalisation of capital and the localisation of labour and poverty, have aggravated existing and have brought new incentives for especially economic migration. Growing interdependences among states on one hand, and a need to remain competitive on the other, led to a demer of domestic policies. This, enhanced by the neo-liberal economic crisis, translated especially within the EU into further pressure on the welfare state; which concept was already considered to be vulnerable as an idea as it seems unable to match the needs of an 'evolved' society in the 21st century. Logically, individuals seek private solutions to a state's shortcomings in the provision of care for elderly, children, sick etc. – and here one 'reeks' the benefits of migration. Immigrants offer cheaper services, often without demanding proper legal contracts and social protection. F. WILLIAMS described in details how such an approach not only erodes the welfare system further, but it also reverses the achievements progressives made towards decent working conditions in the past one and a half century. F. SCRINZI, on the other hand, shows that societies are still disbelieving in the sustainability of processes enabling immigrants to move in and join the labour market. Emerging social anxieties are being used by the right wing extremists, which she shows using examples in France and Italy. Ch. RANDZIO-PLATH adds to this debate that challenges are not only experienced by immigrants, but also by workers who move within the common EU labour market. J. TÁNCZOS explores how the immigrants' voices could be better heard through adequate representation within the PES and its member parties.

Migrant Care Labour and European Welfare Regimes



By **Fiona WILLIAMS**

This paper looks at the different ways in which migrant labour is employed in the health and social care sectors of European welfare states. To some extent these are differences in the nature of the care regime inherent in those welfare states. However, standing further back it is possible to see that there has been a recent and growing dependence on migrant labour in the health and/or care sectors in many European states, regardless of care regime type. In other words, many of the better-off European states increasingly depend on migrant labour for their health and social care systems, but these differences are less to do with whether they employ migrant care workers, but with which migrant workers are employed, how and where. The paper looks at these issues in turn and then draws out the geo-political implications of this converging dependency.

Introduction

Research in Europe on migration and care work has been important in pointing to the ways in which a country's welfare regime, and more particularly its care regime, shapes the ways in which migrant labour has been employed in care and domestic work¹. Author's own work, developed from a qualitative study comparing the use of migrant workers for home-based child care in Stockholm, Madrid and London, there is an analysis developed which proposed that country differences in the use of migrant child care labour depended on how regimes intersected: initially this referred to intersection between the migration regime and the care

¹ F. Bettito, A. Simonazzi & P. Villa, *Change in care regimes and female migration: the care drain in the Mediterranean.*, [in:] *Journal of European Social Policy* 16 (3) 206, pp. 271-285; also H. Lutz, *Migration and Domestic: A European Perspective on a Global Theme.*, Aldershot: Ashgate 2008; and F. Williams & A. Gavanas, *The Intersection of Child Care Regimes and Migration Regimes: A Three-Country Study*, [in:] *Migration and Domestic Work: a European Perspective on a Global Theme*, H. Lutz (ed.), London: Routledge. 2008

regime² and subsequently the employment regime was added in. In this analysis “regime” refers to those clusters of policies/regulations/rules, practices/norms, legacies, discourses, social relations and forms of contestation which attend, in this case, migration, care, and employment. At a simple level this means that what seemed to shape employment of migrant care workers in different countries were the ways in which cultural preferences for the care of young children, older frail people, or disabled people, combined with migration paths, rules and regulations, together with the structures of employment in, and values attached to, care work, and formal and informal state/market/family provisions for care support.³ The first part of this paper looks briefly at how these differences manifest themselves in home-based child care in three countries – Spain, the UK and Sweden. It then looks more closely at some emerging convergences across different regime types in Europe. The second part cuts the cake a different way to look at emerging convergences in the employment of migrant workers across formal and institutional health and social care in both elder care and child care. In the third and final section explores the geo-political implications for these emerging convergences and the sorts of political strategies they require.

Regime differences in home-based child care and migration

In the study mentioned above, London, Madrid and Stockholm were chosen initially as the metropolitan areas in countries of three contrasting welfare regime-types: liberal, southern European and social democratic.⁴ As far as care and migration regimes are concerned authors were particularly interested in the differences in their histories of and current policies for care (in this instance, for child care) in female (especially mothers’) employment, and for policies for combining work and care, as well as their differences in past patterns of migration, current immigration rules with specific reference to the employment of migrant workers in care and domestic work in the home.

In these terms, it was possible to see differences in the employment of home-based child care the three countries for the time period of the study (2003-5). Sweden has had a long record of publicly subsidised pre-school child care, generous parental leaves, and a high rate of female employment^{5,6} and, until recently, a moral disapproval of the employment of domestic workers by private households. In the UK, the increase in female employment has been more recent⁷ as have the introduction of pre-school nursery care (only entirely

2 F. Williams & A. Gavanas, *The Intersection of Child Care Regimes and Migration Regimes: A Three-Country Study*, [in:] *Migration and Domestic Work: a European Perspective on a Global Theme*, H. Lutz (ed.), London: Routledge, 2008

3 This analysis of intersecting regimes was set within a wider analysis which that welfare states exist in a dynamic relationship to three interconnected domains – family, nation and work which signify the conditions, organization and social relations of (i) social reproduction including caring and intimacy (‘family’), of (ii) the nation-state and the population (‘nation’) and of (iii) production and capital accumulation (‘work’) (Williams, 1995). The case of migrant domestic care workers illustrates the changing nature of work (in terms of, for example, women’s participation and the rise in service jobs), of families (ageing population, increase in female breadwinners, ‘care deficit’) and the changing internal and external boundaries of the ‘nation’ – the dynamics between the (external) international geo-political context in which nation-welfare-states exist and (internal) processes of inclusion and exclusion. Unlike the triad of state-market-family generally used in care policy analysis, this formulation brings in dimensions of national boundaries, multi-levelled governance and nationhood which are intrinsic to the issue of migration. The frame can also be applied to sending countries to denote, for example, lack (and loss through migration) of care provision in developing countries, or its decline in Eastern Europe, the role of women’s migrant labour in generating income flows and the problems of unemployment and states’ strapped by structural adjustment programmes.

4 Using theoretical sampling, Anna Gavanas carried out interviews in London in 2004 with 16 employees, 10 employers and 8 agencies, and in Stockholm with 17 employees, 10 employers and 8 domestic work agencies. In Madrid, interviews were conducted with Virginia Paez in 2005 with 14 employees and 10 employers and 9 organisations. Methods included recorded semi-structured, recorded and unrecorded informal interviews, and non-participant observation. (ref MEIF-CT-2003-502369).

5 In 2003 it was 72% in; see: OECD, *Trends in International Migration*, Paris 2005.

6 C. Bergqvist & A. Nyberg, *Welfare state restructuring and child care in Sweden*, [in:] *Child care policy at the crossroads: gender and welfare state restructuring*, P. Sonya, R. Mahon (eds.), Routledge 2002.

7 By 2002, 69.6% of women aged 15-64 were in paid employment (60% of women with dependent children worked part-time). See: M. Duffield, *Trends in female employment*, Labour Market Trends, November, London: ONS 2002.

free for very low income families), tax credits available for low to middle income families for use in the private/voluntary sector, and a weaker set of maternity and paternity leaves. Since the 1990s there has been a growth in the (undeclared) employment of domestic cleaners. Spain combines a rapid increase in female employment⁸ with far less developed (but developing since 2003) maternity and paternity provision, mainly privately available child care, and since 2003 a monthly subsidy for all working mothers with a child under 3. Domestic servants disappeared for all but the wealthy from the 1960s but re-emerged in the 1990s.

Again, migration policies in the three countries manifest differences: Spain, an older country of emigration and now a new country of “unmanaged” immigration; the UK, an older country whose immigration was based in post-colonialism but now focusing much more on “managed” migration of higher skilled workers; Sweden also an “old” immigration country with labour market migration and, until recently, a more liberal acceptance of asylum seekers and refugees⁹. In addition, all three are EU member states and subject to mobility within the EU’s enlarged borders, as well as directives around women’s employment, work/life balance, racism and migration (although their degrees of variation illustrate the extent of national sovereignty).

The research focused on how far child care and migration regimes dovetailed. Spain and the UK offer good examples of such dovetailing, but to different extents. Spain combines a subsidy for working mothers to help them buy in child care, with immigration policies involving quota allocations for domestic/care workers. Combined with the regularisation of over half a million illegal immigrants since 2002, this has implicitly normalised the employment of migrant women from Latin America, North Africa, the Philippines and lately Eastern Europe to meet gaps in care provision. Employing home-based domestic and care help is a strategy used by many working women - from office workers to professionals - to enable them to stay in the labour market. In addition, migration rules contribute to the vulnerability of workers at particular times. Thus, in Spain, it is cheaper to employ a live-in newly-arrived migrant woman waiting for her settlement papers (rather than documented and registered) because employers can avoid paying social security, and this insecurity ties the worker more closely to her employer. In fact, this employment of migrants as home-based workers is even more significant for elder care¹⁰, and, in this respect, Spain has been described as moving from a family model of care to a “migrant-in-the-family” model of care¹¹.

Since the 1990s in the UK there has been a growth of nannies and au pairs employed by dual full-time professional households with more than one young child¹². Until 2008, 17-27 year-old residents of EU member states and a further nine countries could enter the UK as au pairs to sponsoring families for two years as long as they did not have recourse to public funds. In addition, working holidaymakers between 17 and 30 years from the new Commonwealth could enter the UK without an entry clearance. The introduction of a points-based system for skilled and professional migrant workers has replaced the au pair scheme for non-EU migrants with the Youth Mobility Scheme for (childless) 18-30 year olds, sponsored from particular countries. The scheme restricts their transition into other categories of work. Many au pairs still come from Central and

8 Between 1993 and 2003 women’s employment jumped from 31.5% to 46.8% (OECD 2005).

9 T. Bauer, K.M. Loftstrom, K.F. Zimmerman, *Immigration Policy, Assimilation of Immigrants, and Natives’ Sentiments Towards Immigrants: Evidence from 12 OECD Countries, Working Paper*, UC San Diego: Center for Comparative Immigration Studies. <http://www.escholarship.org/uc/item/1m58x0z3> accessed 6-06-10; and M. Di Rosa, M.G. Melchiorre, M. Lucchetti and G. Lamura, *The impact of migrant work in the elder care sector: recent trends and empirical evidence in Italy*, [in:] *European Journal of Women’s Studies* 2011.

10 M. Léon, *Migration and care work in Spain: the domestic sector revisited*, [in:] *Social Policy and Society* 9, (3), pp: 409-418, 2010.

11 F. Bettio, A. Simonazzi & PVilla, *Change in care regimes and female migration: the care drain in the Mediterranean.*, [in:] *Journal of European Social Policy* 16 (3), pp. 271-285, 2006.

12 M. Brewer & J. Shaw, *Childcare Use and Mothers’ Employment: A Review of British data sources*, [in:] *DWP Working Paper No 16*, London: DWP, 2004.

Eastern Europe using EU mobility rights¹³. There is no quota for domestic workers, only visas for domestic workers accompanying employers. They have the right to move employers, and although they must renew their visa frequently at some financial cost, they can apply for indefinite leave to remain after 5 years (the result of campaigns conducted by Kalayaan, the advocacy organisation for domestic workers).

In contrast to Spain and Britain, it is not common in Sweden to employ private childcare or to rely on grandmothers or other family members for regular child care.¹⁴ Au pairs, often from Eastern Europe are, however, employed by upper middle class or women in traditionally “male” jobs with less flexible hours. Au pairs from the EU/EEA need a residence permit if they work for more than three months. From outside the EU they need a work permit. The research also revealed the employment of migrant domestic workers by professional families, discussed below. In relation to these cross-national differences it was not therefore surprising to find in OECD figures for the employment of “foreigners” by sector in 2001-2 that the percentage employed in households was 14.8% in Spain, 1.3% in the UK and statistically insignificant in Sweden^{15,16}. These figures would not include undocumented foreign labour.

Given that the research project was qualitative, it was not possible to confirm these large scale connections; however, it was possible to identify some emerging social practices not visible in statistics. In addition, the framework used led to consider areas outside of home-based child care where migrants were employed.¹⁷ One element that is particularly interesting here is how trends in the Nordic countries undermine assumptions about social democratic welfare states in a number of ways. Thus, **it is sometimes assumed that extensive provision of public child care along with generous maternity and paternity leaves diminishes demand for private domestic help in the home. This was not what we found in interviews with domestic cleaning agencies in Stockholm in 2004 which indicated an increase in the “hidden” employment of domestic workers many of whom came from Eastern Europe and Baltic countries. This suggested a shift in social practices and moral perspectives.** The dominant view held by feminists and social democrats in an earlier “maid debate” had seen expressed a moral repugnance for private household domestic work. However, cleaning agencies remarked that a grey market for domestic work had existed for some time. This was confirmed when the conservative Swedish government in 2007 granted tax breaks for people employing domestic cleaners to encourage regulation. In fact, it was following what had already happened first in Denmark in 1997 and more recently in Norway and Finland. While these credits and rebates have represented an attempt to regulate an industry that was operating in a grey market, their introduction has also been presented as a way of helping professional working mothers achieve gender equality. Swedish Prime Minister Reinfeldt was quoted in 2006 as saying “in a gender equality society like Sweden, where the vast majority of women hold jobs, families sometimes need to hire home help”¹⁸. This rendering of gender equality limits it to the liberal notion of equality in the workplace, as well as concealing the reality of the conditions of those who carry out that work and the new relations of gender, race and class inequalities these generate. In her study of au pairs in Denmark, Helle Stenum quotes the Social Democratic Mayor of Copenhagen writing under the strap line of “Diversity in every corner” that “modern” executive women need not be faced with the dilemma of family and career... in special cases the local council can even offer a subsidy for au pair and cleaning services as part of the salary package¹⁹.

13 Z. Búrikova & D. Miller, *Au Pair*. Cambridge: Polity Press, 2010.

14 In 2005 65% of under 5s were in municipal pre-school; 13% in private subsidised pre-school, 6% in family-run day care and 16% in ‘other’ care, including children looked after at home (Statistics Sweden, 2006)

15 Z. Búrikova & D. Miller, *Au Pair*. Cambridge: Polity Press, 2010.

16 “Foreign” equals “foreign born” in Sweden, but “foreign national” in Spain and UK.

17 The qualitative data also revealed the interplaying of social, cultural and political factors in the employment of home-based child care workers, an issue not pursued here but see: F. Williams, forthcoming.

18 AFP Sweden, 2006.

19 H. Stenum, *Au-pair migration and new inequalities: The transnational production of corruption*, [in:] L.W. Isaksen, (ed) *Op. Cit.* 2010.

Behind this is the incomplete reconstruction of gender relations in the home. Those women who employed child carers or domestic workers in Stockholm said they did so, not because they favoured mother-substitutes to day care – most of them still used public day care - but to avoid the stress associated with juggling earning and caring responsibilities²⁰. In Norway, Fjell found that women employ cleaners in Norway to avoid conflicts with male partners and to give more time for childcare²¹. As well as reshaping the discourse of gender equality it also heralds new forms of commodified care work. The effect of the domestic service tax break policy has been to stimulate demand, to legitimise, in a similar fashion to that noted above in Spain and the UK, the commodification of household work and to create new employers – older people, and middle class families with young children²². Gavanoas's study also shows that while regulation of the domestic service sector has improved conditions for those working in it in Sweden, the informal grey market still traps migrant workers who are undocumented. Indeed, there are many overlaps between those employing and employed in the regulated and unregulated sectors.

There have also been dramatic increases in the use of au pairs recently in Denmark and Norway. For example, Bikova's study of Norway notes that between 2000 and 2008 the number of au pairs increased tenfold²³. A similar increase is observed by Stenum in Denmark. What is also significant is that the countries of origin of both these groups of workers have changed. In Norway by 2008, 72% of the au pairs were Filipinas, and in Denmark the majority of au pairs now come from the Philippines and poorer regions of Europe²⁴. This marks a shift from a system of cultural exchange where au pairs came from middle class European families to a system of care/domestic labour dependent on poorer countries. In fact, the Philippines Overseas Employment Administration does not approve the emigration of Filipinas as au pairs and so those migrating to Denmark to become au pairs do so illegally, even though Denmark turns a blind eye to this, and this status has made them vulnerable to²⁵.



Emerging convergences in formal health and social care provision

One of the common elements in the above examples of home-based child care and domestic work is the provision of cash related benefits (tax credits, rebates, or cash benefits as distinct from care services) which enable people (mothers, older people, disabled people) to buy in the services they need. Where provision is mainly located in the private market, then care “consumers” will look for value for money in cheaper labour, and this is often provided by migrant workers with fewer negotiating rights. In fact, this type of relationship between a direct payment and the employment of home-

20 F. Williams & A. Gavanoas, *The Intersection of Child Care Regimes and Migration Regimes: A Three-Country Study*, [in:] *Migration and Domestic Work: a European Perspective on a Global Theme*, H. Lutz (ed.), London: Routledge 2008.

21 T.I. Fjell, *Doing Gender Equality: cleaners employed in Norwegian middle-class homes*, [in:] Isaksen, L.W. op.cit., 2010.

22 A. Gavanoas, *Who cleans the welfare state? Migration, informalization, social exclusion and domestic services in Stockholm*. Research Report 2010/3, Stockholm: Institute for Future Studies 2010.; E. Platzer, *Care work and migration politics in Sweden. The snake in the grass of gender equality: Au-pairing in women-friendly Norway*, [in:] L. W. Isaksen, (ed) Op.cit. 2010.

23 M. Bikova, *The snake in the grass of gender equality: Au-pairing in women-friendly Norway*, in L. W. Isaksen, (ed) Op.cit. 2010.

24 Ibid.; and H. Stenum, *Au-pair migration and new inequalities: The transnational production of corruption*, [in:] L.W. Isaksen, (ed) Op. Cit. 2010.

25 Exploitation, see: H. Stenum, *Au-pair migration and new inequalities: The transnational production of corruption*, [in:] L.W. Isaksen, (ed) Op. Cit. 2010.

based migrant carers is even more significant for elder care in Spain²⁶, Italy²⁷, Austria²⁸, and Germany²⁹. In addition, while **this shift from care services to cash benefits, which has been part of welfare “modernisation” in Europe, explains one aspect of the institutional changes driving greater employment of migrant care workers, other changes have also had similar effects, most notably the introduction of market principles into institutionalised health and social care provision.**

In those countries with more of a tradition of formal and institutionalised care, migrant workers are located in the expanding private markets in residential and nursing care homes, and in home care agencies providing services to older people. In the UK the foreign-born care workforce in these services has more than doubled since 2001³⁰. In France, private domestic service companies (which have flourished since receiving tax exemptions) employ migrant workers³¹. In both cases migrant workers join a workforce already employing significant proportions of (female) workers from national minority ethnic groups.

In Sweden, foreign-born workers (many permanent residents) are found mainly in the lower grades of home-based care, domestic work, hotel work and health care³². In 2009 they constituted 13.7% of child care workers, 25.5% of assistant nurses and hospital ward assistants, and 15% of home-based personal care and related workers^{33,34} Björnberg proposes that the increase in local authority contracting out of care services to the private sector, especially for elder and disabled people’s care, has resulted in poorer conditions and, with existing discrimination in the labour market, migrant groups are channelled into less attractive areas of care work. Subsequent figures for Stockholm show 39% of assistant nurses and auxiliaries and 46% of personal assistants and care aides are foreign-born³⁵. Similarly, in Oslo, in 2008 almost 40% of employees in the nursing and care sector were migrants³⁶. Isaksen³⁷ notes that a third of these are “non-Western”.

This points to the continuum between social care and health care migrant worker employment, especially in nursing³⁸. Yeates³⁹ identifies ‘global nursing care chains’ as part of a new international division of reproductive labour. In the UK 23% nurses were foreign born in 2009⁴⁰. The highest employment of foreign-born in

26 M.Léon, *Migration and care work in Spain: the domestic sector revisited*, [in:] *Social Policy and Society* 9, (3), pp. 409-418, 2010.

27 F. van Hooren, *Welfare Provision beyond National Boundaries: The Politics of Migration and Elderly Care in Italy*, [in:] *Rivista Italiana di Politiche Pubbliche* N. 3, pp. 87-113, 2008.

28 A. Ósterle & E. Hammer, *Care Arrangements and the Formalization of Care Arrangements; The Austrian Experience*, [in:] C. Ungerson and S. Yeandle (eds.) *op.cit.* 2007.

29 H. Lutz, *Migration and Domestic: A European Perspective on a Global Theme.*, Aldershot: Ashgate 2008.

30 A. Cangiano, I. Shutes, S. Spencer and G. Leeson, *Migrant Care Workers in Ageing Societies: Research Findings in the UK*. Oxford University: COMPAS 2009.

31 F. Scrinzi, *Masculinities and the international divisions of care: migrant male domestic workers in Italy and France*, [in:] *Men and Masculinities* 13 (1), pp. 44-64, 2009.

32 Statistics Sweden 2011

33 Swedish Association of Local Authorities and Regions Statistics 2009.

34 Note there was a total foreign-born population of 12.9% in 2006 (OECD, 2008).

35 Statistics Sweden 2011

36 A. Homme & H. Høst, *Who cares for the elderly in Oslo?*, Bergen: The Rokkan Centre 2008

37 L.W. Isaksen, *Global Care Work: Gender and Migration in Nordic Societies.*, Lund: Nordic Academic Press 2010.

38 D.L. Redfoot & A.N. Houser, *We shall Travel On: Quality of Care, Economic Development, and the International Migration of Long-Term Care Workers*. AARP Public Policy Institute 2005, Washington, DC: AARP. http://www.mecf.org/articles/AARP_immigrant.pdf, Downloaded 18-04-11.

39 N. Yeates, *Globalizing Care Economies and Migrant Workers.*, Basingstoke: Palgrave 2009.

40 A. Cangiano, I. Shutes, S. Spencer and G. Leeson, *Migrant Care Workers in Ageing Societies: Research Findings in the UK*. Oxford University: COMPAS 2009.

health and community services in 2004-5 was 18.6% in Sweden and 24.2% in Norway⁴¹. In a shift similar to that amongst au pairs noted above, these workers used to come from wealthy countries, but Norway recently recruited nurses from Poland, Latvia and the Philippines⁴². Sweden does not recruit but proportions of foreign-born assistant nurses and auxiliaries have risen from 14.2% to 16.1% between 2004 and 2009, half of whom came from Africa, Asia or Latin America⁴³. By the end of 2005, 30% of UK doctors and 10% of its nurses had received their initial training overseas⁴⁴. In France a quarter of all hospital doctors are foreign or naturalized, and in Germany nurses are recruited from Eastern Europe⁴⁵. **Many states are now global employers, working alongside private recruitment agencies. Health care workers, especially those from developing countries, share common experiences with migrant home-based care workers: gender and racial discrimination; lack of recognition of skills and qualifications in pay levels; and being concentrated in the least desirable specialisms. They may pay into insurance systems but not be eligible for benefits while missing out in contributions in their own countries' systems⁴⁶.**

The important analytical point here is that while there are variations across Europe in the employment of migrant care workers in home-based child or elder care, and these are based on differences in care policies and provision (especially care markets), care cultures (especially familialisation), and the way these intersect with both migration rules and aspects of the employment regime (gendered and racialised divisions, for example), there is also a convergence around the employment of different types of migrant workers in different types of care regime, across sectors, sites and types of provision. In other words, over time, the differences between care/welfare regimes in their dependence on migrant workers is less to do whether a particular form of care regime depends on migrant workers, but on the positioning of that welfare regime within the global market for care/health labour, and how and where which kind of migrant labour is employed, for whom and by whom.

Geo-political implications and strategies

In so far as there is convergence then it is towards the situation of unequal geo-political interdependence in which many (European) nation-welfare-states find themselves. These are divergent processes heading towards a common trajectory⁴⁷ which finds itself in a transnational political economy of care in which European welfare states reduce their increasing social expenditure costs through strategies which involve, directly or indirectly, migrant health and care labour⁴⁸. **The transnational movement of health and care labour and its effect on draining the care resources of poorer regions (which often bear the training costs of these workers) is one dynamic of this transnational economy of care. A second dynamic is the nature of the reproductive crisis.** While in the West this is represented by an ageing society and the need for work/life balance policies, in the poorer regions it is marked differentially by a higher child dependency ratio, the effects of structural adjustment policies, poverty,

41 OECD 2006.

42 D.L. Redfoot & A.N. Houser, *We shall Travel On: Quality of Care, Economic Development, and the International Migration of Long-Term Care Workers*. AARP Public Policy Institute 2005, Washington, DC: AARP. http://www.mecf.org/articles/AARP_immigrant.pdf, Downloaded 18-04-11.; S. Bach, *International migration of health workers: labour and social issues*, Working Paper 209 Geneva: ILO 2003; L.W. Isaksen, *Global Care Work: Gender and Migration in Nordic Societies*, Lund: Nordic Academic Press 2010

43 Statistics Sweden 2011.

44 N. Crisp, *Global Health Partnerships: the UK contribution to health in developing countries*, London: Central Office for Information 2007, p. 16.

45 S. Bach, *International migration of health workers: labour and social issues*, Working Paper 209 Geneva: ILO 2003.

46 *Ibid.*

47 C. Hay, *Common trajectories, variable paces, divergent outcomes? Models of European capitalism under conditions of complex economic interdependence*, [in:] *Review of International Political Economy* 11: 2 May 2004, pp. 245.

48 elaborated in Williams, 2011.

an AIDS crisis, and, in the post-communist countries, by unemployment and deteriorating opportunities for women. The movement of labour, while creating opportunities for migrant workers, also represents a deeply asymmetrical solution between poorer and richer regions to women's attempts to reconcile these dual responsibilities. A third dynamic is the growth of transnational health and care capital. Commodifying trends have accelerated the intervention of the private market in health and social care and made care big international business. For example in long term care, British United Provident Association has operations in Spain, Ireland, Thailand, Hong Kong and Saudi Arabia⁴⁹.

A further dynamic is found in the national and international political contestations over defining how and why care and health needs should be met⁵⁰. In the EU and OECD a "social investment" approach combined with an intensified financial stringency has dominated policy around the care needs associated with work/family reconciliation policies. From the perspective of migrant workers, the transnational activity of social movements, international trade union bodies, non-governmental and grassroots organisations has been important in focusing on social protection, migration rules and workers' rights. By way of conclusion, it points up briefly the different levels of strategy which are necessary.

The issue of migration and care / domestic work implies political strategies in both the immediate and longer term, in countries of origin and countries of destination, as well as through pressure on national, bi-lateral, international and global policy. In terms of immediate strategies in countries of destination, there are many reforms to be won, for example, greater regularisation of care and domestic work, improving migrants' rights of citizenship (including family reunion, rights to contracts, training, language acquisition, guidance on cultural norms, etc.). These need to be accompanied by policies that ensure that migrant care workers are treated with respect, as citizens and as workers with full access to social protection, not simply units of labour quotas, or as racialised others. At the level of policy, this demands co-ordination across the different policy areas of migration, health and social care, employment and development. In relation to health care, there have been developments in bilateral ethical recruitment codes to prevent "poaching" health care workers from poorer countries which also guarantee to provide free training and support for returning doctors. For example a bi-lateral agreement exists between the National Health Service in the UK and Ghana. However, such strategies have been criticized as being counterproductive in that they merely recreate discriminatory practices in recruitment, and that they do not address the pressures on working mothers to migrate in the first place. In addition, discrimination can steer migrant workers into the less protected areas of private provision. Fundamental to all these strategies is the opportunity for migrant workers to have a voice in their countries of origin and destination. Organisations such as Kalayaan in the UK and RESPECT, a European network which brings together NGOs, migrant workers' organisations and trade unions, provide such opportunities. Groups such as these pressured the International Labour Organisation in 2010 to adopt the International Migrant Workers Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (which the UK refused to ratify in 2011). These conventions represent a step forward even though they have been criticised for not covering certain important groups of migrant workers such as au pairs.

In countries of origin, stemming the emigration of the vital care resources that migrant workers provide requires major changes which improve the underfunding and understaffing of the public infrastructure, especially health care systems and the right to health and social care. These are necessary to improve the

49 C. Holden, *The internationalization of long term care provision: economics and strategy*, [in:] *Global Social Policy* 2 (1) / 2002, pp. 47-67.

50 F. Williams, *The Making and Claiming of Care Policies: the Recognition and Redistribution of Care*, Geneva: UNRISD 2009.



work conditions for health and social care workers as well as access to care facilities in order to diminish the strategy of women of migrating as a family survival strategy⁵¹.

The decision to migrate should also be one of informed choice rather than pressured by lack of financial and professional improvements. Coordinated strategies for ethical emigration policies worked through social dialogue need to ensure that migrating workers know their rights in the countries to which they move. Pillinger cites the distribution by trade unions in Ghana and South Africa of “Pre-Decision Kits” and “Passport to Workers’ Rights” as a basis to providing potential migrants with information about migration⁵².

As well as these immediate issues, **there are longer term issues such as the marketisation of care provisions, and the failure to recognise the care needs of groups in poorer countries, as well, of course, as the limited advances of gender equality in both the organisation of paid work and the domestic division of labour in both countries of origin and destination. All of these require a much greater understanding of what care is, its gendered and “racialised” dimensions, and its centrality in everyday life.**

While the policy processes of global governance are sometimes informed by gender, their policy discussions, critiques and conclusions decentre some of the issues that are key to gender equality, such as care of older and disabled people (and the rights of those people themselves), child care provision, and the forms of social protection that provide rights to give and receive care. For example, the World Bank has now taken on board gender mainstreaming⁵³. Yet its statement on social policy made at the end of 2005 (the “Arusha Statement”), important as it was in its focus upon citizens’ rights, an accountable state, welfare funded from taxation, and empowerment of the poor, made no mention of gender relations in general or care in particular. Where the World Bank does mention them, as in the World Development Report 2006, it talks about the economic investment that children represent and has little to say about unpaid care work that sustains societies. Policies that do mention women or children tend to focus on them as current and future worker citizens – as a form of individual or social investment rather than a collective social good.

In the discourses of most social policies of national governments and international organisations, care is subsumed under the requirements and duty of paid work for individuals and economic competitiveness for nation states. Yet care constitutes the social reproduction activities that sustain society. It is necessary to inject concepts of global justice with an understanding of care as a practice, a responsibility and an ethic in people’s everyday lives, and as part of citizenship.

Policies which seem to be nation-based have global implications. Balancing work and care in developed countries is a global issue which requires global policy strategies. This process is similar to the paradigm shift in which many feminist organisations were involved in the 1970s and 1980s. Then, feminists were at pains to reveal that the male breadwinner was not simply an independent economic man with female and child dependants but was dependent on the hidden care work that those women did in the household. The task then was to make that work visible. Today, as the care costs of nation-welfare-states are sloughed off to the

51 J. Pillinger, *Quality health care and workers on the move*. South Africa National Report., Public Services International, Ferney Voltaire 2011.

52 Ibid.

53 World Bank 2002

care activities of those who train and look after the children of women who migrate, they become invisible and out of mind. The task is to make this visible and to develop a more imaginative understanding of our global interdependencies. At the heart of this are two processes: the devaluation and invisibility of the private care domain and its subservience to the public world of work and, second, the translation of the unequal relations of personal interdependency into the unequal relations of transnational interdependency.

Conceptions of global justice and human rights need to reflect the centrality of care in everyday life, that is to say, to understand people not simply as holders of individual rights but as people with care needs and care responsibilities which shape their actions and decisions. At the policy level this involves seeing the recognition of care with representation of its providers and receivers, and the rights and redistribution of care needs and responsibilities as central to global justice; in other words, to recognise the global crisis of social reproduction as a crisis with moral, political, economic and social dimensions.

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Gendering Anti-Immigration Politics in Europe



By **Francesca SCRINZI**

The Northern League (Italy) and the National Front (France)

Since the 1980s, populist radical right parties have attracted visibility and important electoral support in various countries across Europe. This article focuses on highly topical developments in the populist radical right in Europe, by drawing on the cases of Italy and France. It will show that **the mobilisation of pro-women's rights ideas is central to current changes in the agenda and ideology of the populist radical right in Italy, as it seeks to attract women's votes and to enlarge its electoral base.** The article presents data concerning activism in the associations linked to the Italian anti-immigration party the Northern League (NL, *Lega Nord*)¹. Drawing on press reviews and secondary sources, the paper sketches a comparison with current developments in the French party the National Front (NF, *Front National*). Women constitute a minority of the activists and politicians, as well as voters for these two parties - which are characterised by an aggressive populist style and an overtly sexist rhetoric celebrating Northern Italian and French masculinities, as opposed to other racialised masculinities.

¹ *Gendering the study of anti-immigration movements in Europe: women and men activists in the Northern League party in Italy, an ethnographic study funded by a British Academy small grant, 15th September-13th November 2010, award n. SG090376; and Women's associations and representations of gender in the Northern League party: a study of documentary sources, documentary study funded by an Adam Smith Research Foundation Seedcorn grant, 10th June - 10th July 2010. These studies investigated the gendered dimensions of contemporary anti-immigration politics in Italy. The ethnographic study was based on a combination of life histories, semi-structured interviews and participant observation. Interviews were conducted with activists of the some of the social and cultural associations linked to the party, as well as with politicians. The documentary study involved examining proceedings of public meetings, leaflets, political documents, materials produced by the cultural and social associations linked to the Northern League, and relevant articles published in the party's official newspaper and in magazines published by the party.*

Women and gender in far-right and racist organisations

An important scholarly discussion has developed in the social and political sciences since the 1990s. It examines the electoral support and ideology of the populist radical right². Yet few ethnographic studies exist, which focus on activism in these political organisations, since sociologists have tended to focus on left-wing social movements. More specifically, **only very few studies have investigated the role that women activists play in right-wing and racist social movements**. Most scholarly accounts of these male-dominated mobilisations in fact tend to dismiss women as apolitical members, whose affiliation is channelled through a man - husband or father³. Yet women are actively engaged in racist and anti-immigration organisations across the world and may feel same time empowered “as women” by their activism⁴. Over the past fifteen years, feminist scholars have made great strides in investigating how women tend to be mobilised as symbols of the nation by nationalist projects and organisations⁵. Nevertheless, the issue of women as agents of organised racism and anti-immigration politics has remained marginal.

Through the focus on gender relations in anti-immigration social movements, this article will engage with two threads of relevant literature. Firstly, the research will draw on theories of racism and its interplay with gender. Contemporary forms of racialisation of migrants in Europe have been shown to be centrally based on essentialist definitions of cultural difference⁶. This social construction of migrants and their children as “undesirable outsiders” (due their supposed radically different culture) is highly gendered. Migrant men are depicted as patriarchal and violently misogynist; conversely, migrant women are presented as vulnerable and oppressed⁷. Recent studies have highlighted the fact that assumptions about the “sexual modernity” of receiving societies are used in contemporary racist discourses, as sexism is ascribed to the racialised “Other”⁸. Further, it has been pointed out that dominant constructions of femininity and masculinity are celebrated and reproduced within right-wing organisations: women and men can be drawn to radical right organisations, because they identify with these hegemonic definitions of gender⁹. Secondly, the article will refer to the scholarly work which, since the 1990s, has investigated gender as a major force in the emergence, organisation and crisis of collective political mobilisations. Feminist studies have addressed the intersections of gender and social movements with regard to: the structures of opportunities and constraints in which activism is located; the strategies and mobilising networks, which are used by the activists; and the symbolic frameworks employed to legitimate action and to construct collective identities¹⁰. This study investigates gender as a central explanatory factor in social movements, but also how social movements contribute to the reproduction and transformation of gender relations.

2 C. Mudde, *Populist Radical Right Parties in Europe*, Cambridge: Cambridge University Press 2007; and *Twenty-first century populism: the spectre of Western European democracy*, D. Albertazzi and D. McDonnell (eds.), Basingstoke: Palgrave Macmillan 2008.

3 K. Blee, *Becoming a Racist: Women in Contemporary Ku Klux Klan and Neo-Nazi Groups*, [in:] *Gender and Society*, 10(6)/1996, pp. 680-702.

4 *Right-wing women: From conservatives to extremists around the world*, P. Bacchetta and M. Power (eds.), New York: Routledge 2002.

5 H. Lutz, A. Phoenix and N. Yuval-Davis, *Crossfires. Nationalism, Racism and Gender in Europe*, London: Pluto Press 1995.

6 R. Miles, *Racism After 'Race Relations'*, London: Routledge 1993.

7 F. Scrinzi, *Masculinities and the International Division of Care: Migrant Male Domestic Workers in Italy and France*, [in:] *Man and Masculinities*, 13(1)/2010, pp. 44-64.

8 S. Van Walsum and T. Spijkerboer, *Women and Immigration Law. New variations on classical feminist themes*, Oxon: Routledge-Cavendish 2007.

9 M. Kimmel, *Racism as Adolescent Male Rite of Passage. Ex-Nazis in Scandinavia*, *Journal of Contemporary Ethnography*, 36 (2)/2007, pp. 202-218.

10 V. Taylor, *Gender and Social Movements: Gender Processes in Women's Self-Help Movements*, [in:] *Gender and Society*, 13(1)/1999, pp. 8-33.

The NL: from the “internal enemy” to the “clash of civilisations”

The NL has been a member of successive centre-right wing governments including the last Berlusconi government, which fell in November 2011¹¹. In the early 1990s, this party developed an ethno-regionalist ideology, which posited Northern Italy as a “nation”¹² and grounded a claim for independence of the North on an alleged common ethnic identity of the Northern Italian people. The backbone of the NL’s electoral support is constituted by the small and medium scale industries, which are at the core of the dynamic economy in small towns in the North, especially in the Lombardy and Veneto regions¹³. The party gave voice to a perceived political marginalisation of these wealthy industrial districts – claiming that, despite their economic importance, they had no political weight. Regardless of that, NL does not achieve very good electoral results in large (formerly industrial) cities such as Milan, Turin and Genoa. During the 1990s, Southern Italians (who migrated to the North of the country to seek employment) and the central State institutions, based in Rome, were identified as the principal “enemy” of the “Padanians”. However, the NL has eventually shifted away from advocating the secession of the Northern regions from the rest of the country, replacing that with demands for fiscal federalism. This change in the party’s agenda corresponded to a shift from stigmatisation of Southern Italians to a racist discourse attacking international migrants: these are seen as a threat to Northern Italian identity and culture. Since the late 1990s, anti-immigration politics have taken priority over issues of regional secessionism in the party’s agenda. At this time, the NL induced associations between immigration and feeling of “insecurity”, promoting a view that immigration and crime are interrelated. In the 1990s, the restrictive turn in Italian immigration policy was heavily shaped by the NL’s views, which focused on the idea of “national preference”, while granting priorities in access to labour market and welfare state for some groups over the others. The party’s discourse was further enhanced after September 2001, when the NL’s anti-immigration discourse became overtly anti-Islam: migrants coming from Muslim countries were identified as a threat to the survival of Christianity. The party intensified its references to the Catholic religion as the Padanian religion. Following the 2008 elections, the NL held the ministries in the centre-right government led by Silvio Berlusconi, which enabled the party to gain an image of a protagonist of the government’s actions on issues of federal reform and immigration / “law and order”¹⁴. Scholars have exposed the tension between the party’s aggressive anti-immigration and anti-globalisation rhetoric on the one hand, and the socio-economic structure of its electoral basis, which thrives on the migrants’ flexible labour and the globalised economy, on the other¹⁵.



11 In the context of the current political and economic crisis in Italy, the NL is one of the few political parties which have withheld their support from the technical government led by the Prime Minister Mario Monti.

12 This is called Padania, from the Po river, which separates the North from the rest of Italy.

13 A. Cento Bull and M. Gilbert, *The Lega Nord and the Northern Question in Italian Politics*, Basingstoke: Palgrave 2001. In the regional elections in 2010 the NL obtained more than 35 percent of the votes in the Veneto region, becoming the largest party in this region. It also became stronger in the rest of Northern Italy and progressed in some regions of Central Italy. However its polls decreased in the local elections in 2011, when the centre-right coalition failed to secure control of important cities such as Milan.

14 D. Albertazzi and D. McDonnell, *The Lega Nord Back in Government*, [in:] *West European Politics*, (33)6/2010, pp. 1318–1340.

15 A. Cento Bull and M. Gilbert (2001), *op. cit.*

Women's activism in the NL

The NL celebrates traditional models of femininity and the “natural family” as the fundamental base of the social order¹⁶. There are two women's organisations within the NL: the “Padania Women (association)” (Donne Padane) and the “Feminine Political Group” (Gruppo Politico Femminile).

“Padania Women” is one of the numerous party-founded satellite associations with a cultural and social purpose. Its aim is to promote “Padanian” music and folklore, sports, elderly care, childcare, poetry, humanitarian issues, environmental issues, etc¹⁷. “Padania Women” was created in 1998 by Umberto Bossi, the party's charismatic leader, to attract women's votes. Consequently, its activities focus on: protection of children and defence of the “Padanian” (Catholic) family, on humanitarian issues and “Padanian” folklore – which reflects a traditional gendered division of work.

The “Feminine Political Group” was founded in 2006 and brings together female politicians both at the national and local levels. It represents a new development in the self-organisation of women in the party. The “Feminine Political Group” also reproduces partially the traditional gendered division of political work - some of its members created a “Family Support group” (Sportello Famiglia), which provides information to the public on issues such as: legal advice on divorce, psychological consultancies, guidance on bureaucratic and administrative matters, etc. The “Feminine Political Group” established also a “Union for defence of the Padanian families” (Sindacato delle famiglie del Nord), which submitted a pro-natalist law proposal. Same time however, a new discourse has emerged with the “Feminine Political Group”. It mobilises the themes of women's rights and gender equality. This seems to be part of a strategy of the party, seeking to eschew allegations of racism and to correct the misogynist image of the party. Among the “Feminine Political Group's” first initiatives were: a petition in favour of harsher sentences for those committing sexual violence; certain legal proposals on the chemical castration of paedophiles; regulations on prostitution; and making the burqa illegal. The “Feminine Political Group” is currently working also on the issue of women's work (home-work and work sharing) and work-family reconciliation (through the proposal of extending public offices' opening times). The traditional emphasis on issues related to women and violence against women is linked to the NL's anti-immigration discourse. This new focus on women's rights also corresponds to the recent radicalisation of the anti-immigration discourse of the NL. In their speech, immigration, and more specifically immigration from Arabic countries, is portrayed as a threat not only for the physical integrity of Italian women, but also for their rights. This is supported by the findings in empirical studies: the issue of the burqa and acts of violence against women in migrants' families have been receiving much coverage in the party's official newspaper “La Padania” over the last few years.



¹⁶ M. Avanza, *Un parti qui 'l'a dure. Les 'Femmes Padanes' dans la Ligue du Nord*, [in :] O. Fillieule and P. Roux (eds.), *Le sexe du militantisme*, Paris: Presses de Sciences Po 2008.

¹⁷ The NL does not provide information about the number of women who are activists in these associations.

NL female activists and the issue of migrant domestic labour

The interviews conducted with female activists indicate that they advocate certain rights for those women whom they consider as belonging to their “community”, the Padania nation, while rejecting the label of “feminists”. This echoes some other findings on radical right organisations from across the world. Apparently women activists may favour employment and political rights for women of their “community”, while denying the same rights to racialised women¹⁸.

Conflicting representations of femininity and masculinity are set up by the activists, while describing their political activity. Sexism within the party is recognised to some extent, but it is described as the expression of a sexism, which is presupposed to be “typical” for Italian society *sensu largo*. Some of the interviewees perceived Italy to be a backward country and compared it with Northern European societies, where – as they argued – gender equality has been achieved. Other interviewees cast Italy as a country, in which women are emancipated and benefit from gender equality (as opposed to the migrants’ countries of origins’, which many assume to be mostly the Arabic states). The interviews quoted here indicate that **female activists’ views do not conform entirely to the NL’s official sexist rhetoric.**



The ethnographic data also highlight discrepancies regarding immigration between the official party’s discourses on the one hand, and the activists’ practices and views on the other. A dichotomy exists between the outspoken support, which these women grant to anti-immigration politics and their societal position, since migrant women play a central role as providers of paid care in Italy. Similarly to the Southern European countries, also in Italy the feminisation of international migration has coupled with the transition to a post-industrial economy. This naturally links with some other social phenomena, such as: increase in employment rates among indigenous women and ageing of the population, which changes can’t really be carried by already traditionally limited welfare state (even if that underwent a process of restructuring in the 1980s¹⁹). These elements heavily affect political relationship between native and migrant women, as the latter have entered care jobs (as care-givers, nannies and cleaners) in massive numbers – which is a sphere in which unequal gendered division of domestic work has remained largely untouched.

Migrant domestic labour provides a strategically important issue to analyse, as it also extracts tensions between anti-immigration politics and the gendered division of work in contemporary Italian society. It is revealing the conflicts between competing agendas and discourses on immigration, which are additionally heated by religious issues. Together with the State, the Catholic Church in fact plays a crucial role in shaping the gendered and racialised division of work in Italy. In the 1960s, it started favouring the immigration of women from Catholic countries through the Catholic missions in the Italian former colonies, to work for

¹⁸ P. Bacchetta and M. Power (eds.), *op. cit.*

¹⁹ *Gender and migration in Southern Europe. Women on the move*, F. Anthias and G. Lazaridis (eds.), Oxford: Berg 2000.

Italian families that had been repatriated after Ethiopian independence. Today, the Catholic Church mobilises its extensive network in the national territory to provide reception and assistance to migrants and more particularly to provide training and recruitment services to migrant domestic workers²⁰. It also contributes to define the normative framework for public political debates about immigration as well as social policies.

In the recent years, massive regularisations of migrant domestic workers and care-givers have been implemented by consecutive governments including the right wing governments based on the alliance between the centre right (*Forza Italia*) and the NL. In 2002, the so-called “*Bossi-Fini Act*”, which was eminently restrictive and was named after the leader of the NL, was followed by the most significant regularisation ever seen in Italy. This regularisation specifically targeted domestic workers and care-givers. The NL was strongly against including such measures but it eventually gave in to pressures coming from the Catholic Church, Catholic parties of the government coalition and the mobilisation of citizens. In 2008, a law proposal on Social Security (*Pacchetto Sicurezza*) was presented by the Minister of the Interior Roberto Maroni (NL). The bill established illegality as a penal offence against national security. As a result, a public debate erupted across different Government’s positions and in civil society on the necessity to exempt those migrants, who were employed as domestics from the enforcement of the law. The possibility to provide domestics with a specific legal treatment materialised around the proposal of the so-called “*Decreto Salvabadanti*” (“care-givers’ rescue” decree) - an ordinance, which should have allowed nearly 500,000 migrants to regularise their position. Although the decree was not incorporated in the law in the end of the day – still the special provisions were made to allow the regularisation of domestic workers. **In a country characterised by a familialistic welfare regime, family needs can overrule anti-immigration sentiments²¹.**

These political debates and tensions were reflected by female activists’ experiences and narratives. A few of them declared that they were employers or had been employers of migrant care-givers, who sometimes worked in the informal economy. This contrasts with the party’s discourses on anti-immigration and “law and order”. Most women declared that this was a forced choice. Some of them considered family care as the best arrangement for elderly people, while others thought that new investments were needed to provide institutional or home-based care services for the elderly. They were critical on the lack of public care provision in Italy, which according to them left many families with no other choice but to hire undocumented migrants. They also assessed that immigration policies, which had been implemented by centre-left governments in the past, were to be blamed for allowing a high numbers of migrants into the country. They argued that it made families recruit cheaper migrant workers, rather than Italian ones. Some informants also stated that the economic crisis and rising rates of unemployment were now likely to induce Italian women’s return to the sphere of domestic service jobs – which means that a preferential treatment on that labour market should be seen as their right.

Gendering the French National Front

There can be a comparison made between the NL and the NF in France. The NF was founded in the early 1970s, with Jean Marie Le Pen as its leader. It was established upon unification of a number of right wing

20 F. Scrinzi, *Migrations and the Restructuring of the Welfare State in Italy: Change and Continuity in the Domestic Work Sector*, [in:] *Migration and Domestic Work. A European Perspective on a Global Theme*, H. Lutz (ed.), Aldershot: Ashgate 2008, pp. 29-42.

21 F. Van Hooren, *Migrant care work, a desired solution? A comparison of policy responses in Italy, the United Kingdom and the Netherlands*, a paper presented at the conference *Making connections: Migrants, gender and care labour in transnational contexts*, COMPAS, University of Oxford, 14-15 April 2011.

organisations. Although the NF is a strong supporter of France as a nation state²², while the NL is an anti-Italian ethno-regionalist party, they share a number of convictions and strategies. These are related to their nativist, populist and authoritarian ideology²³, as well as to their essentialist views on issues of immigration and gender. The two parties are similar in extent in which gender plays a relevant role in the symbolic of their organisations - a defining characteristic of the far-right is indeed its reliance on essentialist constructions of the "Other" to forge and reproduce hierarchical differences, variously based on gender, sexuality, culture, class or religion²⁴. Scholars have also pointed out that **dominant constructions of femininity and masculinity are celebrated and reproduced within radical right organisations: women and men may be drawn to radical right organisations because they identify with these hegemonic definitions of gender**²⁵. The FN developed an anti-immigration stance in the 1980s. Subsequently, over the 1990s it imposed issues of "law and order" and immigration on the national political agenda. French people, in a similar way to Northern Italians, are described by the NF as the victims of "wild immigration" and of "anti-white racism". Both parties combine their anti-immigration position with an anti-European Union stance. Furthermore, their respective electoral supports are similar in size and composition. Both the NL and the NF attract voters from all classes, with predominance of self-employed workers, business owners and skilled blue-collar workers. There are controversies on how to explain a vote for the populist radical right, and so are the on-going debates concerning the extent of working-class support for the NL and the FN²⁶. Scholars point out that the stereotypical voter of the populist radical right – a young male blue-collar worker – constitutes only a minority of the electorate for these parties²⁷. The FN receives between 10 and 15% of the votes and achieves its highest polls in urban deprived areas²⁸, particularly in the Paris area, the Eastern regions and the South-East of France. However in the 2002 presidential elections Le Pen received more than 17% of the votes in the first round and came second to the sitting President Jacques Chirac. As a result, although Chirac eventually won the elections, the campaign focused largely on issues of "law and order".

Like the NL, the FN promotes natalist and anti-abortion policies and opposes same-sex unions in the name of an idealised, hetero-normative idea of the family²⁹. The "National Circle of European Women" (CNFE, Cercle National des femmes d'Europe), founded in 1985, is a satellite women's organisation of the NF. Its official objective is to defend the "French family", considered as the central unit of a "natural social order". Even if domestic responsibilities are celebrated as the natural role for women, this organisation recognises that opportunities to involve in political activities shall also remain open for them. Political engagement is seen however as an extension of women's commitment to the family in the private sphere³⁰. The "National Circle of European Women's" activism appears to have diminished over the past few years, however its leader benefits from a large amount of support among activists and her anti-feminist activity is noticeable in the

22 Rydgren associates the NF with ethno-nationalism. See: J. Rydgren, *France: The Front National, Ethnonationalism and Populism*, [in:] D. Albertazzi and D. McDonnell (eds.), *op. cit.*, pp. 166-180.

23 Mudde excludes from the family of populist radical rights parties the Italian party National Alliance (Alleanza Nazionale), which originated from the fascist party and has eventually transformed itself into a conservative party in which neither nativism nor populism is prominent. As Mudde, other scholars do not associate Alleanza Nazionale with populism and point out that it has pursued institutionalisation, spending much effort in establishing an image as a responsible party. See: J. Rydgren, *op. cit.*

24 P. Bacchetta and M. Power (eds.), *op. cit.*

25 M. Kimmel, *Racism as Adolescent Male Rite of Passage. Ex-Nazis in Scandinavia*, [in:] *Journal of Contemporary Ethnography*, 36(2)/2007, pp. 202-218.

26 A. Cento Bull and M. Gilbert, *op. cit.*; and A. Collovald, *Le 'Populisme du FN': un dangereux contresens, Bellecombe en Bauges: Editions du Croquant 2004*; and N. Mayer, *Du vote lepéniste au vote frontiste*, [in:] *Revue française de science politique*, 47e année, n. 3-4/1997, pp. 438-453.

27 C. Mudde, *op. cit.*

28 G. Ivaldi, *The Front National: The Making of an Authoritarian Party*, [in:] P. Ignazi and C. Ysmal (eds.), *The organization of political parties in southern Europe*, Westport: Praeger 1998, pp. 43-69.

29 E. Kofman, *When society was simple: the Far and New Right on gender and ethnic divisions in France*, [in:] *Gender, Ethnicity and Political Ideologies*, N. Charles and H. Hintjens (eds.), Routledge: London 1997, pp. 91-106.

30 N. Mayer and M. Sineau, *France: The Front National*, [in:] *Rechtsextreme Parteien – eine mögliche Heimat für Frauen?*, H. Amsberger and B. Halbmayr (eds.), Opladen: Leske + Budrich 2002, pp. 61-112.

Paris region³¹. Existing studies of women's activism in the social and cultural organisations linked to the NF³² indicate that these women, who benefit from the achievements of second-wave feminist movements, share only partially the conservative agenda of the party in the matter of gender relations, and that they can be critical of the sexism of the men in their organisations³³.

Significant similarities can be observed regarding recent developments in the gendered ideology and propaganda of the NL and the NF. Jean-Marie Le Pen's daughter, Marine, succeeded her father as leader of the NF in 2010. She is currently on a mission of "modernising" the party's public image. She is increasingly visible in the media and recent opinion polls credit her with a potentially high level of support in the 2012 presidential elections. Marine Le Pen draws imagery from left-wing, presenting herself as the defender of secularism and the "republican model of integration". Same time, she compared public Muslim prayers to the Nazi occupation of France and has made references to a "new French resistance" against this "new occupation". Consequently, the NF supported the ban on wearing the burqa in the name of women's rights³⁴ and makes an explicit association between sexual violence and immigration³⁵. Referring to deprived suburban areas inhabited by working-class racialised French and migrants, Marine Le Pen said: *In some neighbourhoods it is not convenient to be a woman, gay, Jew, or even French or white*³⁶. Moreover, she declared that she would not attempt to abrogate the right to abortion; though she expresses her view that the legislation granting the right to abortion had a negative impact on French demographics. Interestingly enough, Marine Le Pen declared that the NF was the least sexist party in France³⁷.



Gender relations and the populist radical right: relevance of the comparative perspective

Though there are similarities between the NL and the FN, as far as their ideological beliefs and agendas, there are issues on which they differentiate due to two distinctive national contexts. There are many differences between France and Italy, as far as social strata, immigration and colonial history, immigration policy, social policy and gender regimes are concerned³⁸. The cultures of populism and racism in contemporary Italy rise on a fascist legacy³⁹, even if however, the NL does not use the imagery and language which were typical of Italian fascism⁴⁰. The sentiments that the NF plays on are rooted in the history of the Vichy regime, including its gendered aspects⁴¹.

31 F. Venner, *Extrême France. Les mouvements frontistes, nationaux-radicaux, royalistes, catholiques traditionalistes et provie*, Paris: Grasset 2006.

32 Such as the *Feminine Union for the Respect of and Support to Motherhood (Union féminine pour le respect et l'aide à la maternité)*.

33 G. Erdenet, *Le militantisme féminin d'extrême-droite*, [in:] *Chronique féministe* n. 48/1993, pp. 51-58; and F. Venner, *Une autre manière d'être féministe? Le militantisme féminin d'extrême droite*, [in:] *L'extrême droite et les femmes. Enjeux et actualité*, C. Lesselier and F. Venner (eds.), Villeurbanne: Éditions Golias 1997, pp. 133-151.

34 <http://www.frontnational.com/?tag=burqa>

35 <http://www.frontnational.com/?p=5911>

36 <http://www.monde-diplomatique.fr/2011/01/A/20031>

37 <http://actualitepolitique.com/ump/marine-le-pen-moins-de-machos-au-fn-qu-au-ps-ou-l-ump-455797.html>

38 F. Scrinzi, *Genre, migrations et emplois de care en France et en Italie*, Paris: Éditions Pétra 2012, forthcoming.

39 P. Chiantera-Stutte and A. Petò, *Cultures of Populism and the Political Right in Central Europe*, [in:] *CLC Web: Comparative Literature and Culture*, 5(4)/2003, <http://docs.lib.purdue.edu/clcweb/vol5/iss4/2>

40 A. Cento Bull, *Ethnicity, racism and the Northern League*, [in:] *Italian regionalism: history, identity, politics*, C. Levy (ed.), Oxford: Berg 1996, pp. 171-187.

41 F. Muel-Dreyfus, *Vichy ou l'éternel féminin*, Paris: Éditions du Seuil 1996; and C. Lesselier and F. Venner (eds.), *op. cit.*



Crucially, France and Italy also differ with regard to the place of religion in politics and society, and the prescriptive role played by the Catholic Church in public debates about the family and the integration of migrants. In Italian public debates about immigration, the Church oscillates between a Christian moral universalism and conservative positions, which are hostile to Muslim migrants⁴². In Italy, characterised by a familialistic welfare state, the Church endorses the traditional gendered division of work in the workplace and at home. The role played by the Catholic institutions in public debates about social policy is reinforced by their role as mediators and managers of integration policies for the migrants, as well as providers of health and social care services. The Catholic Church in Italy also plays a crucial role in the organisation of domestic labour⁴³.

In France, the “republican model” of integration and citizenship is based on principles of universalism and individualism, and on distinction between: the public political sphere, which is constructed as neutral; and the private sphere, where the display of religious and cultural specificities is tolerated⁴⁴. Republican secularism was institutionalised in the late 19th century, resulting from a long-standing conflict between clerical and anticlerical forces. Since then the Catholic Church has benefited from a limited political power. These historic conflicts over religion shaped the nature of the French party system, as well as welfare state policies, which allow i.e.

for mothers’ paid work⁴⁵. Tensions have emerged between the French women’s movement, attempting to include the issue of gender in the definition of republican citizenship and antiracist claims on the other. Hence migrant women were largely absent from debates and the mobilisation about “parity” in the 1990s⁴⁶. More recently, the ban on the wearing of “conspicuous signs” of religious affiliation in public schools has attracted some criticism by antiracist and by feminist activists. This law divided French feminists: while some have argued that it targets Muslim girls wearing headscarves, others have supported it as a means to promote republican values of secular liberalism and to achieve greater gender equality⁴⁷. In public debates about integration, secularism and religious pluralism, Catholic religious leaders have opposed the NF’s anti-immigration positions, claiming that the display of any religious signs (including crucifixes and Muslim headscarves) should be tolerated in public schools.

Differences concerning religion and relationship between populist radical right and the Catholic Church thus appear to be a strategically interesting site for a comparative analysis. Over recent years, the NL has joined forces with fundamentalist sectors of the Catholic Church in defence of the “traditional” Italian (Catholic) family and against immigration from the Muslim countries. While sections of Catholic social thought and representatives of centre Catholic parties have been critical towards the NL’s anti-immigration discourse and politics, the Vatican has recently praised the party’s positions on the “abortion” pill and same-sex unions. As the NL has abandoned the secularist positions on issues of sexuality (which had characterised its origins), Le Pen seems to be softening the image of the NF with some support for gay rights. Being herself a twice-

42 *L'Europe du Sud face à l'immigration. Politiques de l'Étranger*, E. Ritaine (ed.) Paris: PUF 2005.

43 F. Scrinzi, *op. cit.*

44 V. De Rudder, C. Poirer, et al., *L'inégalité raciste. L'universalité républicaine à l'épreuve*, Paris: PUF 2000.

45 K.J. Morgan, *The Politics of Mothers' Employment: France in Comparative Perspective*, [in:] *World Politics*, 55(2)/2003, pp. 259-289.

46 J.W. Scott, *Parité: sexual equality and the crisis of French universalism*, Chicago: University of Chicago Press 2005.

47 J.W. Scott, *The politics of veil*, Princeton: Princeton University Press 2007.

divorced single mother of three children, Le Pen has to confront the Catholic traditionalist fraction of the NF. This group remains highly critical of her attempt to appropriate secularism, and more specifically of her declarations on the right to abortion. Catholic voters are underrepresented in the NF's electorate and the Church has on various occasions criticised the party's positions on immigration. Le Pen's secularist claims, while stigmatising Muslim migrants, do not address Catholic fundamentalism. Furthermore, the NF supports the development of Catholic private schools.

Conclusion

The data presented in this article, as well as existing literature, indicate that female activists in organisations linked to the NL and the NF do not conform entirely to the parties' official views. Both the NF and the NL are holding contradictory discourses, which alternate between the defence of the traditional family and women's rights. **The claims on gender equality seem to emerge, in incongruous ways, as a new argument used by populist radical right parties to legitimate themselves on the political arena.** This adds to some traditional speeches of these parties, in which they define immigration as the direct cause of unemployment, the reduction of welfare state provision, criminality, and a threat to the national culture and identity. This gendered rhetorical turn of the populist radical right appears as a European phenomenon, as it affects other countries too (for example: the UK, Germany, the Netherlands and Scandinavian countries⁴⁸). Indeed, the attempts made by the different incarnations of the populist radical right to "modernise" their public image in various European countries are clearly visible in the media⁴⁹. The issue of religion and the relationship of the populist radical right to religious institutions appear as a strategic site for the analysis of gender relations in the collective mobilisations linked to these parties. Scholars identify religion and the attack on Muslim people as key issues in current changes in the ideology and propaganda of populist radical right parties across Europe⁵⁰. Also, in analysing the "gender gap" in electoral support for these parties, recent scholarly contributions have pointed to the important role played by institutionalised religion in different national contexts⁵¹. Comparative research thus appears to bring new perspectives on ongoing changes within the populist radical right's ideology and strategies across Europe. The conceptual and empirical frameworks investigating the relations between the populist radical right, the gendered division of work, the family and religion, in Italy and France, could provide a basis for future studies on the populist radical right in Western and Northern European countries.

Further research on this topic could also take into account to what extent anti-immigration politics may be shaped by antiracist and feminist mobilisations. In both Italy and France, in academic and political debates about women's rights, the visibility of issues of racism and ethnicity is still limited, and issues of gender are often overlooked in the antiracist movement. However some feminist and antiracist activists in both countries have recently started addressing those issues and have taken positions against the use of "pro-women's rights" ideas and rhetoric by anti-immigration organisations⁵². These debates prove to be highly controversial as they tend to bring to the fore divisions among different mobilisations and projects advocating women's rights, as well as among feminists.

48 <http://www.guardian.co.uk/world/2011/jun/26/marine-le-pen-far-right>

49 *Les extrêmes droites à l'offensive*, [in:] *Le Monde diplomatique*, January 2011 <http://www.monde-diplomatique.fr/2011/01/A/20063>; and J. Derbyshire, *The rise of the far right*, [in:] *New Statesman*, 1st August 2011 <http://www.newstatesman.com/blogs/the-staggers/2011/03/front-national-france-sarkozy>.

50 H-G. Betz, *La droite populiste en Europe. Extrême et démocrate?*, Paris: CEVIPOF/Autrement 2004.

51 C. Mudde, *op. cit.*

52 See: <http://lmsi.net/islamophobie-au-nom-du-feminisme> as well as the contributions by feminist writer and activist Caroline Fourest in her blog at <http://carolinefourest.wordpress.com/>. Concerning Italy, see: the contributions collected [in:] *La Straniera: informazioni, sito-bibliografie e ragionamenti su razzismo e sessismo*, C. Bonfiglioli, L. Cirillo, L. Corradi, B. De Vivo, S. R. Farris, V. Perilli (eds.), Milano: Quaderni Viola 2009; and the initiatives and blog by Women Against Racism, a feminist group based in Rome: <http://donnecontroilrazzismo.blogspot.com/>

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Domestic Work is Work – and Must Be a Decent One!



By **Christa RANDZIO-PLATH**

Developments in Germany

Since thousands of years people worldwide left their homes because of economic, social, ecological and political reasons. Men went alone or with their families in order to find a chance for a better life.

Migration could also be a forced one: caused by wars or civil wars; catastrophes; human rights' violations; poverty; slave trade and finally mass displacements. Germany in the 19th century was a country of 6 million immigrants. More than 10% of the European population (60 million) has been displaced in Europe between 1939 and 1951. Clearly, migration and mixing up of populations have been a normal course of life in Europe and in Germany. Nevertheless, it was mainly opening up of societies, globalization of markets on one hand, and emancipation of women in the industrialized (so called "Western") world and their increasing integration into the labor market on the other, which enhanced women migration. It brought emergence of the new ways and means, through which women migrant could seek improvements in their economic circumstances. Societal changes meant also that incoming females could seek new opportunities in the global care sector.

Despite its rigid legislation, Germany is a country for immigration. Women migrants find their "new places" especially in the care economy¹. In 2007, 91.2% (75.0 million) of residents in Germany had German citizenship. 81% of the population were indigenous Germans, while 19% were German citizens with immigrant background (which equals to 15.3 million people). 62% of immigrants living in Germany came from Europe. Majority came from: Turkey (14,2%), Russia (9,4%), Poland (6,9%).

Same time, at least 4 million German households employ domestic workers of which employment 99% is illegal (in OECD terms "irregular"), translating in the fact that those workers have no social protection. This is

¹ Statistisches Bundesamt, Press release No :33/2010-01-26 http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2010.pdf;jsessionid=7D45A31BE701937991657BC89F1157ED.1_cid241?

the sector, which therefore has the highest share in illegal employment. It covers activities such as: cleaning; cooking; washing; caring for children; elderly and ill people. The fact remains that 90% of this work is carried out by women migrants. Next to the 10% (which is constituted in majority of cases by impoverished German women), domestic workers originate often from Third World. Since the fall of the “Iron Curtain” most domestic workers are however from the neighboring EU member states (Poland and other Central and other East European countries, Romania, Bulgaria). There is also an increasing representation of women from Russia and Ukraine.

The legal situation is difficult. State does not have any legal provision concerning this sector, and hence domestic workers cannot get an appropriate work permit. In such circumstances of course no employment contracts can be signed, in which case potential employer is released from legal obligations and there is labour law protection for those domestic workers. The gravity of penalization for felony remains bigger for the illegal employee than for the illegal employer². Since 1999 migration policies have been additionally tightened³.

Certain exceptions to the rigid rules are the cases of those migrants, who can obtain a permission to “commute” between the country of origin and the country of destination. It is often that two migrants can then even decide to share a care job on a three-months’ rotation system. Opening this option was imposed by reality, in which in fact there is a lack of German domestic care workers on one hand, and on the other there is a lack of affordable care facilities for ill and elderly people. The benefits resulting herewith from immigrant’s work within private households are self-evident for both individuals concerned, as also for public authorities (more indirectly). This makes public authorities “tolerate” such arrangements, under the spirit of article 13 of German Constitution – according to which a private household is a private sphere, which is to be protected and which is not a subject of external control. This means that **illegal care work is being tolerated as a mean to solve social policy challenges. Currently, there are estimated 100 000 to 600 000 migrant domestic workers employed in Germany.**

There is a differentiation between the approach towards the EU and non-EU nationals. Citizens from so called “new member states” had initially been allowed to work as domestic workers for a period limited to three years. It was guaranteed by the agreement closed between the German “Zentralstelle für Arbeitsvermittlung” (German Federal Employment Office) and those states in 2002. It was reinstated in 2005, when the new “Zuwanderungsgesetz” (migration law) came into force. It granted workers from Central and Eastern European a legal status. Nevertheless, only 9 000 households took advantage of it so far. Compared with the estimates, according to which of up to 600 000 migrants are being employed in German households, these figures are marginal.

In May 2011 the transition periods had expired. Their rules, which had been restricting access to the German labour markets for the workers from Central and Eastern Europe, were lifted herewith. This meant that women from the three Baltic countries, Poland, Slovakia, Hungary and the Czech Republic live legally in Germany. Hence they could also legalize their employment. **Presumably there will be no significant change to be observed however, because of there is a lack of interest in the legalization from current employers and employees. Remaining in undeclared relation saves money for both. With no public control of private households on one hand and a lack of interest for regulations in this sector on the other, it is very likely that migrant women will simply continue their illegal care work.**

² Please see: Law on More Intensive combating of Illegal Employment and Related Tax evasion from 2004.

³ Especially in comparison to the more liberal migration policies for “guest workers” between 1955 and 1973 with Germany’s guest worker’s policies.

An “au pair” visa can be seen as another potential opportunity to regularize eventual employer-employees relation in the case sector. It is being granted with a residence permit, which should theoretically enable young people to involve themselves in cultural exchange and improve their knowledge of German for a one-year stay in a native language household⁴. Such a visa officially allows its holders to perform a limited amount of hours per week.

Women migrants outnumber men in migration. In former times most women migrated as accompanying wife/family. Now women migrate because they themselves want to earn money and escape poverty. In that sense the character of migration processes has changed. Even though there are female migrants seizing opportunities for skilled labor, the majority ends working in the sectors requiring less skills, which are also often offering jobs that are dangerous, unprotected, dirty and low paid. Actually, most migrant women work in the service sector with special attention to domestic work, health, care, hotels and restaurants. Domestic workers are a large but mostly invisible workforce in Europe. Hence it is extremely vulnerable to exploitation.

The above described repulsive conditions seem to be a paradox, since domestic work has gained in importance and in scope in OECD countries (such as Germany). There is a positive correlation between the growing needs of German economy to integrate more women into the formal labor market, the economic emancipation of women, the growing female workforce (66.2% of women are working) and the need for domestic workers. There are different motivations driving women to the labour market: they work to ensure their economic independence, but in many cases they also need to earn money (since incomes of the “male breadwinner” are no longer not sufficient to sustain a household). Consequently, the need for domestic help is growing. The supply with public childcare facilities and other social services does not satisfy the demand for it.

Care and domestic work

Every human being needs over the lifecycle respectively different types of care. This need remains independent from the fact if they are self-sufficient or require assistance from family or a third person. Care provision is indispensable for the economy, even though care activities are still not taken into account for macroeconomic statistics. This is repeatedly criticized at the UN Women Conferences. Discrimination of the domestic and care sectors continues to exist despite the obvious fact that production is not possible without reproduction.

Women assume responsibilities for care, but their contribution seems overall not appreciated. On contrary, attachment to “traditional male breadwinner/female care provider” model of a family, still persistent in Europe, continuous to deepen the dependency and inequality of women. An exception are the Nordic countries with their small populations, but more equality than other countries ensured through an active welfare state (with affordable good- quality childcare and other social services, which offer opportunities to conciliate family and working life). The dual breadwinner model is a reality. Germany only slowly has been evolving in the last decade towards the “1.5 breadwinner model”. But as the role of the German woman being responsible for the domestic and care work is deeply rooted in the German society, the assumed responsibility of women has not yet changed. Despite the increased labor market participation of German women, the number of men sharing domestic and care work remained low. This explains why Germany is one of the three countries with the highest percentage of part-time work for women – they are obliged to find their “own”

⁴ www.gesetze-im-internet.de/beschv/BJNR293710004.html

solutions for conciliating family and work life. Housewives in German households provide more unpaid work than housewives in any other European country.

The working hours of women decrease sharply once they give birth to their first child, while in the same time respective fathers on average work more working hours. In the EU, 38% of adult women are inactive because of the private care burden⁵. Because of the limitations in provision of social and health systems, women, additionally to “traditional” domestic work, also care for children and the increasing elderly generation. This is an obstacle for women on their way to full integration into the labor market. As a consequence women on the one hand struggle for affordable and adequate public care services as important part of the welfare state; on the other hand they have to find immediate market- oriented private solutions in order to solve their situations. The low appreciation of care and domestic work is crucial for all women and all societies.

It is high time to change attitudes of women and men towards care and domestic work, and subsequently to overcome gender stereotypes. Women and men should share fairly these obligations.

New repartition of domestic work

Domestic work is one of the fastest growing economic sectors, due to demographic and societal changes. One significant cause for the reemergence of domestic work is the increase of women’s labor market participation. It is not sufficiently covered by the existing welfare state provisions, which is why women need to look for private and market options in order to cope with the challenges for families to conciliate job and family.

The fact that an increase of female labor market participation is not accompanied by an increase of male work in the private sphere, but substituted by migrant females, keeps up the status quo of gender hierarchy between the private and the public sphere even in those societies which claimed gender equality for years. The presence of migrant domestic workers can therefore not only be seen as a result of the increasing labor market participation of women but also as a causing or at least facilitating their ability to participate.

Additionally, there is an increase of demand of that domestic work is being provided cheaply and that the providers are flexible in terms of conditions and working hours. With changing societal strata, the number of children and therefore the number of family members who can engage in caring for the elderly is decreasing. Due to the general higher mobility of people, family members often do not live in close proximity to each other.

The state of play and the challenges of the crisis

The economic crisis, as also subsequent economic and social insecurity endanger public services. Any progress is heavily endangered by austerity measures in the public budget. The European Union warned in its “Equality Report 2010” that women as caregivers as well as care agents in the public sector might be hit by the removal or restrictions of some social policy advances.

This predicament also concerns tangibility of already made pledges for improvements. An example of that is the promise called “the EU Barcelona targets”, which was that member states would ensure high-

⁵ Eurostat 2011



quality and affordable childcare facilities for 90% of those children aged between 3 and 6 years and at least 33% for children below 3 years⁶. It is regrettable that such targets are missing for the care of elderly, despite the fact that also this type of care influences women's participation in the labor market. Given the demographic development and the lack of affordable public social services, the only choice is to look for private solutions.

This quandary needs urgently to be answered. Politics have begun to take seriously the issue of care provision for children, however the political interest for action in the fields of care for elderly and ill is still missing. Feasibility of investing in those sectors is clear – EU has to use productive potential of (German) women to restore its economy. At this point there are 14 more women per 100, who work – in comparison with a quarter of a century ago. Their participation in the labour market is however not accompanied with more equitable share of responsibilities for providing care and domestic work. It is 80% of women and only 45% of men, who participate in unpaid household work.

Matching social change with an adequate care

Social change has an impact on private care arrangements. Progressing emancipation and empowerment of women on one hand, which remains in the spirit of the values and political objectives of the European Union, and the increasing demand for female employment are the factors reinforcing it. To comply with it, equality may no longer be limited to equal opportunities – it must also embrace equal capabilities. Formal equality commitments need implementation in real life.

Despite this evolution, gender inequality still persist and keeps affecting parts of individual and societal life. For the change to really happen, there is a need for a change of attitudes and new positive societal recognition. This pledge applies especially to domestic work and care. It was the right way to look for more than formal equality and empowerment of the women. Positive societal recognition and valuing work and care are needed.

As signaled before, there are many other reasons, because of which the care sector booms. These are, next to are the demographic change, transformation in labour practices: irregular and increased working hours accompanied with decreasing provision of public services. Employing a domestic worker is therefore becoming a feature for many, both working and those on retirement.

As repeatedly stated before, domestic workers are mostly women - many of them from a migrant or ethnic minority background. Their work within private households is carried in a situation of almost total absence of any (statutory or collectively agreed) protective frameworks. In Germany, at least 4 million households employ domestic workers – vast majority of them illegally and without social protection. This makes it the sector that has the highest share in illegal employment in Germany.

⁶ www.ec.europa.eu/research/era/docs/en/council-eu-30.pdf

Push and pull factors for women`s migration

Academics, like Helma Lutz, refer to a “*global care chain for global women*”⁷. The definition spells out that: a woman in OECD countries engages a migrant woman to take care of her children, who then engages another woman to take care of her home obligations, who then engages the third woman takes care of her kids and elderly members of her family. Those “care chains” exist in various forms, readjusted to situations and needs of individuals in question. Sometimes the relation is not as direct, as described by the definition - in Poland, Ukrainian women do not necessarily substitute care and domestic workers, who moved from Poland to Germany (or elsewhere). It seems that the “incomers” are rather are employed by wealthier families. Also, one should not underestimate anthropological and cultural approach, while examining this matter.

The globalised economy changed living conditions and family models in Germany and influenced its societal life. Despite relatively traditional family and gender role model, the “male breadwinner” idea is vulnerable while reality-check applies. One salary per family is not sufficient to sustain it. Nowadays, it is on average 1.5 persons’ income that is needed to afford all the costs of a household. Hence there is a need for women to enter and remain active on the labour market and now 66.2% of the German women participate in the labor market⁸.

Professional engagement is naturally on the costs of private life – and time that they could spend directly on taking care of family and household. This is not generally covered by increased involvement in those matters of their male partners or other family members. This adds an enormous pressure. The phenomena of increasing number single household poses another challenge. In Germany, women make a lot more unpaid working hours than men. In fact, they also work more hours per week than any other European woman. Hence Germany is also an example of a state with a huge gap between demand and supply in the family care work. Some even claim that there is “a crisis in reproduction”. The state must become therefore even more proactive and new ways of implementing this principle have to be found. Instead, the financial crisis and the poor shape of public finances make the situation even worse.

Situation of migrant women working as domestic workers will continue to be a dreadful one, as long as there are as many as nowadays circumstances imposing on them a decision to move. Next to economic reasons, there are political, environmental and many others. The “supplying countries” often turn their blind eye on departure of those women, assuming that in this way they improve their internal statistics as far as employment and wealth are concerned. Some even apply incentives to encourage women to leave. The yearly amount of remittances is more than 170 billion USD. Philippines, Vietnam and Sri Lanka, for example, offer special training for those willing to migrate (which schooling can sometimes be even better than a regular professional training). Of course, once those women take a chance and leave, perhaps some statistics improve – however some others not. Significant departures result in brain drain and care drain for the countries of origin. A global care chain with new, stronger dependencies is coming into existence, if other family members (here is often assumed: daughters and mothers) of those, who migrated are not able to take over the “abandoned duties”. They are likely to seek help from immigrants in their own country – and this is how the chain continues.

⁷ H.Lutz, *The new maids. Transnational women and care economy*, Zed books 2011

⁸ http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-04082010-BP/EN/3-04082010-BP-EN.PDF

Winners and losers

Though the situation is a very complex one, women can become winners of migration. Their personal development and emancipation, their social advancement translated to them acting as agents of change can make a difference. This is, if they are liberated from shades of “dark sides of migration”. The most dreadful sides consist of: slavery situations, sexual exploitation and harassment, as also violence and psychological persecution. Another question is the precarious conditions in which migrants live and work. Often their incomes are exceedingly low, inducing poverty and misery.

The described above *“global care chain”* makes migrant mothers leave behind their children, families and households. Several mothers state that they only know their children because of mobile phones and call themselves *“cell phone-mothers”*. Their social reintegration after their return is difficult. Often the money that they had been sending back is being allocated by their families otherwise than desired – and often there is no place for them to return to. That is both because the families they left behind moved ahead (partners remarried etc.) and because abandoned family members are ashamed of them. There are cases known in which their respective children felt ashamed of their mothers, who had not had a chance to get proper education – but whose work effectively contributed to raising the children chances for one. This situation is especially hard for women from developing countries. They have also more difficulties to find compatriots in receiving country and through a group of mutual support try to find ways out of these dilemmas.

Domestic work is work

Domestic work is work. The working conditions and circumstances are particular though. As mentioned before, German Fundamental Law guarantees protection of households as private spheres of individuals. That means that there is a little chance that a situation of domestic workers can truly be examined and expected. The well-being of the employee, his or her pay and other factors is entirely dependent on the employer goodwill and financial situation. Most domestic workers perform their tasks without receiving any social benefits or legal protection. Additionally, **domestic work is physically as well as psychologically demanding**. Therefore the employment situation of migrant domestic workers is highly precarious.

Migrant domestic workers either live with the family they work for, or they rent their own accommodation, often working for several households at the same time. In Germany, in contrast to other European countries such as Italy and Spain, the “live-out” employment option is popular. The largest number of exceptions to that rule originate from elderly care.

Domestic and care work as illegal work

In Germany, there is another challenge for married women doing paid domestic work. The tax system is set up in a way that reflects the “stay-at-home-housewife” model. This means that it is in many ways “financially beneficial” for women to rather accept mini-jobs, which are not taxed, or to work illegally. They save tax pay and social contributions. Paid domestic work provides opportunities to do so. Same pattern is being followed by migrant women with a legal residence status. In those circumstances, it is unlikely that married domestic workers would move from illegal to legal employment. This is unless the spousal tax-splitting system is not

abolished or reformed. Additionally, the different taxation levels in income tax class combination II/V for married couples who can reduce the tax burden on the husband's income should be abolished because they have a negative impact on unemployment benefits and parental allowances for the married female domestic workers.

Conclusions

Domestic work is work and as any other form of occupation it provides benefits to economy and society. Within evolving society, the demand for care and domestic services is likely to be growing fast – hence a significant change must happen in the ways the domestic workers are perceived and treated. Solutions have to be found to recognize the invisible and unrecognized value of it. The objective is decent work: legal, well paid, secured within social security system, with perspectives for a better future.

The concrete recommendations are as follows:

Germany must ratify the UN Convention on Migrant Workers (*“International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”*, adopted by the United Nations General Assembly on 18 December 1999).

Germany needs to recognize domestic work as work and implement the ILO “Convention concerning decent work for domestic workers” (C189, adopted at the 100th Session of the ILO on 16 June 2011). It will improve the position of a large number of women on the labor market within the domestic work sector. The rights-based approach to employment promoted in the convention and recommendation acknowledges the focus on creating decent work for domestic workers. The convention clearly states that every worker covered by the convention has a right to be dealt with in a manner consistent with core labor standards, social security, non-discrimination and equal treatment whilst seeking or in employment, protection against abusive practices by employment agencies, training and career development, health and safety protection, maternity protection and provisions on working/ rest time, protection against abuses and harassment, freedom of association and representation, collective bargaining, collective action and lifelong learning. It is important that the convention calls for a minimum employment age and the elimination of gender and ethnic pay gaps. The developing labor law provisions effectively protect the rights of domestic workers, guarantee them equal treatment, offer a maximum level of protection and safeguard their personal dignity.

Germany needs to act to improve the EU Directives for migrant workers, especially when it concerns “circular workers”.

Human trafficking and therefore also women trafficking must be penalized worldwide much tougher than today. 2,5 million human beings are being traded according to estimations despite the Convention against slavery (*“Convention to Suppress the Slave Trade and Slavery”*, adopted by the League of Nations and first signed on September 25, 1926).

Good quality childcare facilities, freely available to everyone have to be put at the disposal of all parents. The Barcelona commitments have to be respected.

Service agencies have to be established as managers and organizers of care ill and elderly people (especially those, who can be neither in a hospital nor in a nursing home). The service agencies have to be financially supported by social security system, so that their services are delivered at affordable prices.

The German taxation system has to be reformed. The principle of individual taxation has to be introduced in order to eradicate indirect incentives hiding in current provisions for married couples.

There must be provisions established to enable inspection of working and living conditions of domestic workers, which will comply with the inviolability of the home principle guaranteed by article 13 of the German Fundamental Law.

Protection especially of domestic migrant workers against violence and harassment of any kind has to be put top on the agenda of law makers and governments.

Building networks that include migrant women, support their self- organization and encourages their involvement in trade unions – these have to be promoted as ways of empowering women.

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Different Legal Status, Same Name.

The Perception of Migrant Women and the Representation of Their Interests within the PES



By **Judit TÁNCZOS**

Introduction

The adoption of the ILO Convention 189 concerning Decent Work for Domestic Workers on 16th June 2011 was undoubtedly an important step in the recognition of the value of domestic work. However, the process that led to this adoption highlighted some other aspects related to migrant women workers. Beyond the fact that the vote had a positive outcome, it was largely emphasised that this was the result of the organised mobilisation and unionisation of domestic workers, including largely migrant women. This approach might give the overall impression that it should come as a surprise that this group was able to stand up and represent its political interests. If we take a look at the few instruments migrant domestic workers possess in order to shape the international agenda, it can be concluded that indeed, this is a heroic achievement. But because of this very reason, the phenomenon demands for further reflection, in a more general context. The progressive political discourse embraced the discussion on migrant women's concerns, their political empowerment and representation. But when the situation of migration women is discussed in the political arena, to whom do they refer to exactly? And how could the representation of their interests be ensured more effectively within progressive political parties?

The first part will raise some legal challenges of the political empowerment of the group that is generally referred to as migrant women in the political sphere. Then, it will be shortly analysed to which extent their interests have been embraced by the policies of the Party of European Socialists (PES) on the basis of the PES Statutes, PES Women Standing Orders and recently published PES documents. Finally, some proposals will be brought up to enhance the legal possibilities within the Statutes and the Standing Order for a better interest representation of this particular, but diverse group.

Challenges for political empowerment

When it comes to the issue of political representation and political involvement of migrant women one of the main challenges lies in the fact that there is no common definition established for the term migrant.¹ This makes the identification of the group and consequently, the discussion about migrant women's political empowerment fairly complicated.

The lack of clarity might be partially the cause of two risky, closely interlinked phenomena. Firstly, there is no consistency in the political discourse. The term migrant woman is equally used to describe different legal situations. For experts it can be often easily deduced from the context to which exact legal situation the political document refers to. But the same level of legal awareness cannot be expected from the general public. Therefore, it would be essential to differentiate within the group not only through a hint from the discourse, but through the use of the exact legal term fitting the legal situation.

Secondly, both the lack of clarity on the term and its undifferentiated use contribute to the tendency that migrant women are seen as one group with similar concerns. However, to contradict this stereotype, there is no need to evoke more abstract, but evident differences due to the country of origin, cultural background, educational level and age. It is enough again to take a look at the legal landscape. Migrant women's diverse legal situations also have direct effect on their possibilities of being involved in politics.

They might have obtained the citizenship at a later stage, or they were already born there, women who are nationals of a country often remain to be referred as migrant women solely because of their family origins and physical appearance. It has to be underlined that this tendency is a sign in itself of exclusiveness. Having the citizenship, in principle these women have also full legal access to their political rights in all EU Member States. This legal equality is unfortunately frequently used as a cynical argument for avoiding the introduction of further incentives for changing the political status quo. To begin with, this group of women faces the difficulties of political empowerment that generally all women struggle with in Europe. Furthermore, women arriving newly in the country and obtaining the nationality at a later stage of their lives confront with additional obstacles. Regardless of the country of origin, some aspects of the integration process make the possibility of their political involvement more difficult. Being socialised in another political culture, being used to another way of doing politics and language barriers could be the main examples of these common issues. But then again, the political empowerment of the so-called second/third/subsequent generation(s) of migrant women still remains an issue of migrant integration policy to a large extent. It should not be denied that barriers linked to the unsatisfying functioning of integration policies do exist in the field of political and civic participation and representation.² However, it seems that in the current political debate one aspect of the challenge has



¹ See: R. Perruchaud & J. Redpath-Cross (eds.), *Glossary on Migration*, International Organisation for Migration Geneva 2011 p. 61.

² See: British Council & Migration Policy Group, *Political Participation - Migration and Integration Policy Index*, 16 February 2012 <http://www.mipex.eu/political-participation>

been almost completely put aside. Non-Caucasian women who are born in the host country and are politically socialised in the exact same manner as the rest of the citizens will still face additional obstacles in the process of their political empowerment simply because of racial discrimination. Against this background, if PES decided to choose for the use of the right legal term, beyond legal correctness, it would have an important symbolic political message of seeing these women as equal members of the community, rather than a separate group. **Consequently, instead of referring to the issue as integration of migrant women, perhaps the challenge could be described as the political emancipation of a group of women nationals confronted with racial discrimination.**³

Another large and diverse group that is referred to as migrant women include women who live in another country for a certain amount of time but are not nationals of that country. From a legal point of view, their situation can be varied, ranging from undocumented migrants through seasonal migrant workers to long-term residents. However, the main challenge is the same, when it comes to the political involvement of this group of women. Namely, that the exercise of their political rights are limited to a certain extent.

Currently, the full exercise of political rights is reserved to nationals in all EU Member States. Taking this current legal situation as basis, it leads to two major consequences. Firstly, it makes impossible to achieve full political involvement of women, whose final aim is not to obtain the nationality of the country of residence. Secondly, in this context migrant women's political empowerment would ultimately mean facilitating the process of obtaining citizenship for that group of non-national women, who wish to apply for it. Obtaining citizenship includes several steps and various requirements one has to fulfil at different stages of the process. However, some of these requirements mean a more difficult burden for non-national women, then for non-national men. Additionally, some of the conditions contribute to the further strengthening of stereotypes on women in general. Simply because of the gender pay gap, it will be more difficult to fulfil the financial requirements of some regularisation schemes for an undocumented woman migrant. Women applying for a visa for work will face a similar financial barrier, regardless of the length and the profile of the employment. Having stable, regular and sufficient resources is also a precondition when a migrant women worker wishes to become a sponsor for family reunification. The lack of gender sensitive country of origin information might make it more difficult for a woman asylum seeker to obtain the refugee status. Labour market restrictions applying to spouses in case of family reunification will force women in a dependent status. The way some of the nationality requirements offer for derogation in case the person is married to a national might enforce a paternalistic view on women. These are only a few examples of the challenges in front of non-national women. Consequently, within this framework, the discussion on the political empowerment of migrant women should inevitably lead to the rethinking of the legal requirements to qualify as a national of a country.

Nevertheless, it is a standpoint in itself to evoke the challenge of how migrant women could fully exercise their political rights there are more and more examples of democratic involvement of non-nationals in the political life of a country. The most well-known example is the right of EU citizens to vote for and stand as a candidate at municipal elections of their country of residence. There are voices within the progressive family advocating for giving the possibility of migrants to vote, as an important symbol of offering more access to the exercise of political rights. This demand could be better promoted if it was the practical conclusion drawn from a conceptual debate. **A progressive vision on the subject of political rights and the constituting subjects of a political community is necessary to design a matching legal framework and also to avoid**

³ Given the vast differences in views concerning the definition of the term minority, this would also offer a legal framework for discussion, without the necessity of finding a common definition.

involuntary outcomes. Giving migrants voting rights can be taken as an example. The necessity of this political pledge can of course be debated. But from a legal point of view, it gives a different message than it might intend to for at least two reasons. Firstly, the problematic of definition comes up again. Which group of migrants are exactly addressed? To avoid frustration in the end of the process, this needs to be clarified already in the beginning stage. Secondly, although it is a very important symbol, the right to vote cannot be used as a synonym for all rights of participation in civil society and politics. Accordingly, this theoretical conceptualisation is a prerequisite to further discuss the specific issue of political empowerment of non-national women.

The representation of migrant women's interests within the PES

Having acknowledged the various difficulties this diverse group of women face when it comes to political rights and thus, representing their interest in the political arena, it seems necessary to examine to which extent these interests have been embraced by policies of PES.

Examining Article 3 of the PES Statutes, there is no specific reference to migrant women in the object and aims. However, there are several paragraphs that can be of specific interest. Paragraph 3.2 states that *the PES promotes the value of tolerance and specifically condemns racism and xenophobia*. This paragraph refers separately to Annex 4, the declaration "*For a modern, pluralist and tolerant Europe*". Taking into account the importance of message stated in this declaration, perhaps it could be considered to opt for the incorporation of some of elements of this text directly in the main text of the statutes, as to further enhance its symbolic value. The incorporation of principles of good practice could be of special consideration with this regard. However, it should be noted that the choice to use the terms citizen and ethnic minority might give the hint that the principle of fair representation applies only in cases of nationals. Paragraph 3.3 lists among the aims of PES to develop close working relationships between socialist and social democratic parties and organisations, mentioning PES Women separately. It goes on further by stating that the aims of PES also include *to promote equal representation and as a consequence, to seek internal equality and equal representation of men and women in our bodies and meetings*.

The Declaration of Principles is not a legally binding document, nevertheless, given its essential role and constituting character in the renewal process of the PES, its brief analysis seems to be necessary. The result is consistent with the previous part. Although there are no special paragraphs dedicated to the particular concerns of migrant women, there are a number of significant points, namely paragraphs 9 on diversity and 10 on gender equality. The use of universal terms (people, women) in the overall document indicates that the interests and needs of all groups of European society, regardless their legal situation, are taken into account. However, in this context it has to be underlined that paragraph 1 on democracy and 3 on true freedom interestingly limits its scope by using the term citizen.

The Standing Orders of PES Women does also not include a specific objective on migrant women's concerns. Article 4 declares that it *works to promote gender equality in Europe and within the PES and PES member parties*. This general wording leaves a large margin for interpretation. Indeed, promoting gender equality in Europe does include the interests of both national and non-national women of migrant origin. Nevertheless, it should be underlined that a more specific wording might be advisable in order to avoid the possibility of a

too narrow interpretation. The article offers an exemplifying list of tools, through which this objective is sought to be fulfilled. Most of these tools are drafted in a general way, using the terms gender equality and women. However, the last example mentions *bringing women citizens closer to European and social democratic values*. The term citizen suggests again the interpretation as a national of a Member State, thus a citizen of the EU, excluding legally the group of non-national women.

However, having taken a look at the activity list of PES Women and the blog articles of PES Women President, it has to be noted that PES Women plays an active role in the discussion of migrant women's concerns. This focus is rather a specific one, meaning that special activities and blog articles are dedicated to the issue. However, no specific campaign has been launched yet concerning either women who are already the nationals of an EU Member State, but they or their family came originally from a country outside the EU, or non-national women. Continuing with the analysis of PES Women campaign texts, it seems that the horizontal approach towards the issue has not been fully embraced yet. The overall wording of the campaign texts is a strongly inclusive one, emphasising the benefits for the society as a whole. However, some inconsistencies might occur on the level of mission statement. As an example, the very welcomed initiative on the Charter for European Women's Rights carries a serious limitation in its title, specifying that it is intended solely for European women, and by this excluding all women who do not have the nationality of one of the EU Member States. However, the background note leaves no doubt that this is not the intention, by stating that this Charter should be created in order to *improve women's rights and opportunities and to promote mechanisms to achieve gender equality in all aspects of social, economic and political life*.

Within the political initiatives, the PES Network on Migration and Integration could play a significant role in strengthening migrant women's voices. The initiative is chaired by two women politicians who have advocated on several occasions for the improvement of both national and non-national migrant women's situation. This strong engagement should perhaps be more promoted, by including a specific point among the issues to be discussed by the network.

Having taken a look at other political initiatives, the horizontal approach towards the issue is not characteristic. Nevertheless, it should be welcomed that there are some signs this tendency will change.⁴ In these cases, in order to avoid misunderstanding, more attention should be paid to the use of the appropriate legal terminology.⁵

The conclusion can be drawn that within the PES the specific concerns of the group that in the political sphere is generally referred to as migrant women has been addressed directly so far to a limited extent. Nevertheless, the general phrasing of the aims and objectives of the initiatives offer an important possibility for inclusion, thus, introducing a wide range of legal measures for a better political representation.

4 As an example see Party of European Socialists, *Combating youth unemployment*, 9 February 2012, p. 3 http://www.pes.org/sites/www.pes.org/files/report_youth_unemployment_9-02-2012.pdf

The report makes a special reference to women and "migrant youth".

5 Ibid., The exact meaning of terms like "young people with migration background and those from religious or ethnic minorities" or "migrant youth" remains to be specified.



Strengthening migrants women's voices through the PES Statutes

Following the conclusions from the previous section, this part will list a few possibilities of amending the PES Statutes in a way that it offers better representation of the issues concerning the situation of these particular groups of women. The potential to apply legal changes is there at several levels of the party structure.

Article 15 offers the possibility to members of PES member parties to become PES activists by a simple registration. The advantages and disadvantages of this rule have been widely discussed, but there is one argument that should be given some further thought. The conditions for becoming member of a PES member party are not uniform. There is divergence as to the requirement on legal situation, minimum age and membership fee. These differences might lead to the fact that some group of people will be de facto excluded from party membership, consequently also from being a PES activist. The various criteria on legal situation might directly mean the exclusion of certain groups of non-national women. With the application of unified criteria, opening up the possibility to become PES activist independently from being a party member would enable the PES to make sure that every part of European society is given the legal possibility to shape its future within the progressive political family.



Non-binding recommendation of quotas is introduced twice among the provisions on organs and decision-making bodies. Under Article 19 defining the composition of the Congress, paragraph 4 suggests that *neither gender should make up less than 40% of a delegation of a member party or organisation*. The same instruction is formulated under Article 23, paragraph 3 concerning the composition of the Council. Equal representation of men and women might bring migrant women also in a better position in ensuring the representation of their interests as women. But other issues originating from the fact that they are non-nationals or that they might suffer from racial discrimination will be left outside the scope. Setting up a differentiated but coherent diversity policy within the PES, applicable for all organs and for all PES ad hoc groups, with matching regular monitoring mechanism could be a first step to be recommended. The monitoring mechanism would make easier the in depth analysis of trends in the composition of these institutional bodies and groups. The only organ where there is no discretion at all in choosing its members is the Leaders' Conference, which consists exclusively of ex officio members. In all other organs and ad hoc groups there is a certain margin of discretion, which allows for the adequate and differentiated use of legal measures such as incentives, recommendations, notifications, disapproval and/or sanctions based on the outcome of the monitoring.

As PES advocates for the use of obligatory gender quotas in several aspects of political life, the possible use of obligatory gender and diversity quotas within the party itself could be debated. As far as gender quotas are concerned, their use could be introduced easier, as they are based on an element, which can be considered objective from a legal point of view, namely being man or woman. However, the adoption of diversity quotas evokes several challenges. Their use can hardly be based on a legally objective element,

which is capable of mirroring all existing diversity features within the European society. Within all groups, that are usually referred to as migrant women, there is the factor of personal identity which makes the identification with a diversity quota rather a personal choice. Before the introduction of obligatory quotas these theoretical issues need to be clarified. Furthermore, it has to be analysed through the results of the monitoring on which levels of the party structure and exactly within which organs obligatory quotas are necessary due to the non-functioning of the existing institutional mechanisms.

The Statutes allow explicitly the invitation of guests without voting rights to several of the PES organs. These provisions include Article 19, paragraph 6 on the Congress, Article 23, paragraph 5 on the Council, Article 24, paragraph 7 on the Presidency and Article 32, paragraph 3 on the Leaders' Conference. This position of guest might offer further possibilities in better representing the interests of non-national women and non-Caucasian women nationals. The choice is vast. It could be shaped as a position for an external expert guest who offers background information on a particular subject. It could be designed as a role for a representative, acting on behalf of a specific group within the society. It could also be a part of the monitoring mechanism, as an external watchdog with the obligation of notifying when a proposal might have the effect of negatively influencing the situation of groups of people with weak interest representation capacities.

Adding explicitly in the aims and objectives of the PES a reference to the representation of both non-national migrant women and women nationals confronted with racial discrimination could send an important symbolic message of support towards these groups.

Strengthening migrant women's voices through the PES Women Standing Orders

As it seems that within the party, it is PES Women who plays the leading role in the representation of these specific groups of women, the explicit inclusion of this mission among its objectives might be considered. Other symbolic, but effective gestures may include dedicating a campaign and/or the thematic yearly conference to the presentation of the diversity of the groups and concerns within the general notion of migrant women.

Monitoring could be ensured at various levels also within the PES Women structure. The list of observer organisations could be complemented with progressive organisations dealing with specific issues of various groups of migrant women. In order to further strengthen these women's political voices there is the possibility of reserving obligatorily one place in the PES Women Bureau for the representative of one of these organisations. At the top level, perhaps one of the Vice-Presidents could be designated as a special advocate of this group of women. Towards PES Women, this person could make sure that all PES/PES Women documents are evaluated from this specific perspective. She would be also responsible to ensure within the PES Women Executive that the vote of PES Women reflects not only the consultation with its full members, but also of those women whose political rights are limited due to their legal status as a non-national. Towards the general public, she could be seen as a sign of PES engagement in representing every segment of the European society.

In case the outcome of the debate about these legal possibilities shows that the proposed changes within the PES Women decision-making bodies would not be the most efficient choice, the use of other measures outside the decision-making bodies could still be an effective option. The invitation of guests, the designation of a special, external rapporteur, the setting up of special mentoring and/or training programs are

just a few examples of possible measures. These are not mentioned explicitly in the PES Women Standing Orders, but due to the fact that Article 4 on the objectives uses an exemplifying, not closed list of tools, nothing prohibits their use, in case the PES Women members decide so at the occasion of a statutory meeting.

Conclusions

Fitting in the debate about the political empowerment and political representation of migrant women in the more general discussion about progressive values is a precondition for designing a coherent legal framework. This might seem evident, but some of the policy and term inconsistencies appear to originate from the fact that there is no agreement on the theories and aims of the different forms of migration. In this context, addressing the constituting theory and objectives of economic migration is crucial.

More coherence is definitely needed, when it comes to legal terms. Using the term migrant women to nationals of a country contributes rather to their further exclusion on the level of terminology. Instead of that, it could be perhaps advisable to re-launch a debate about the existence of different minority groups as constituting elements of the community. When referring to non-national migrant women, it would be advisable to specify which exact group is addressed within this more general term. It has been clearly shown that women asylum seekers, refugees, migrant workers, migrant care workers, migrant domestic workers, undocumented migrants etc. are different groups with various concerns, which cannot be treated in a general way. Using the same term to these groups often contributes to a lack of clarity and is largely responsible for the negative attitudes towards all kinds of foreigners.

The PES and PES Women has addressed the issue several times, but not in a strategic, consistent manner. It seems that the trap of uncertainty in terms and the highly emotional character of the issue have made the debate on the constituting elements of a migration policy framework very problematic.

One of the possibilities to overcome this challenge could be perhaps to give more political visibility of this diverse group of women not only on policy level, but also in the structure within PES. A few legal possibilities have been brought up based on the analysis of the PES Statutes and PES Women Standing Orders. However, their individual, more in-depth outcome analysis is needed to see which ones could fit the best and work in the most efficient manner. Moreover, this list of suggestions is far from being complete. Its objective is rather to highlight some aspects of the challenge and encourage further discussion.

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Queries



03

Regaining Women's Support – Vanquishing Right Wing Extremism

Emancipation of women has been a core part of the left wing's ideology. It has translated into a century long struggle for social, economic, political and cultural liberation aimed at ensuring that women are equal to men in all spheres of private and public lives. Despite this proud tradition of the movement and especially of its feminist organisations, it seems that the ownership of the so called "women's affairs agenda" is no longer exclusively in the hands of progressives. Both conservative and right wing extremist parties learnt to appeal to women with their 'modernised' pleas. K. BLEE shows that their renewed concept of morality and ethics, which appeals not only to gender, but also religious identities of women, poses a real threat. Progressives are simply unequipped to enter the battle within that field. What makes it worse; the right wing is using social movements to ensure that their message is both mainstreaming and prevailing in the end. R. SCHREIBER adds that what strengthens their argument is an increasing amount of role models. An example of that is Sarah Pahlin, who has even been named a "pioneer of conservative feminism". A. PETŐ shares this observation. She underlines that the right wing is strategically stronger in mobilising women's support, resorting itself to strong cultural and religious emblems that seem to offer supplementary credibility to their ideas about the women's roles in contemporary family and society.

Bolstering Feminist Politics in a Time of Conservative Ascendancy



By **Kathleen BLEE**

Feminists face a difficult political situation in today's time of conservative ascendancy for at least three reasons. First, across the globe, the resurgence of fundamentalist religions whose adherents strive to reshape political policies and state actions in accord with their religious principles are threatening feminist agendas and undermining progressive political parties and actions. Second, in a number of places, right-wing extremism has reemerged as a small but disturbing political force with troubling implications for interracial/interreligious relationships and the future of diverse, pluralist, and democratic societies. And, third, the increasingly unchallenged conservative notion that economies and societies must be aligned along global principles of free markets and the quest for profit is undermining feminist and progressive agendas based on standards of human rights and principles of human dignity and equity.

In many nations, including the United States, there is a very real possibility that the hard-fought feminist and progressive political gains in a number of areas that were won in the last century are in the process of being eroded or even reversed. To stimulate conversation among feminist activists and scholars about how to sustain what has been gained and nurture feminist politics into the near future, this paper makes five deliberately provocative suggestions. These suggestions address the issues raised by recent mobilizations from the political right in the form of conservative and extremist social and political movements.

Suggestions below are drawn from the author's studies of right-wing movements in the 20th and 21st United States, and, to a lesser extent, Western Europe. Focusing on the societies of the global North is, of course, inadequate for creating a broad platform for a global feminist and progressive movement, and I do not pretend to do so. The following suggestions thus need to be contextualized as limited and regionally-specific. A comprehensive direction for global feminist movement will require attention to the very different issues, realities, and possibilities that exist throughout the global South. As well, it will necessitate detailed

scrutiny and consideration of the diversity of experiences and aspirations of women and men within the broad categories of “global North” and “global South” which cannot be addressed within such a brief paper. With these cautions, the author offers five suggestions for discussion:

1. At the present time (although not necessarily always), feminists may be more effective in countering conservative and right-wing politics through direct action rather than through indirect efforts to shape public opinion.

To simply quite a bit, progressive and feminist challenges to rightist movements fall into one of two categories. Some challenges are direct, like efforts to prevent the right from gaining access to the media or to politicians. Other challenges are indirect, like efforts to discredit rightist ideas by exposing their flaws to the public. Either form of challenge can be effective at times, but changing political and social contexts shape which is more effective at a particular time and place.

At least in the U.S. today, direct challenges are more likely to be effective against the right than are indirect ones. The text provides two extended examples of why this is so, focusing on abortion and sex education of children and teenagers, issues in which feminist and progressive policies and agendas have faced substantial attack from the right in recent years.

Since the Supreme Court decision in 1973, women in the U.S. have a legal right to abortion under certain conditions. Yet, the breadth and scope of those conditions is being expanded or, to put it another way, the right to abortion is in the process of being curtailed in almost every state through restrictions imposed by legislation and judicial decision. According to a July 13, 2011 report by the Guttmacher Institute,¹ the number and variety of restrictions on abortions has skyrocketed in the past several years. In the first 6 months of 2011, states enacted a record number of new laws or modifications to existing laws – 80 – which is more than twice the previous record of 34 laws in 2005. Some laws sought to ban abortion outright after 20 weeks (earlier than the point of fetal viability guaranteed by the U.S. Supreme Court); others imposed restrictions to access (e.g., through mandatory waiting periods, requirements for consent or parental notification) or prohibited insurance coverage for abortion services.

The provision of sex education to children and teenagers in schools or other venues also is facing attacks from a number of directions. In many areas of the United States, there have been efforts by conservatives to substitute an abstinence-only curriculum for broad-based sex education programs in schools and many have been successful.² Even in the arena of public health, conservatives have been effective in attacking programs that seek to reduce the spread of HIV/AIDS through education or the distribution of condoms. They have effectively resisted a variety of public interventions that might indirectly educate teenagers about sexuality such as vaccination programs for preteen girls aimed at preventing the spread of the sexually-transmitted human papillomavirus (HPV) virus that has been linked to cervical cancer.³

A puzzling aspect of these ongoing and likely erosions of feminist gains in the areas of abortion and sex education is that they are taking place even though there is widespread, even majority, support for the very

¹ States Enact Record Number of Abortion Restrictions in First Half of 2011, a report issued by Guttmacher Institute on 13th July 2011, available at <http://www.guttmacher.org/media/inthenews/2011/07/13/index.html>.

² J. M. Irvine, *Talk About Sex: The Battles over Sex Education in the United States*, Berkeley: University of California Press, 2004.

³ D. Grady, *Remark on HPV Vaccine Could Ripple for Years*, *New York Times*, 19th September 19 2011.

programs and rights that are under attack. For example, a 2011 Gallup poll⁴ showed that 49% of U.S. adults described themselves as “pro-choice”, compared to 45% who described themselves as “pro-life” in 2011. The percent describing themselves as “pro-choice” has dropped considerably from a peak of 56% in 1995 (when only 33% of adults described themselves as “pro-life”) but still is larger than the “pro-life” group. On sex education of teenagers and children, the evidence is even more striking. According to a recent study by the Kaiser Family Foundation done in collaboration with Harvard University’s Kennedy School of Government,⁵ only 15% of adults support abstinence-only sex education for schools even as 30% of public school principals in schools with sex education programs report that their schools use an abstinence-only curriculum. In fact, most adults favor a broad curriculum of sex education in schools.

The disjunction between public opinion and political success suggests that the erosion of feminist gains (in these areas and others) is the result of a concerted, and often successful, campaign by antifeminists rather than the response of politicians and judges to shifting political attitudes among the population at large. Public opinion in the U.S. may be shifting to the right on many issues, as the evidence of attitudes towards abortion shows, but it lags behind – *and is substantially affected by* – the political organization of a rightist, antifeminist movement that represents the attitudes and agendas of a distinct minority of the public. Put more theoretically, the relationship between majority public opinion and public policy is complicated and uneven. At the moment, grassroots efforts in an antifeminist direction are able to circumvent the will of most citizens. So, it is likely to be more productive for feminists to focus directly on strategies to weaken the organization of conservatives or interrupt their ability to mobilize constituents rather than appeal to public opinion as a way of undermining the power of the right.

2. Feminists should be careful not to rely on broad dichotomies that assume coherence in the political ideologies of individual people or political movements.

It is tempting to use conceptual shortcuts when describing ideologies, as suggested by the common use of labels like “progressive,” “conservative,” “fundamentalist,” “secular” and so forth. But there is a great deal of evidence that such labels are highly misleading. Take as an example the Ku Klux Klan in the U.S. during the 1920s, a massive movement that brought millions of men and women into a crusade against Jews, Catholics, African Americans, immigrants, labor radicals, and others. The racist and religious bigotry that was fueled by this wave of the Klan certainly merits its description as a “right-wing” movement; categorized this way, it was by far the largest right-wing movement in U.S. history.⁶ However, a closer look at the ideologies of the Klan and of individual Klanswomen and Klansmen points to a more complicated picture. The Klan was unabashedly white, Christian, and nationalistic, but it also supported a number of laws, policies, and proposals to extend the rights of women (white, native-born, Protestant women, of course), including an 8-hour maximum work day for mothers, women’s suffrage, and anti-harassment laws in the workplace. Each of these had ulterior motives. A shorter day for mothers was a platform intended to show the Klan’s beneficence toward the (white, native-born, Protestant) family. The call for women’s suffrage was meant to bolster the white electorate against the suffrage earlier provided to African American men (leading to very peculiar alliances, as some women

4 L. Saad, *Americans Still Split Along “Pro-Choice,” “Pro-Life” Lines: Majorities believe abortion is morally wrong, legal access to it should be restricted*, available at <http://www.gallup.com/poll/147734/americans-split-along-pro-choice-pro-life-lines.aspx>.

5 Kaiser Family Foundation poll of 2004, available at <http://www.kff.org/newsmedia/upload/Sex-Education-in-America-Summary.pdf>.

6 K. Blee, *Women of the Klan: Racism and Gender in the 1920s*, Berkeley: University of California Press, 1991; M. Durham, *White Rage: The Extreme Right and American Politics*, New York: Routledge, 2007.

suffragist leaders became advocates for and even leaders in the 1920s Women's Klan). Anti-harassment laws were aimed at highlighting what the Klan described as the exploitative and lecherous behavior of Jewish businessmen toward their white Protestant female employees. But the fact that the Klan could promote such seeming-contradictory positions confuses the attempt to dichotomize the Klan's ideology as right-wing and thereby fully the opposite of progressive or left-wing agendas.

Similar ideological wrinkles exist today. Consider two different examples, from the U.S. and the Netherlands. In the U.S., the Tea Party and its adherents promote standard right-wing ideological positions on a wide range of issues, including opposition to increased taxation and suspicion of federal government policies and intentions. Yet, as recent scholarship shows, Tea Party units and supporters espouse varying positions on support for military intervention, issues of personal liberty like government surveillance, and questions of government-financed programs (as many support programs that benefit those who they regard as hard workers like themselves). At the libertarian edge of the Tea Party, some adherents favor gay rights as a matter of personal liberty.⁷ In The Netherlands, anti-Islamic ideologies are expressed not only by extreme right parties that promote xenophobia and racially-tinged nationalism but also by progressive forces that attack Islamic immigration to the Netherlands as a threat to Dutch values of pluralism and equal rights especially those of gay, lesbian, bisexual, and transgendered citizens.⁸ From both ideological directions have come calls to restrict or exclude Muslim immigrants, either as a strategy to guarantee the rights of Dutch sexual minorities and to safeguard feminist values or against the so-called barbarism of fundamentalist religions and so-called backward culture of Muslim populations.

To collapse the complexity of such ideologies under terms like "reactionary" or "right-wing" removes the subtle distinctions that are needed to craft effective responses against their antifeminist agendas and strategies. It also obscures the complicated alliances that are possible in grassroots politics..

3. Feminists and progressives need to develop strategies against the right that recognize its changing structural form.

There are standard ways in which scholars and activists think about grassroots social movements and their relationship to political parties and political outcomes. Traditionally, social movements are understood as ways that people with a common ideology work together to change society outside the electoral process. This definition highlights two aspects of social movements. First, that is an organized form collective political behavior. Social movements, this definition implies, have leaders and followers; recruit new members who share the views of existing members; and develop goals and strategies and tactics to achieve those goals. Second, this definition suggests that social movements lie outside standard political arenas, pressuring the state, political parties, and citizens to adopt their views and institute change.

This definition fits many political movements very well. Second-wave feminist mobilization in the U.S. around issues such as equal pay, gay and lesbian rights, sexual harassment, funding of school sports programs, reproductive issues, and other areas, for instance, brought together large numbers of like-minded women and men to pressure legislators and judges and secure new laws and policies and to create change in more intimate arenas of personal relationships and families. In these efforts, feminists worked collectively to enact

7 V. Williamson, Th. Skocpol & J. Coggin, *The Tea Party and the Remaking of Republican Conservatism*, [in:] *Perspectives on Politics* 9 / 2011, pp. 25-43.

8 P. Sniderman & L. Hagendoorn, *When Ways of Life Collide: Multiculturalism and Its Discontents in the Netherlands*, Princeton, NJ: Princeton University Press 2007.



changes that they believed in, often acting outside the traditional political system of elections and legislative deliberations with tactics that included confrontation, civil disobedience, disruption, and performance.

The recent history of rightist politics in the United States, both the extreme right and right-wing efforts within the political mainstream, however, shows the limits of using this definition as a template for all social movements. First, consider the changes in the modern extreme right. In the late twentieth century U.S., the extreme right was composed of networks of competing, interlocking, but distinct groups that espoused varying forms of white supremacy, xenophobia, anti-Semitism, and often (but not always) virulent misogyny and nationalism, including the Ku Klux Klans, neo-Nazis, racist skinheads and others. But in the twenty-first century, the structure of the U.S. extreme right has changed dramatically. Racist groups and networks have dissolved in favor of a very unstructured system of unconnected tiny cells of virulent racist activists. Modeling themselves on their image of the structure of Islamic fundamentalist networks through which terrorism is practiced, U.S. extreme right cells now coordinate their ideological messages mainly through virtual interaction and postings on the internet, rather than by direct interaction, and generate their actions without consultation with others. They aim to stay small and isolated in order to avoid detection while designing violent and terrorist actions to advance the cause of white supremacy. In other words, they are a far cry from the organized mobilization of adherents that we think of as characteristic of social movements. These racist cells don't necessarily want new members; they don't have leaders or members; many aren't trying to convince anyone of anything. They are focused on developing tactics and strategies of cataclysmic violence.⁹

Recent right-wing efforts within the political mainstream in the U.S. also deviate from the standard template of social movements, but in a different way. The Tea Party and its associated movements (like Patriot and militia movements) similarly reject most of the trappings of organized social movements. To be a Tea Partier often means little more than to agree with the Tea Party message, maybe to come to a rally or look at their website. In the swiftly changing mix of competing Tea Party groups, networks, websites, and spokespeople, there is no clear agenda or strategy for achieving one. Rather, Tea Party's work by providing places and openings for collective assertion of simple ideas such as that the federal government is inept, corrupt, or bloated and that taxation is almost always excessive and expropriation. The Tea Party is more a series of events and sites (virtual and actual) than a political movement in the usual sense. It is an occasion rather than a collective process of political exertion.¹⁰

Feminists cannot counter these changing structures of the right with strategies designed to work against more conventional forms of social movements. More refined ideologies are no match for the event-based sloganeering of the right. Intense mobilization of adherents cannot counter a right that operates without a clear structure. Promoting tolerance doesn't hinder extremists that are not particularly interested in recruiting new members.

⁹ K. Blee, *Inside Organized Racism: Women in the Hate Movement*, Berkeley: University of California Press 2002; K. Blee & A. Linden, *Women in Extremist Right Parties and Movements: A Comparison of the Netherlands and the U.S.*; [in:] *Women of the Right: Comparisons and Interplay Across Borders*, K. Blee & S. McGee Deutch (eds.), State College, PA: Penn State University Press, 2012, forthcoming.

¹⁰ D. S. Meyer, *Is There Still a Tea Party Movement?*, 25th July 2011, available at <http://politicsoutdoors.com/2011/07/25/is-there-still-a-tea-party-movement/>.

4. The feminist and progressive movement needs to openly address and debates the issue of religion and associated issues like faith and morality.

Religion is often the unspoken elephant in the room when feminists and progressives in the U.S. consider political strategies. This is, no doubt, the result of a number of factors like a reasonable concern about creating offense or divisions among allies. But religion also is avoided (or talked about in the most gingerly terms) by many feminists and progressives for two more delicate reasons.

One reason that religion can be a sensitive issue among feminists is the layered and complicated issues of fundamentalist and conservative religious practices by people who experience colonial domination or racial/religious oppression. How should feminists respond when African American church leaders condemn abortion or when Muslim-backed politicians oppose glbt rights? It is a difficult conversation because feminist agendas of opposing oppression and promoting diversity appear to conflict with feminist values of gender and sexual rights.¹¹

The second reason that U.S. feminists sometimes shy away from explicit discussions of religions can be an underlying assumption that progressive and feminist politics are best founded on secular rather than religious principles. In the U.S., this is generally an implicit, unspoken assumption. (Elsewhere, like in France, this may be an explicit and highly visible assumption.) In either case, it reflects a general liberal presumption that societies tend to secularize as they develop. Until recently, sociologists almost uniformly predicted that economic development would mean the end of religious adherence or, at the least, the decline of religious influence in social and political life.¹² But these predictions have been erroneous for many areas of the globe, especially the Americas, Africa, and parts of Asia. Indeed, in some places there has been a substantial increase both in religious practice and observance among the population and in the effort of religious/spiritual leaders to intervene in secular politics.

A progressive/feminist agenda needs to consider the shifting realities of religious practice and the possibility that faith and religious-based morality may play a continuing, perhaps even increasing, role in politics in the future. Shying away from considering the importance of religion in the lives of many people needlessly cedes ideological space to the right that could otherwise be part of a progressive and feminist politics.

5. Although feminists and progressives need to confront the dangerous racism that is promoted by conservative political movements as well as by right-wing extremists, it is also important not to overstate the danger from the right.

How, and the extent to which, conservatives and right-wing extremists gain a foothold in the population at large has changed substantially in the United States and much of the global North in recent decades.¹³ It is rare now to encounter forms of racism, religious bigotry, and xenophobia that were once quite powerful in

¹¹ B. Winter, *Fundamental Misunderstandings: Issues in Feminist Approaches to Islamism.*, [in:] *Journal of Women's History* (13)1 / 2001, pp. 9- 41; *Terror, Counter-Terror.*, A. Joseph & K. Sharma (eds.), London and New York: Zed Books; first published by Kali for Women, New Delhi 2003; L. Fekete, *Enlightened Fundamentalism? Immigration, Feminism and the Right*, [in:] *Race & Class* (48)2 / 2006, pp. 1-22.

¹² D. E. Sherkat & Ch. G. Ellison, *Recent Developments and Current Controversies in the Sociology of Religion*, [in:] *Annual Review of Sociology* 25 /1999, pp. 363-394.

¹³ G. M. Fredrickson, *Racism: A Short History*, Princeton, NJ: Princeton University Press 2003.

mobilizing the political adherence of large numbers of people from majority groups in right-wing movements. Theories of biologically-based inequities and argumentz that rank races or cultures in an historical progression from nonwhite to white provided powerful justifications for many of the global atrocities of previous centuries, including slavery, fascism, and colonialism. But these have been so widely discredited that they provide little mobilizing power in politics outside a small (albeit dangerous) group of racial extremists. In their wake, more subtle and complex forms of group prejudice and invidious intergroup comparison have emerged in the United States and across much of the global North. These include what the sociologist Eduardo Bonilla-Silva terms “color-blind racism” in which racial (or other intergroup) inequities are built into the institutions and normative cultural practices of societies so that racial (or other intergroup) privileges and relations of domination and subordination can be maintained without explicit racist or discriminatory ideologies.¹⁴

The shift in the locus of intergroup prejudice in many parts of the global North has several implications for feminist strategies against conservatives and extreme rightist. One is that political efforts from the right and extreme right that use explicit racist appeals, like those of white supremacist groups, are unlikely to mobilize more than a tiny fraction of the population. Open appeals to racism have a terroristic effect on their target populations, which must be resisted, but they are unlikely to change public opinions more broadly. Second, because racism and intergroup prejudice and discrimination are rarely explicitly espoused, public attacks on explicit racism, like vague promotions of tolerance as a public virtue, is not likely to affect the racial inequities and understandings of the society as a whole.

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¹⁴ E. Bonilla-Silva, *Racism Without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, Lanham, MA: Rowman & Littlefield 2006.

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Conservative Women in the Sisterhood?



By **Ronnee SCHREIBER**

When Republican U.S. presidential candidate John McCain nominated Sarah Palin to be his running mate, pundits assumed it was because he was aiming to woo women voters from the Democratic ticket. Here journalists were off – Palin was not likely to attract Democratic women, but she was a good choice to mobilize Republican and even some independent women voters. **Palin embodies the many faces of a growing conservative women’s movement in the United States - a movement that has significant implications for the future of conservative and gender politics broadly speaking.**

The author has argued elsewhere that people should not underestimate Palin’s appeal to women.¹ There was a justifiable feminist outcry when she was nominated, because Palin does not support most goals of national feminist organizations. Debates have ensued about whether she and her conservative sisters are “new feminist[s],”² but these miss a more critical point - that Palin represents decades of conservative women’s activism and there is nothing new about her or her politics. Indeed, McCain’s belief that a socially conservative, politically successful woman could help the Republican Party was, in general, an insightful one. Conservative women have at times been dismissed as pawns of right-wing men. This characterization belies the prominence of conservative women and their contributions to politics. For years, conservative women have mobilized voters, swayed policy makers, and persuaded the public of the rightness of their views. And they will continue to do so. Indeed, the majority of white women voters in 2008 supported the McCain/Palin ticket.³ In addition, the choice of Palin helped McCain shift his narrative to one of reform, as women are often considered to be agents of political change. His choosing a woman fit with McCain’s (albeit unsuccessful) attempt to cast himself apart from former President G. W. Bush and promote the image of himself as a “maverick.”

While feminist critiques of Palin are important to understand, **Palin’s significance should be considered**

1 R. Schreiber, *Don’t Underestimate Palin’s Appeal to Women*, Sept. 9, 2008, www.CNN.com.

2 See: K. Jean Lopez, *Heart of the Matter: Sarah Palin and a New Feminism*, [in:] *National Review Online*, Sept. 3, 2008, available at article.nationalreview.com.

3 According to a CNN Exit poll, 53% of white women voters supported McCain/Palin versus 46% for Obama/Biden (1% did not answer or cited “other”). Polls results can be found at: <http://www.cnn.com/ELECTION/2008/results/polls/#USP00p1>

from the point of view of conservative women. In so doing, one gains insights into a growing movement of activists and is reminded that women's interests are not necessarily synonymous with feminist ones.

Even McCain reinforced this idea by claiming in an interview that Palin has *excited and energized our base [and is] a direct counterpoint to the liberal feminist agenda for America.*⁴ Although Palin did not fare well in postelection polls, she remains a symbolic victory for conservative women, and with her postelection public commentary and appearances continues to energize some within the Republican Party. Palin is one of many conservative women active in politics. Her success means that her ideological counterparts are gaining in prominence and influence. This essay considers the history and impact of conservative women activists and evaluates the meaning of "conservative feminism." In so doing, it highlights the successes and shortcomings of both feminist and conservative women's activism and suggests feminist responses to them. In addition, it reinforces the need to take conservative women seriously and urge challenging them at the level of actions and goals, not individual choices and personalities.

To be clear, **the author conflates "Republican" with "conservative" because the Republican Party platform promotes both traditional gender roles and the call for women to engage politically.** By "conservative" the author means both social and economic conservatives. Social conservatives are usually Evangelicals who lobby for policies that prohibit abortion, same-sex marriage and pornography, but promote prayer in public schools and a strong and well-funded United States military. Economic conservatives favor free-market capitalism, decreased regulations on businesses, and low taxes. Their tendency toward libertarianism means they generally shy away from supporting laws that ban abortion or same-sex marriages. The term "traditional" refers to the belief that families should consist of heterosexual married couples where men are the primary wage-earners and women are the primary caretakers of their children and household functions. The author's use of the term "feminist" in this paper reflects how conservative women activists conceptualize it. Generally, when these conservative women activists talk about feminism and the feminist movement they are mostly referring to nationally organized interests like the National Organization for Women (NOW) and/or well-known individual feminist leaders and scholars like Catharine MacKinnon, professor of law and anti-pornography advocate. Finally, the author's research is centered on elite conservative women and my findings reflect their actions and beliefs. When available, survey data is cited to show how grassroots and the mass public think about the issues discussed.

A Brief History of Conservative Women's Organizing

When McCain nominated Palin, media reported about her as though conservative women had just appeared in politics. Two years later, Palin herself reinforced this idea by claiming that "Mama Grizzlies," i.e. mothers active in politics, were now *banding together, rising up, saying, 'No – this isn't right for our kids and for our grandkids. And we're gonna do something about this.'*⁵ Historically, of course, this is inaccurate. Conservative women in the United States have been politically active for over a hundred years. They have organized as women against women's suffrage, championed anti-Communist causes, promoted racist Ku Klux Klan activities, lobbied against legal abortion and perhaps mostly famously, rallied against the

⁴ Fox News Sunday interview with Chris Wallace, Oct. 19, 2008.

⁵ This quote comes from Palin's Mama Grizzly ad which can be found at: <http://www.youtube.com/watch?v=fsUVL6cik-c>



Equal Rights Amendment^{6,7,8,9,10,11}). Indeed, almost thirty years ago, feminist Judith Stacey wrote:

Feminism today is afflicted by a crisis of confidence. First the rise of the New Right, an organized antifeminist social movement with legions of devoted female activists, forced feminists to the painful recognition that we could not speak for or to all the women we hoped to represent.¹²

As Stacey reminded then, women have always been ideologically diverse and neither conservatism nor feminism is new. Although this may seem obvious, especially to those of us who have been involved in feminist politics for decades, it is important to reiterate. Without attention to it, sight of how history and context matter in terms of women's activism is lost, and so are the factors impede or facilitate our successes. If one wished to re-imagine a global sisterhood at this moment, it is helpful to understand the challenges faced in the past and how they have evolved.

The evolution of conservative women's politics has led to a major shift from the past, but one that is still rooted in many of its ideas and goals – an organized and institutionalized conservative women's *movement* is in formation. It was in force before Palin's nomination, but her presence, and that of Congresswoman and presidential candidate Michele Bachmann, have invigorated and given legitimacy to a new crop of women eager to work with more established groups to challenge feminism and assert their political will. Technology and media narrowcasting have aided this movement as well. FOX News, for example, has been a boon to conservative women seeking punditry status and a venue for articulating their beliefs. In addition, slowly, but more so than in the past, **Republican Party leadership is beginning to take women more seriously, given them institutional support and resources. A record number of Republican women ran for and won Congressional seats in 2010.**¹³ An enduring conservative women's movement is the new reality and its organizational players include Concerned Women for America (CWA), Independent Women's Forum (IWF), Clare Booth Luce Policy Institute (CBLPI), Susan B. Anthony List, Eagle Forum, National Federation of Republican Women (NFRW) and relative newcomers Smart Girl Politics and Network of enlightened Women (NeW).

This is the new site of politics for women who seek to contest and redefine feminist claims of representation and women's interests. Conservative women highlight the gendered elements of conservative movement politics broadly. In addition, conservative movements and politics cannot adequately be understood without attention to the role of women within them. **Conservative women activists give conservative causes legitimacy, bridge women to other conservative causes, forge important political alignments and partnerships that broaden and strengthen the appeal of conservative politics**¹⁴. **When conservative**

6 D. Critchlow *Have You Come a Long Way, Baby? Hillary Clinton, Sarah Palin, and Sexism in 2008 Campaign Coverage*, [in:] *Communication Studies*. 60, No. 4 (September–October) 2006, pp. 326–343.

7 S.E. Marshall *Splintered Sisterhood*, Madison: University of Wisconsin Press 1997.

8 G. Jeansonne, *Women of the Far Right: The Mothers' Movement and World War II*, Chicago: University of Chicago Press.

9 K. Blee, *Women of the Klan: Racism and Gender in the 1920s*, Berkeley: University of California Press 1991.

10 R. Klatch, *Women of the New Right*, Philadelphia: Temple University Press 1987.

11 J. Mansbridge, *Why We Lost the ERA*, Chicago: University of Chicago Press, 1986.

12 J. Stacey, *The New Conservative Feminism*, [in:] *Feminist Studies*. 9 / 1983, p. 559.

13 See: www.cawp.rutgers.edu for data on women elected officials

14 R. Schreiber, *Righting Feminism: Conservative Women and American Politics*, New York: Oxford University Press 2008.; S.E. Marshall, Marilyn vs. Hillary: *Women's Place in New Right Politics*, [in:] *Women and Politics* 16 / 1996, pp. 55-74.

women directly challenge feminists, they demonstrate the centrality of women to conservative movement politics. This allows conservatives to argue that feminists do not necessarily speak for all women and that conservative politics can be welcoming to women. Conservative women are also generating new discussions about the meaning of feminism.

Conservative Feminism?

During the 2010 elections it became the rage of journalists, pundits and some activists to proclaim that conservative feminism was making its mark. True, the formidable presence of conservative women activists was evident, but this does not make the likes of Sarah Palin and Michele Bachmann feminists. Nor does it mean that most conservative women leaders actually embrace the term. During an interview with a young conservative woman activist, for example, the author asked if she thought of herself as a conservative feminist. Her face got contorted and she responded by saying “that sounds like an oxymoron.” And, she is not alone. Before the 2010 elections, most politically active conservative women leaders did not refer to themselves as feminists. And a quick sweep of newspaper articles in Nexis/Lexis from the decade before Palin’s appearance on the national scene indicates that journalists did not use the term either. Like the general public who shun the label but not feminist movement successes, these activists have rarely embraced the terminology and it is inaccurate for journalists and pundits to suggest otherwise. It distorts the history of conservative women’s political engagement and the meaning of feminism as well. However, these activists do see themselves as being pro-women in their efforts. For some, being pro-women equals supporting legal abortion, national welfare programs and paid family leave. For conservative women it often means something entirely different, but is no less gendered.

Thus, it important to note that **most of the elite conservative women active in national politics do not call themselves feminists, but are creating public debates over the meaning of feminism.¹⁵ While conservative women may be critical of the term, they do embrace identity politics and consciously frame issues to speak on behalf of women. And, they have, at times, co-opted feminist language and the idea that identity politics is critical to getting their messages out. This strategy was termed “femball” by one conservative woman leader¹⁶.**

By asking why conservative women shy away from referring to themselves as conservative feminists, we gain insights into public and political meanings of feminism itself. Through a discussion of “conservative feminism” one can also see how the meanings of feminisms are changing. In March 2011, the author spoke at a conference where she began by asking: can conservative women be feminists? An audience participant commented that she felt my question was silly, arguing that we as feminists already know that conservative women are not feminists so why bother pursuing this line of thought? Her thinking is short-sighted. Dismissing the need for such a conversation shuts down a potentially fruitful dialogue about the term “conservative feminism” and indicates a general unwillingness to examine conservative women’s activism. Both come at costs for feminists.

First, feminism as a term is highly charged and it is critical to understand the origins and implications of its negative associations. As noted, **public opinion polls demonstrate that women support the goals of the**

¹⁵ There are some exceptions, like Christina Hoff Sommers who refers to herself as “equity feminist” (1994).

¹⁶ R. Schreiber, *Righting Feminism: Conservative Women and American Politics*, New York: Oxford University Press 2008.

feminist movement, but are less likely to identify as, or wish to be called a “feminists”¹⁷. Years of media reporting about feminism and feminist movements (or lack thereof) have shaped public understandings of feminism in distorted ways¹⁸. Conservative women leaders are well aware of these perceptions, have taken advantage of them and have also helped shape them. When conservative women do concede that feminism has had some important successes (e.g. in terms of equality of opportunity), they also insist that feminist activists have gone too far and are out of touch with the views and needs of most American women. In addition, the myriad ideas and institutions that feminists see as problematic are not disparaged by conservative women, but are instead promoted as beneficial for women. These include capitalism and the valuing of traditional gender roles and differences.

So why has the meaning of feminism suddenly been contested? What is it about conservative women’s political activism that some might consider feminist? One key component of conservative women’s ideas and rhetoric that might be mistaken for conservative feminism is that of “choice”. That is, some argue that the legacy of feminism is that women should be free to make whatever choices feel appropriate for them regardless of whether or not their actions are “feminist”. The individualized act of being able to choose “freely” has become equated (by some) with feminism itself¹⁹. This could mean wearing make-up or working at Hooters. It can also be used to explain differences between men’s and women’s statuses and fortunes. For example, IWF argues that the wage gap between men and women derives from women opting in and out of the workplace in accordance with their maternal obligations. In other words, they are paid less, and less likely to be promoted, because they choose to be stay-at-home mothers²⁰.

The concept of choice is tantalizing and works well within a liberal economic and social order. Indeed, many feminists have embraced this framing in advocating for abortion right (e.g. “pro-choice”). However, the application of choice, as applied by some feminists²¹ and conservative women, ignores or intentionally dismisses the role of power, institutions and resources as well as the context in which choices are created and must be implemented. Thus choices are privatized, norms are rationalized and social/structural relations that undermine women’s empowerment are considered acceptable if they are “freely” chosen. Within this notion of choice lies no challenge to the role of the state, policies, institutional promotion of ideas. For example, conservative women praised Palin for seeming to be able to balance being the mother of five children with her quest for the nation’s second highest office. Consistent with economic conservative values, there was no discussion of how government policies might make it easier for women with children to make strides in the paid workforce. Instead, CWA, for example, referred to Palin as a “pioneer” and conjured up images of an empowered, independent woman striking out on her own or with the help of her family, but without liberal government policies to ameliorate possible stresses she may feel between raising children and working outside of the home.

When touted as women’s empowerment, “choice” masks discrimination. And while we can recognize and accept that women will make choices we may not agree with, we can also assess them from a feminist lens

17 L. Huddy, F.K. Neely & M. LaFay, *The Polls: Trends: Support for the Women’s Movement*; [in:] *Public Opinion Quarterly*, No. 64 2000, pp. 309-350.

18 R. Schreiber, *Who Speaks for Women? Print Media Portrayals of Feminist and Conservative Women’s Advocacy*, [in:] *Political Communication*. 27 / 2010, pp. 432-452.; and M. Barakso & B. Schaffner, *Winning Coverage: News Media Portrayals of the Women’s Movement, 1969-2004.*, [in:] *Harvard International Journal of Press/Politics* 11 / 4 / 2006, pp. 22-44.; and L. Huddy, *Feminists and Feminism in the News.*, [in:] *In Women, Media and Politics*, P. Norris (ed.), New York: Oxford University Press 1997, pp. 183-204.

19 J. Kirkpatrick, *Introduction: Selling Out? Solidarity and Choice in the American Feminist Movement.*, [in:] *Perspectives on Politics* 8 / 2010, pp.241-246.

20 D. Furchgott-Roth and Ch. Stolba, *Women’s Figures: An Illustrated Guide to the Economic Progress of Women in America.*, Independent Women’s Forum, American Institute for Public Policy Research, Washington 1999.

21 See: R.C. Snyder –Hall, *Third Wave Feminism and the Defense of ‘Choice’*, [in:] *Perspectives on Politics*. 8 / 2010, pp. 255-261, for a discussion of “choice feminism” which is popular among those who call themselves third wave and/or libertarian feminists.

and evaluate why they are problematic. Feminism requires, and has historically been about, challenging structural, institutional and systematic designs that serve to discriminate against women vis-à-vis men and require collective, legal and political action to remedy. And it requires publicizing how these forms of discrimination affect cultural understandings of gender and gender roles.

For feminists, however, it might be tempting to dismiss conservative women outright because of their personal choices as well as their reliance on individualism as a framework for action (as in the case of “pioneer” Palin). However, as theorist Nancy Hirschmann reminds, conservative women’s presence in politics necessitates that feminist standards be applied to the treatment of all women running for office or engaged in politics, whether or not we agree with them or believe they are feminists:

Palin was not a feminist choice for John McCain’s vice-presidential running mate because of her opposition to issues of vital importance to the great majority of women, such as access to safe and affordable abortion, economic empowerment for poor women, or federally-funded childcare. It would be absurd to suggest that feminists were required to vote for her simply because she is a woman. However, feminist reaction to her nomination would have to condemn the multiple acts of sexism perpetrated by those on the left, who are supposed to support feminism: the rumors that her Down syndrome baby was really her daughter’s, indeed fathered by Todd Palin (which was a classist as well as a sexist attack); the charges of hypocrisy because Palin is a “family values” Republican who won’t be home taking care of her children (as if her husband couldn’t do that, and as if a similar criticism would be made of a man); the “Palin is a Cunt” t-shirts (echoing the Clinton doll featuring a bear trap between its legs); and even the scornful moniker “beauty queen” (Palin was first runner-up in the Miss Alaska contest, her first and only pageant, only two years after she captained her high school basketball team to the state championship . . . None of these reactions are tolerable by feminist standards. As feminists, faced with a choice we oppose, a choice that is clearly not feminist, we still have an ethical obligation to apply feminist standards to women and men with whom we disagree, who have made choices that we do not think fall under the feminist umbrella, when those choices are subjected to sexist evaluation. There were other ways, and valid reasons, to defeat the Republicans without turning Palin into our favorite punching bag.²²

The crisis for feminism is not just about conservative women claiming to be feminists, although this does require clarification of feminist movement ideology and goals. An equally or even more significant challenge for feminists derives from conservative women challenging women’s identity organizing and defining women’s interests. For example, CWA argues that they are opposed to legal abortion because abortion harms women’s health. Here they frame being anti-abortion in terms of women’s interests, making it more difficult for feminist to do make similar claims about the legality of abortion. Conservative women see themselves as acting on behalf of women and their adherents agree. In March, 2011, the author observed, for example, about one hundred conservative women at the Western Women’s Summit in California hosted by the Clare Booth Luce Policy Institute (CBLPI). Every woman speaker boldly touted the value of having women involved in politics and spoke about issues ranging from the role of government, environmentalism, tax codes, Islam and the media. This varied group included the founder of the Tea Party Patriots, a documentary film maker, Miss America and a FOX News pundit. Consistent with what is known about organized conservative women’s activism, none claimed to be a feminist, but all praised their fellow conservative women travelers. While it might be tempting to dismiss this prominent group because they are not feminists, progressive women do so at great risk. Paying close to attention to why they appeal to women generates insights into the

²² N. Hirschmann, *Choosing Betrayal*, [in:] *Perspectives* 8 / 2010, p. 275.

role of ideology, public discourse and political mobilization. And it can help us recognize shortcomings in the feminist movement. These ideas are discussed in the following section.

Feminist Mobilization in Light of Conservative Successes

How can feminists resist the conservative backlash? How can feminists mobilize in order to convince women to support progressives? One critical way to do so is to understand conservatism's appeal to women in more constructive ways. In talking about identity politics in general, Shane Phelan suggests that:

Rather than arguing with one another about which story is true, [we] must look instead at what is at stake in our different stories; we must examine the consequences of our stories in terms of power and change²³.

Thus, it must be recognized that women may not make feminist choices, but this does not mean they have no agency, are dupes of men, are not really women, or lack consciousness. It means they individually feel that they benefit from their arrangements and may also feel that their solutions benefit other women. Thus, **the importance of conservative women engaging in politics should be acknowledged as it helps to undermine conservative gender norms about women's roles and political responsibilities. And progressive women should not be discrediting them on a personal level.**

It is also imperative to understand why conservatism is appealing to women. Why do women join conservative causes and organizations? The author's interviews with women Tea Party leaders suggest that for them, involvement in the Tea Party has been nothing short of empowering. Interviewees recount being apolitical at first, but excited as they started to organize rallies, coalesce with, and mobilize others. These women are leading organizations, being taken seriously and voicing their opinions in public. For them this is personally exciting and fulfilling. In addition, these women note that they are the ones who keep track of family finances, make health care decisions and organize their households and are thus well-suited to be advocating for economic and health care policies. Transferring these personal or "private" experiences into political capital raises their self-esteem and provides a sense of satisfaction. Although they would never articulate it this way – the personal has really become political for this group of activists.

For feminists, the place to tackle conservatism is on the issues. As Phelan urged years ago, feminists need to get specific²⁴. For example, in calling for the election of more women to elective office, we need to be clear that progressive women prefer feminists, not just women, as candidates. **When feminist groups dismissed Palin as a candidate, conservative women's groups rightly challenged the organizations for turning their backs on women candidates.** Although the author noted earlier that most conservative women do not refer to themselves as feminists, some did attempt to capitalize on the newfound popularity of "conservative feminism" by taking feminists to task for not supporting Republican women candidates in 2010. Here is where identity politics gets tricky. **Feminists have long called for the election of more women to elective office, often without stressing that ideology is part of the equation. If feminist leaders and activists clarify that they are working on behalf of feminist and/or liberal candidates and policies, this will make the feminist mission clearer and less beyond reproach.** Of course, feminist organizations and PACs can and should demonstrate how their efforts help many women, but when it comes to promoting women in electoral

23 C. Phelan, (Be)Coming Out: Lesbian Identity and Politics, [in:] Signs 18 / 1993, pp. 765-790.

24 C. Phelan, (Be)Coming Out: Lesbian Identity and Politics, [in:] Signs 18 / 1993, pp. 765-790.

politics, goals should be specified. Some are catching on to the necessity of this strategy. In a mass email from California List, a political action committee devoted to electing more pro-choice Democratic women, its founder astutely proclaimed:

*There has also been a rise in the number of GOP woman running for office, which has shifted the way progressives must distinguish themselves. With more Republican women running for office, we need to be able to highlight the distinct differences between the various women party candidates. Our original message that women are, by nature, better candidates, managers, and elected officials than their male counterparts is no longer viable. Now we need to delineate why Democratic women candidates are a superior choice as leaders.*²⁵

Conservative women's activism is not feminist. Most of these women have benefitted from feminism, but few embrace its tenets. However, conservative women do represent some women and are working to get more women elected to public office. If progressive women dismiss their efforts because we disagree with their ideology, they lose sight of their potential for impact. And, they overlook the significant role of a certain group of women in politics – something feminists should never do. In addition, **the election of conservative women to office has some merit for all women. In a society where any women, liberal or conservative, can more easily win office means women in general have made strides.** Of course, if only conservative women are making these strides, it means progressive women are not ready for gender role changes and full attention to discrimination against women.

Given these ideological differences, and the growing prominence of conservative women, is it possible to create a global women's movement? Because there are strongly united and organized women who do not support feminism, the author cautions against the term "global women's." As noted, getting "specific" about issues and organizing coalitions around them is a better strategy. Progressive women do not have to disperse with showing how the issues at hand unduly affect women, but they need to be careful in how they frame them, keeping conservative women's claims of representation and gender identity in mind.

There are even places where feminist and conservative women could coalesce (although the author recognizes that this is not likely at the level of national organizations). The first is around opposition to sexism in the media. Post-2008 election studies confirm what many feminists and conservative women feared – that Palin and Clinton were victims of negative and distorted press coverage when they ran for Vice President and President respectively²⁶. Both conservative women and feminists were justifiably angry with media analysis. A coalition of women tackling distorted media coverage of women, no matter what their parties or ideologies, sends a message that sexism still exists and can be an obstacle for women seeking elective office. **Second, both conservative and feminist women have addressed the issue of trafficking in women.** Interest in the issue may originate for different reasons, but addressing the problem does not have to be ideologically bound. Finally, **both sides should directly and openly take on the two major political parties for failing to take**



²⁵ Email dated March 22, 2011.

²⁶ N. A. Heflick & J. L. Goldenberg, *Sarah Palin, A Nation Object(ive): The Role of Appearance Focus in the 2008 U.S. Presidential Election.*, [in:] *Sex Roles* 65, Nos. 3-4 / 2011, pp. 149-155.; and D.B. Carlin & K. L. Winfrey, *Have You Come a Long Way, Baby? Hillary Clinton, Sarah Palin, and Sexism in 2008 Campaign Coverage.*, [in:] *Communication Studies*. 60, No. 4 (September–October) 2009, pp. 326–343.

seriously women and women's issues. This does not have to be conducted in a unified fashion, but is another potential site of feminist political contestation no matter which party is involved.

In an attempt to end on a more optimistic note, the author wants to highlight how studying conservative women helps us see where feminism has been successful. Because of decades of feminist activism, gender and gender identity matter in politics. Conservative women are not only acutely aware of this, but demonstrate it through their own actions. They organize as, and for women, and put women in leadership positions. And they challenge other conservative organizations and leaders to take women seriously. They recognize the significance of having women make conservative claims, but also of having role models for a younger generation. Conservative women's groups like CBLPI exist in part to link college-age women with conservative women leaders and provide them with like-minded women to look admire and emulate. They also encourage young women to be politically active and speak out – something feminists have promoted for decades and should continue to pursue as one way to keep the movement lively and effective.

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Far Right Movements and Gendered Mobilization in Hungary



By **Andrea PETŐ**

Introduction

In this paper is strictly focused on a so far painfully neglected phenomenon: the gender appeal of the far right for women. Consciously therefore, the author will not refer to the discussion of the dominant normative political masculinity that has resurfaced in recent years. The study is not rooted in the traditional political sciences' methods, but instead seeks to contribute to a new field of analysis. It explores possible causes of the popularity of the far right among women in Hungary. In doing so, it does not deny however that there is a considerable gender gap in terms of support for far right political views. In the light of the Median Survey, men are in fact twice more likely than women to identify with such views.

Hungary is last but one in Europe when it comes to the number of female members of parliament – which substantially mirrors political situation in the country. Nevertheless, **it is the far right movement that has offered space for the emergence of energetic women leaders¹ - while the other parties have failed to convince many women to become active in party politics.** The initial preconditions of such circumstances are well reflected in a research that was conducted by Anett Sörös among radical right wing university students in Debrecen. Sörös distinguished three groups of students: (1) those, who identify themselves with a party; (2) those, who think in slogans; and (3) those, who think and demand further radicalization of the programme. Within the first group, she found an equal (!) representation of men and women; while in the other two groups, masculine culture was dominant.² This result shows the heterogeneity of the far right groups, as well as diversity of motives that attract respectively men and women to those parties.

¹ On the refounding of the Arrow Cross Party, the Hungarian Nazi party of WWII after 1989 see: A. Pető, *Gendered Memory of Military Violence in Eastern Europe in the 20th century*, [in:] *The Gender of Memory. Cultures of Remembrance in Nineteenth- and Twentieth- Century Europe*, S. Palatschek & S. Schraut (eds.), Campus Verlag 2008 pp. 237-253.

² A. Sörös, *A szélsőjobboldali ideológia reprezentációja a debreceni egyetemisták csoportviszonyaiban (Representation of extreme right ideology among university students in Debrecen) MSZT 2010. éves közgyűlés. Előadás kézirat. (manuscript) 2010.*

Historical roots

In the earlier work, the author analyzed how gendered political citizenship was formulated after 1920 – which was a year, when Hungarian women obtained a selective right to vote.³ There are two elements, which have been translated from the interwar political rhetoric into the present political discourse, as far as right wing women’s political mobilization is concerned. This shows an astonishing continuity within the political discourse. This is despite the 50 years of communism, during which period this discourse was pushed into subculture and into families.

The first continuing thread is the definition of Hungary as a sick entity or body, whereby the rhetoric demands healing from women, whose “natural duty” is to heal and to provide care. The politics of motherhood thus define citizenship of women through maternal thinking⁴. According to the far right, the “sickness” stems not only from the trauma of Trianon Peace Treaty of 1920 – when Hungary lost two thirds of its territory. Nowadays, it is additionally associated with impacts of neo-liberalism and globalization. This rhetoric carries also anti-Semitic overtones.

The second element defines women’s political work in a category of frame for a “mission”. Though it may appear to be generally universal for the right wing, there are obviously several differences between the conservative and far right discourses in their respective approaches⁵. Conservative framework draws a parallel between mission and sacrifice. Far right’s discourse offers agency to “women of value,” while contrasting it with a construct of so called “the other”, who are the unworthy. Exclusion, xenophobia and racism dominate in this mobilizational frame.

Virgin Mary as a “rival set of emblems”

In her previous book on conservative women in politics after 1989, the author demonstrated that the symbol of the Virgin Mary is being effectively used for the purpose of guiding women’s political mobilization on the right. This is the case for both conservative and far right politics.⁶

Blackbourn argued, the symbols of the cult of the Virgin Mary “were a rival set of emblems” to the flags, anthems and monuments – that construct are constructs of identification with the modern nation-state.⁷ In the post 1989 context, the re-emerging cult of the Virgin Mary in Hungary also served as an alternative political “set of emblems”. The success of it can be explained by the open-endedness of the political rhetorical frame of the concept. The Virgin Mary can be also seen as transposition of the “Great Lady of Hungarians”. Such an interpretation offers additionally a cadre to embrace in parallel different ethnical, religious and cultural elements (Catholic, Protestant, ancient Hungarian, Sumerian, and Indian). It could as well serve as a site for questioning patriarchy.

3 A. Pető, *The Rhetoric of Weaving and Healing: Women’s Work In Interwar Hungary, a Failed Anti-Democratic Utopia.*, [in:] *Rhetorics of Work.*, Y. Yannitsiotis, D. Lampropoulou & C. Salvaterra (eds.), University of Pisa Press 2008, pp. 63-83.

4 M. G. Dietz, *Citizenship with a Feminist Face: The Problem with Maternal Thinking*, [in:] *Feminism the Public and the Private*, J. B. Landes. (ed.), Oxford University Press 1998, pp. 45-65.

5 A. Pető, *Napasszonyok és Holdkissasszonyok. A mai magyar konzervatív női politizálás alaklata*, Balassi 2003.

6 A. Pető, *Die Marien in der Sonne (Die Apokalyptischen Madonnen)*, [in:] *Frau und Nation. Woman and Nation*, J. Laakso (ed./Hg.), Finno-Ugrian Studies in Austria 5. Verlag 2008pp. 137-174.

7 D. Blackbourn, *Marpingen, Apparitions of the Virgin Mary in a Nineteenth-Century German Village*, Vintage Books 2001 p. 27.



The complex patchwork cult of the Virgin Mary offers therefore much. It provides a certain agency, which can be used to unite and mobilize. It also relates to victorious victimhood over communism, which approach allows a comfort of not responding to any moral needs as far as examining the various forms of collaboration with communism regime in the past. This normative cult of motherhood aims not only to encourage sentiments and hence strengthen “the nation”. It also defines the relationship between the two genders. In details, it can apply as a moral compass in determining certain masculine behavioral patterns (e. g. violence against women). This may serve as an explanation of what potentially attracts women in the logic of the far right.

Temporality and party structures

The far right party in the Hungarian party system is a new phenomenon. This new structure offered a space for new members, among them women. Many of them had not been active in politics before or had been disappointed with other far right party formations.

Analysis of developments in 1989 show that the elite turnover usually presents opportunities for women in party politics, because the party gatekeepers often represent the main obstacles to women’s entry into party politics.⁸ However, elite turnover was only one factor promoting women’s participation in far right politics.

The other factor was that the far right organizations were founded as NGOs. Some of them do not change their statutes and do not register as a political party. This does not have an impact on public believes according to which they are perceives as political parties nevertheless. Such organizations are therefore entitled to make use of all the tools available to civil society. This explains creation within them awareness-raising and self-help groups. In addition, they can expose themselves on the public squares, using the right of an NGO to hold (provocative) public protests. Finally, the nature of their organizations is makes women susceptible towards them: **research has shown that women are more likely to be mobilized by NGOs than by parties.**

Last but not least, the far right organizations are stronger in villages and towns rather than they are in big cities. Traditionally these are the areas where women’s participation in politics is higher.

Generation matters

There are three major groups that can be distinguished among the far right supporters. The first of them encompassed people born around the time of the collapse of communism. The second embraces “older” women, who, as mentioned above, had previously inactive politically. The third one falls into category of “the first-time voters”, within which far right wing is disproportionately popular.

In case of young people, it seems that their (typical) general hostility towards establishment and overall

⁸ A. Pető, *Im-possibilities of Turnovers, the Moment of Entering into Politics by Hungarian Conservative Women in 1989 in: The Small Histories of Great Events in Czechoslovakia after 1948, 1968 and 1989.* Z. Profantova (ed.) Veda Publishing House of the Slovak Academy of Sciences 2006 pp. 142-155.

rebelliousness have not generated votes for far left. Instead this group shows tendencies to believe that neo-Nazism (its rhetoric, symbols etc.) is sort of “cool”.

On the other hand, what induces women’s participation in the far right movements are the changing socio-economic circumstances. Evolution of the Hungarian educational system, which experienced advent of mass higher education, meant that graduates with university degrees are no longer guaranteed jobs. Hence increasing participation of women in higher education coincides with decline of chances that a diploma effectively should offer. Therefore also many women graduates face discrimination in the labor market, which results in their frustration and their vulnerability to “anti” arguments - anti-globalizational, anti-neoliberal and anti-Semitic ones.

According to number of surveys, the typical far right supporter lives outside Budapest, has a higher educational degree and struggles with economic problems.

Lack of gender-based mobilization

The issues raised by the extreme right are “non-gendered” issues: anti-Roma, anti-Semitism, xenophobia, anti-globalization, anti-establishment. **The extreme right avoids addressing women as “women”. They are labeled as “mothers” (or as future mothers) and are integrated into a family policy that advocates heterosexual nuclear families.** Furthermore, the discourse of the far right relates to family and motherhood, not to individuals. The framework of normative motherhood and the “patriarchal bargain” opens up space for women’s agency. Therefore the concept of “family” also regulates dominant masculinity and secures the position of women in marriage, “protecting” them against the extramarital affairs of their husbands. Normative motherhood is a useful strategy, one that secures the financial and moral support of men in a society where women earn on average 17% less than men working in the same positions. This way of thinking permits women to distance themselves from the openly criticized gender politics i.e. of the EU. It also exempts them from the dilemma that defining their identity as women can be potentially described as a “problem identity”.

Failure of the utopian rhetoric of the EU gender equality discourse

Concerning the above mentioned hostility toward the EU, in the 2000s a gender gap in political behavior surfaced for the first time since 1989. Since the 2006 elections, Hungarian women have tended to vote for conservative parties that are skeptical of the EU and critical towards policies aimed at both equality in general and at increasing women’s employment in particular (such as Lisbon Strategy and Europe 2020).

In the former Central and Eastern European countries, conservative and/or religious women’s organizations outnumber organizations with explicitly feminist agendas. The equal opportunities’ rhetoric increased the gap between the different gender regimes as far as their views on women’s employment are concerned. In the leftist discourse, women’s employment is considered a necessity and effectively also value, which defines a woman. Meanwhile, in the conservative and right wing discourse, women’s employment is seen as a choice and as a form of exercising agency.

Conclusions

Far right radicalism and the movements hostile towards the EU are using specific rhetoric. They refer to the symbolism of the Virgin Mary, which figure they use as an agency to formulate and enhance certain messages (on motherhood and national duties among them). In longer term, **it concerns a linguistic monopoly of far right over family and motherhood, which is falls into a specific conservative interpretation concerning demographic crises**⁹. The backdrop of an economic crisis and eroding welfare systems pose an additional challenge in formulating a counter-argument. Meanwhile, also the role and meaning of the nation state and of Hungarian political citizenship are being called into question.

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⁹ A. Pető, *Anti-Modernist Political Thoughts on Motherhood in Europe in a Historical Perspective*, [in:] *Reframing Demographic Change in Europe. Perspectives on Gender and Welfare State Transformations*, H. Kahlert and W. Ernst (eds.) Focus Gender. Band 11. Lit Verlag 2010, pp. 189-201.

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04

Defining Progressive Feminism - Inspiring the Next Wave

Contemporary feminism finds itself in a predicament. First of all, with the ongoing individualisation within the societies it has become a challenge to unite people in the name of one common objective. Post-modernist culture enhanced that trend, focusing attention of individuals on their respective needs and aspirations. This is how not only feminism, but most of the traditional ideologies get weakened. Secondly, the retreat from thinking in terms of community and collective allows women on the right to raise a new argument. There are several prominent women on the right (moderate and extreme), who gained according to themselves their respective positions without support from any of the feminist organisations. Their arguments appear to gain ground, even though they overlook that their participation in politics is possible thanks to struggle of generations of suffragettes. To some those appeals present themselves as an attractive, empowering package in contrast to the widely contested word and image of a “feminist”. Thirdly, there is also a question on what a new agenda should be. Societal evolution imposes additions and modifications to the original list of objectives, and also the methods that the young generations wish to apply may vastly differ from those used by i.e. the second wave feminists. M. HALPERN proposes in her article that the way forward would also allow for giving progressive answers to women in the contemporary times of economic crisis. Gh. TOUTAIN on the other hand shows how the traditional progressive values can be transpositioned, so that they frame the mission for the future better and actively rebuild solidarity among women worldwide.

About **Uses** and **Abuses** of Feminism



By **Monique HALPERN**

The evident need that progressive women specify what they mean by *progressive* feminism is already in itself a fine indication of changing times. It means that it is no longer self-evident that the word *feminism* in itself holds promises of: progress, of new role distributions, of opening new spaces for more creative, fairer and more empowering human and social relations. Pondering over “What is progressive feminism?” brings one to think about what is *not* progressive feminism, and this may imply opening a real Pandora’s box.

It is quite common for ideologies or social movements to be distorted with time. After all, the matters at hand are the reminiscences of the society outburst that started some 40 years ago – that is at least accordingly to the approach promoted within the “second wave” of feminism. The evolution that has been progressing since then, it is natural that words and concepts have lost some aspects and gain some new components of their respective interpretations. Additionally, new parameters, challenges, and understandings – these appear every day and as such they influence in natural way different spheres of societal thinking and activism.

This paper will therefore review different motions, which either claim to be part of feminism, or are associated with it (despite lack of such claims). Furthermore, it will also give examples of the uses and abuses of feminism and women’s rights issues – turning to serve objectives that have nothing in common with aims of this social movement.

What feminism is about...

There was a time when this word, “feminism”, would provoke dread and rejection. Nowadays, it often brings a scornful smile on the lips of one’s vis-à-vis. *Feminism does not necessarily have a good reputation. Many women dislike it as they would dislike a wrinkle on their face. “I am not a feminist, but...” say some, though they are well aware of all that they owe to the movement. Actually, one should say these movements, for feminism is pluralist and varied.* This is how Michelle Perrot, the French historian, starts her chapter “Féminismes”, in the book “Mon

histoire des femmes”¹. One thing can be said for sure: *feminism never killed anybody!*² **Feminism has been a forceful agent of equality and liberty, and therefore of democracy**, to further quote Michelle Perrot.

Wikipedia defines “feminism” as *a collection of movements aimed at defining, establishing, and defending equal political, economic, and social rights and equal opportunities for women. These concepts overlap with those of women’s rights. ... Feminists have achieved some protection and societal changes through sharing experiences, developing theory, and campaigning for rights.* This definition could further be completed with a following list of feminism’s main objectives, that the members of the movement have strived and struggle for:

The right to vote. Recalling when this right was obtained, in the different countries of the world, is always a curious exercise. New Zealand was the first country to recognize role of women, who eventually gained the right to vote in 1893. Interestingly the country itself was a “land of immigration”. The first European country to introduce these provisions was Finland in 1906. In 1917, it was one of the first measures adopted by the USSR. The US and Canada established this right after WWI in 1920. For Spain, it was in 1931, under the Spanish Republic; and for Mustapha Kemal’s Turkey 1934. In France, it was a government of a socialist Léon Blum’s, who together with his Front Populaire opened offices to women in 1936. Same time, catholic and conservative forces opposed there women’s right to vote – fearing that such an emancipation would have dreadful impact on traditions. It was only women persistence and their brave involvement in French resistance that made it impossible to decline the demand for voting rights – and they were eventually granted in 1944.

Economic, professional and workplace rights. The initial struggle evolved around: the right to work without having to ask permission of father or husband; the right to dispose of one’s salary; the right to equal pay for equal work; the right to equal training and promotion opportunities; the access to executive positions in companies; the right to make compatible professional and family life; the right to open up a personal bank account and to take a loan to start the business; right to own farm and land; equal rights to inherit etc..

Women’s right to decide about their respective bodies and reproductive functions. This means also: right to contraception, to abortion, and various sexual rights.

Personal rights. This entails: freedom to marry or remain single; right to divorce; right to be protected from domestic violence and sexual harassment.

In the recent years, this list has been enriched by additional goals:

Lesbians’ rights. Among these are the right to marry and adopt children.

Specific women’s rights related to ethnic or professional groups they belong to. Examples of those are the demands of migrant women or domestic-care workers made towards International Labour Organisation.

Abolition of sexual trafficking. Victims of those inhumane practices are mainly women. It is by far not a “new” problem, but it is a growing concern since the sex industry is currently thriving - which boom is also enable by the development of new communications technologies.

¹ *Le féminisme n’a pas forcément bonne réputation. Beaucoup de femmes s’en défendent, comme d’une ride à leur visage. “Je ne suis pas féministe, mais...” disent certaines, conscientes, malgré tout, de ce qu’elles doivent à ce mouvement. A ces mouvements, devrais-je écrire, tant le féminisme est pluriel et varié.* M. Perrot, *Mon Histoire des femmes*, Plon 1992.

² A. Zelensky, *Histoire de vivre : mémoires d’une féministe*, Calmann-Lévy 2005.

The right to effective representation in politics. The aim is to ensure an adequate and efficient representation in government, parliament and other representative bodies, which decide upon political, social and economic matters. The issue at hand is most obviously a significant theme, while deliberation on state of representative democracy.

This list is not and will never be complete. Changing times bring along new focuses and new interpretations, but also new inequalities and new forms of oppression. Realising those induces formulating new objectives, which are adding up to that enumeration above. How this thesis works in practice, one can observe examining example of Spain. In 2010 – in the times of Prime Minister Zapatero’s government, Andalusia adopted a regional decree, which concerned “humiliated women” - civil victims of the the Spanish Civil war³. This act aimed at compensating them (even symbolically) for the harms.

The diverse ingredients of “feminism” listed above are of different relevance. Nevertheless *Progressive Feminism* would have to deal with each and all of these issues, insisting on the need to integrate them in a global, transversal and interdependent package. This is why there are sometimes voices of scepticism to be heard concerning such enumerations. French feminist, Martine Storti, to give an example, wrote that *feminism is a political thought, not just a list of demands*.⁴

The focus of this paper predetermines that the term “feminism” will be applied as a complex, multilayer concept, of which there are several divergent interpretations. This intricacy is worth underlining in the contemporary times, in which the term *feminism* is frequently avoided, references and concerns on how to improve women’s situation are made repeatedly. In a number of countries it certainly is a matter of political correctness. Likewise, it is also on the level of international organizations, where it has become practically impossible to issue a statement that would disregard even slightly women’s affairs.



Feminism and Women “on the top”

The reoccurring question is how to access the increasing number of women, whose personal efforts paved their individual way to leadership positions. The dilemma lies in how far their achievements represent a gain for women and signify an advance of feminism. In order to explore possible answers, it is necessary to examine particular cases.

The one to begin within Europe nowadays is undoubtedly the conservative Chancellor of Germany, Angela Merkel. It is known that she never identified herself as a feminist.⁵ And yet, **from a feminist point of view, the fact that a woman is holding such a position is not a neutral fact for the broadly understood cause of the diverse feminist movement.** Alice Schwartz, who was a feminist pioneer of the 1970s working at the side of Simone de Beauvoir and later became the head of the German feminist quarterly “EMMA”, claims

³ *Le Soir, Franquisme : indemnisation pour les femmes andalouses victimes d’humiliations, September 21, 2010 (lesoir.be) and Diario Jornada, September 21.*

⁴ *Le féminisme est une pensée politique, pas seulement un cahier de doléances, Interview in the newsletter Osez le féminisme, a recent website and organization intent on creating a grassroot feminist movement in France, which focuses on young progressive women. (http://www.osezlefeeminisme.fr).*

⁵ Ch. Ockrent, *Madame La.. Ces femmes qui nous gouvernent*, Plon 2007; see also: Ch. Ockrent, *Le livre noir de la condition des femmes*, XO 2006.

that [t]he idea that a woman would be holding such a position simply made me happy, that's all! You can think very highly of the symbolic value of a situation, it doesn't mean you can't criticize..."⁶

Regardless of those reservations, Angela Merkel, has been eventually brought to take measures on issues concerning family policies (such as the creation of kindergartens, parental leave or employment guarantees for working mothers), none of which figured in her party's political agenda. This counts as an attempt for an overall improvement of situation of women – even if it did not come out of the Chancellor's feminist belief, but due to circumstances (caused by demographic, economic and social situation).

Of course, such opinions easily find challengers. Françoise Gaspard⁷, French politician, did not regard the nomination of Edith Cresson as Prime Minister as an "advancement for women". Gaspard recalled that it also had to do with the function that Cresson obtained, which she expressed in following words: *because of the way the prime minister is appointed, the arrival of a woman to Matignon does not contribute to legitimate women's access to the highest functions of the state.* The same message was also repeated by others: *Since they were excluded from Parliament and elected assemblies, for a long time women owed their political existence to the whims of the President. There was a paradox: it was easier for them to govern than to be elected and represent the people.*⁸

To summarise, in both given example, a contribution of both the women on the top to the advancement of the women's movement is being disputed. It is interesting that it is their gender that is being discussed and this is the angle from which they are being challenged.

Christine Ockrent, a journalist and an author of several books, reviewed that issue further in details. Her work resulted in a list of examples of "women on the top". The author selected few, who may be specifically of an interest to the political left – together with the sample of attitudes, which they had experienced while being in power:

- New Zealand's Prime Minister from the Labour Party - Helen Clark. She was called "sterile lesbian" by her political opponents.
- The Irish President Mary Robinson. She received many abusive letters and frequently found used condoms in her mail.
- Swiss diplomat, Micheline Calmy-Rey, was accused of excessive feminism, when she demanded more parity in the recruitment into diplomatic corpus.

Even though being a woman on top is a very challenging mission, even mere examples of women, who had managed to stay there, serve as encouragement. They begin then to function as role models by projecting an image, which in itself has a weight. Sometimes there even is a contradiction between such implicit message, and the actual stand of the political party these women represent and defend on the subject of women's rights.

⁶ Ibid.

⁷ A. Le Gall & C. Servan-Schreiber, *Au pouvoir citoyennes !*, Le Seuil 1992.

⁸ M. Sineau, *Femmes et pouvoir sous la Ve République. De l'exclusion à l'entrée dans la course présidentielle*, Presses de Science Po. 2011.

The case of Marine Le Pen

The discrepancy between party's message and image projecting by its powerful women representatives is evident. That seems to be the case, in the US for Sarah Palin and, in France for Marine Le Pen.

Marine Le Pen succeeded her father, Jean-Marie Le Pen, as head of the National Front – which is an extreme-right political party, which he had created and had been leading until January 2011.

Mrs. Le Pen, whom many simply call “Marine” (whereas her father was never “Jean-Marie”, but, rather, “Le Pen”), has undertaken to transform the National Front into a “normal” mainstream political party, a party like any other, which means fighting against its popular image of an “ultra rightist, quasi fascist political make-up”. Having succeeded to be called “Marine” is a good first step towards this metamorphosis.

A recent essay on Marine Le Pen⁹ indicates that there is a “feminine correction” taking place. Subconsciously, for the French, especially the most traditional ones, a woman appears to be naturally sweeter than a man. Therefore voting for Marine would seem less radical. It poses a difficulty for her on how to balance between the virile leadership style introduced by her father (required to lead without shocking the traditional voters who remain attached to traditional roles) and this new image.

Next to political, there is also a physical metamorphosis of the party. The National Front is now embodied by a blonde, slim young woman, who wears blue-jeans, speaks straight-forwardly. In that sense she is not very different from Sarah Palin, in terms of look and attitude. Similarly also, she benefits from vast media coverage: it is known that she raised her three daughters as a single Mom, that she is living outside wedlock with another well-known National Front leader. She appears strong and professional – seen as a lawyer, who recently won the National Front leadership after a fierce fight inside the party.

Leading thread of Marine Le Pen's outward crusade in favour of secularism has attracted a certain fringe of hard-core feminists. She reached out to them on account of the threats on women's rights stemming from religious fundamentalism. The latter appear for them to be dangerous enough to push them into considering linking with the National Front “devil”. Those women see in supporting the National Front a chance to enhance protests against “an intrusion of radical Islam into France's daily life”. In believing so, they overlook the well known fact that the National Front's real objective is to combat immigration from Moslem countries. Interestingly, for the first time since it had been created, the Front National is said¹⁰ to be working on including in its political platform a section concerning women's rights (as it sees them of course).

Marine Le Pen's case brings a question about ambiguities surrounding feminism today. She is a leader of a political force, which challenges the right to abortion and that promotes the image of woman as a home-maker and mother. Rationally speaking, this disqualifies her as eventual feminist spokeswoman. And yet, because of her *personal* posture and attributes, Marine Le Pen can be perceived as a product of feminism. She herself profits from the forces, opportunities, tools and empowerment fostered by feminism in order to defend ideas that directly counter women's liberation.

Unlike Angela Merkel, when Marine Le Pen was asked¹¹ if she wasn't a product of feminism, her initial reply was: *Of course I am. My father always said we should not depend on a man.* Then she added however: *But today's*

9 C. Fourest & F. Venner, *Marine Le Pen*, Bernard Grasset 2011, pp. 130-131.

10 Information published in the new women monthly magazine *Causette*, in a review of the way all the political forces engaged in the current French electoral campaign translate their awareness that women make up 52% of the voters (July-August 2011 - n° 15).

11 *Op. cit.* p.131.

women are the first victims of the economic crisis, ultra-liberalism uses them like an adjustment variable. I, who at the same time worked and raised three children, know how they feel, to conclude with: Women are exhausted. They abort when they have no other choice, it's a suffering, and they must be enabled to keep their child. And progress today is to be able to stay at home.

It remains puzzling to see where and how the paths of women's rights issues may lead to nowadays, some forty years after the outbreak of "the second wave of feminism".

Feminism and economic growth

Mrs. Le Pen's nationalistic detestation of "ultra-liberalism" is quite the opposite to "*Feminism, capitalism and the cunning of history*"¹² (the subtle work of Nancy Frazer). Nevertheless, the findings by this researcher's have numerous illustrations in contemporary France and the European Union.

To begin with, it is interesting to examine how women's professional rights are promoted by large firms. It is obvious that they are not there for the sake of a "just order" or for more representative democracy, but rather because they pay off. They ensure better economic performance of employees, for human resources optimization and hence better overall economic development. This logic corresponds with the current motto of the European Union: women are declared to be *the engine of European growth*, something like its hope, its driving force. This is well illustrated by the quote below:

*The European Union was hit by the financial crisis in 2010, and this is why all EU policies now need to focus on making a stronger contribution to economic recovery, sound management practices and higher growth potential. For me, this brings the issue of enhancing female participation in the decision making of companies to the forefront of the political agenda in the coming years. I firmly believe that having more women in boardrooms¹³ will enhance economic productivity. I am also convinced that the global financial crisis would not have happened with 'Lehman Sisters'!. This statement, signed by Viviane Reding, EU Commissioner, is taken from the foreword of the latest yearly EU report on equality between women and men, sub-titled: *The gender balance in business leadership*.¹⁴*

Number of studies concluded in recent years¹⁵ show that the more mixed the work-force of a company is, the higher its performance. It is especially the case if the management team includes women¹⁶. Information has circulated about women managers having better faced the financial crisis better than their male counterparts. New laws imposing quotas for women on the boardrooms of large firms are thus being adopted in many EU countries, among them France¹⁷. Therefore it is not surprising to find these items in the programme of the 2011 EU Conference on Women, which event was held in Poland during its EU presidency.

¹² Translated in French as : *Marchandisation, Protection sociale et émancipation. Les ambivalences du féminisme dans la crise du capitalisme*, in *Les discriminations entre les femmes et les hommes*, F. Milewski & H. Périvier (eds.), Les Presses de SciencesPo 2011.

¹³ Reply of Hungarian MEP Zita Gurmai, President of PES Women: *The European Union must send a signal that the lives of ordinary women are central in our concerns. On the fundamental issue of pensions, the European Commission should be leading the charge in closing the structural gaps between men and women. It is all very well to look at the gender gap in the boardroom, but outside those windows there are gender gaps that continue long into old age*, EurActiv.com, 8 March 2011.

¹⁴ Report on Progress on Equality between women and men in 2010. *The gender balance in business leadership*, European Commission, March 7, 2011.

¹⁵ *Does Female Leadership Boost Firm Profitability?*, A. Kotiranta, A. Kovalainen and P. Rouvinen (eds.), Helsinki 2007; *The Bottom Line: Corporate Performance and Women's Representation on Boards*, Catalyst 2007; A.Wittenberg-Cox & A. Maitland, *Why Women Mean Business, Understanding the Emergence of our next economic revolution*, <http://www.whyywomenmeanbusiness.com/view/0/index.html> 2007; S. A. Hewlett, *The Business Case for Diversity: How Companies Benefit from Reevaluating the Male Competitive Model*, Harvard Business Press 2007.

¹⁶ *The business case for having women in senior positions has been boosted by independent research suggesting a correlation between companies with women in decision-making positions and good performance. It also seems that gender diversity brings a number of vital benefits to boardrooms, such as higher returns, better overall performance, better risk management and greater employment of female talents, states the above-referred EU report.*

¹⁷ Law adopted January 20, 2010.

Inaugurating this event, Mrs. Jolanda Fedak, the Polish Minister of Labour, greeted a huge women social movement, beyond political parties and ideologies, where women can fight together for their common interest. She underlined the importance of women's economic rights and measures enabling work-family conciliation, namely day-care centers and parental leave for fathers. Fedak also made an appreciative reference to the woman heading presently the IMF (Christine Lagarde), who is to show the way to women all over the world. In relation to that it is worth adding that a group of a "certain type of women" from all over the world actually do meet each year in Deauville for the Women's Forum for the Economy & Society¹⁸. This gathering also calls itself the "Davos of women".

During the 2007 French presidential electoral campaign Nicolas Sarkozy had been asked about his views on men-women equality issues. He indicated that achieving "equality of ambition" for girls and boys was a key objective, which is a response that fits well with current trends. It sounds similar to the OECD statement, according to which *equality between men and women, that's intelligent economy!*" These trends are also strengthened by a new partnership of women NGO's – such as BPW, Business & Professional Women -, and human resource departments of large firms.

Returning to the described above conference in Poland, parallel to its preparation there was a petition being circulated at the same time. It demanded even more restrictive conditions of women's already scarce access to abortion. 600.000 Polish citizens have signed this petition, initiated by the most conservative part of the Catholic Church. The question that arises here is: why didn't the Polish progressive camp initiate a counter petition on this matter? Probably there wasn't any counteraction, because the issue has not been considered important enough to risk a conflict with the Catholic Church. For the same reason, the current Polish Government, which is of a liberal political colour, has received the petition and discreetly turned it over to a commission.

Clearly, from the side of the European Commission, the current priorities concerning women's rights in these times of economic crisis and demographic concern are: development in the areas of work-family conciliation as well, as incentives to women's professional careers, that condition a fuller participation of women as a resource to the economy. Actually, this should not come as a surprise. The European Union, had been born out of the "common market". That focuses on preoccupations of economic development, and is therefore inclined to apprehend women-men equality matters mainly from the economic aspect. The 1957 Rome Treaty article 119, dealing with equal pay for men and women, was aimed at establishing fair competition between firms, and not by principles of ethics or democracy. Nowadays still, **economic issues remain the European Union's main focus. The advancement and strengthening of women's positions that may come out of these policies, measures and new role-models are not to be neglected of course. But does it have much in common with "progressive feminism", with defence of rights and opportunities for all citizens, including the weakest and most vulnerable?** Must calling for more equality in the work-place be legitimated by women's supposed better business or management performance, aren't reasons of social justice and representative democracy sufficient? And if they don't do better than their male colleagues, if they simply do as well or as bad as them, is there then no place for them in the company? A lot more could be said here about the replacement of obligations and laws by "a well understood interest", which companies are free to recognize or to ignore.

¹⁸ <http://www.womens-forum.com/>

Collective action and individual empowerment

Kate Millet wrote in 1970s that *no woman would be free as long as other women were not free*. In those years, another key idea was that women's "private" problems are not private, but are collective concerns. This was a strange mix of individual and collective action: women acted collectively to demand rights, laws, court decisions, sex-segregated statistics, affirmative action, pilot programs, a culture of equality, etc. Same time, each individual woman was called upon to do her inner revolution within herself, in her couple, in changing her relations to her parents, her children, her neighbours, work colleagues...

Feminism was then also a life practice. As Simone de Beauvoir wrote: *Mon entreprise c'est ma vie* (It's my whole life that is my enterprise), adding that: *Of all attempts at recreating the world, feminist commitment copes the least well with the common division between life and work. Its material is life itself that it claims to change, lives of others, and our own!*¹⁹. Recalling those words today provokes queries such as: Has the adventure of feminism, of women's liberation, become nowadays mostly a question of personal, individual, matter?

Looking at the current process of women empowerment and its role-models (such as the pregnant Spanish women defence minister reviewing the troops or the French minister of Justice back at her office just days after giving birth), one reads a subliminal message that any woman can be a super-woman. Any of them can become a heroine, making up her own individual achievement. In a way, Sarah Palin²⁰ or Marine Le Pen, they both deliver a similar message...

Surely, no one can deny that this call upon women to take hold and assume responsibility for their life is also at the core of feminism. However, **the individual dimension is a "necessary but not sufficient condition" and must go along with a collective dimension. It is collective action that enabled women to obtain a great number of advances, particularly in terms of laws and formal rights. It is collective action that will help them obtain a better enforcement of the existing laws, and impose awareness of new needs and demands of women, as well as new claims coming from young men.**

In developed countries, the great educational breakthrough of girls and young women has actually made it even harder to accept their inferior situation in professional life. They correspond to 60% of graduates - at College level and in certain domains, namely business and management. Yet in France, only 40% of executives are women, and the gender salary gap has not decreased. It is still between 18 and 19%²¹, i.e. slightly above the 17,5% EU average. Thus, *"the story of women is a story of expanding capabilities and restricted opportunities"*²².

It is collective solidarity, mobilization and action that will shed light on other unjust situations. This is the case especially for those issues that have more recently been brought forth. Among them are the rights of migrant women in general and particularly in view of the developing globalised industry of domestic work.

¹⁹ "L'engagement féministe s'accommode plus mal qu'aucune autre entreprise de récréation du monde de la classique division entre vie et œuvre. Son matériau est la vie même, qu'il prétend changer. Celle des autres, la nôtre.", A. Zelinsky, *Op.cit.*

²⁰ Sarah Palin inspires EU gender campaigners, 17 September 2008, EurActiv.com.

²¹ This figure, which concerns full time employment, jumps to 27% if part-time work is included.

Sources on the French professional situation of women : B. Grésy, *Rapport préparatoire à la concertation avec les partenaires sociaux sur l'égalité professionnelle entre les femmes et des hommes, juillet 2009* and, F. Milewski & H. Périvier, *Les discriminations entre les femmes et les hommes*, SciencesPo., Les Presses, 2011.

²² UNDP expert Mabubol Hak, quoted in the international conference report on Women's Leadership for sustainable development, Jerusalem and Haifa, Israel, 18-22 November 2007.

How progressive parties²³, deal with women's rights issues in their program and outlook for the future? A French answer.

An answer to this question can be found in the context of current, pre-electoral, French daily news. Here are some proposals, or outlooks, taken from some significant progressive bodies.

A very interesting initiative is taken by the *Laboratoire de l'Égalité*, a recently created NGO that includes participants from Research, Unions and Business circles. This Laboratoire de l'Égalité has set up a Chart (see Annex 1) that is being presented for signature to the candidates for the forthcoming presidential election. Even though the Chart focuses on professional equality, it is presented in a broader scope, one which integrates preoccupations such as adequate political representation²⁴ and an all-out struggle against stereotypes.

The Charter has been signed by the candidate of the Socialist Party, François Hollande, who publicly announced the women-men equality issue is a core part of his program. It was also supported by the party leader, Martine Aubry²⁵. This remains coherent with the position of the Socialist Party Candidate, who offers an integrated approach to women's issues. It confers a great importance to professional equality, but that also links it with other domains of concern. This commitment starts with the reaffirmation those women-men equality is at the heart of social progress and that it is an indispensable condition for the advancement of the society at large. It is specified further in a following way:

- The existing laws have not been implemented and they must be applied.
- A full-fledged Minister for women-men equality is necessary.
- A comprehensive law on equality in professional life must be passed. It must guarantee: equal pay; upgrade the so-called "women's jobs"; open up women's employment range; enable fighting precarious employment and forced part-time (and part-pay).
- There must be reinforcement of parity in political, economic and social domains, including public institutions.
- Prohibition of cumulated mandates must be introduced.
- An "Observatory on violence against women" shall be established, as also there have to be improvement made to the existing laws and measures to fight violence against women.
- Access to abortion and contraception must be improved.
- Measures for a better conciliation of work and family (such as: more day-care centers, parental leave split between both parents etc.) shall be introduced.
- School education shall promote: equality, as also the themes such as sexual hygiene and protection.
- The right to marry and to adopt children by homosexual couples must be introduced.

²³ Progressive parties claim feminism as part of their heritage: Since the early twentieth century some feminists have allied with socialism. In 1907 there was an International Conference of Socialist Women in Stuttgart where suffrage was described as a tool of class struggle. Clara Zetkin of the Social Democratic Party of Germany called for women's suffrage to build a socialist order, the only one that allows for a radical solution to the women's question. (quoted by Wikipedia).

²⁴ Namely: Suspend funding of all parties that do not present 50% of women candidates to elections, with a fair balance between women and men in winnable constituencies.

²⁵ At a socialist party electoral meeting at the Cabaret Sauvage, on September 21, 2011, Martine Aubry, its Secretary General, even went as far as declaring publicly I am proud to be a feminist, brushing thus off the negativity attached to this word, feminism, today., See: Martine Aubry's speech on <http://avec-martineaubrypourlegalite.wordpress.com>

Other important preoccupations that are not explicitly mentioned in this vast program, but should be associated with some of its main points, include:

- Improving professional status of care workers (which is a part of the commitment to upgrade women's jobs)
- There must be betterment of the specific situation of migrant women (which relates to the commitment to equal rights for all).

Since the gender equality issue is a living, evolving, "unfinished business" - a good way to make sure it is rightfully included in governance is by establishing a strong, regular and permanent link with civil society organizations (eg. unions, NGO's, etc..). This should involve consultations and reviews. For instance, signing the Chart of the *Laboratoire de l'Egalité* should imply such a commitment, and a hope lies in progressive women, who should watch the enforcement of this commitment.

Despite the numerous distortions and abuses of feminism reviewed above, women in France feel that over the years the culture of equality has had an important societal impact, which has been coming about with limited backlashes and regressions. Actually, the risk is more of a water-washed, weak feminism, than of losing advancements of the role of women in society, as their visible, formal participation is all-over underlined.

Another reason for optimism is the growing interest in feminism among the young, young women and young men. They flocked to the conference celebrating the 40 years of the MLF²⁶ (Mouvement de Libération des Femmes), co-organized with the young NGO "Osons le féminisme" ("let's dare feminism"). Another good example was the FEPS workshop with young socialists, men and women that took place in Brussels in March 2011. Interestingly, the young militants expressed their difference with the generation of the 1970's: yes, they recognize themselves as feminists, but need to see it co-exist with other involvements and other identities, such as being anti-racist, lesbian, black, green, environmentalist.

The final message therefore is: young women and young men should carry the feminist mission further. This is ever "unfinished business".

Monique HALPERN has been engaged in gender issues in different capacities since 1975. She has served as a civil servant within national public authorities, including the Ministry of Labor and the Women's Rights public administration and as a gender expert for numerous European Union bodies, such as the Women's Bureau, the European Social Fund, and CEDEFOP (The European Center for the Development of Vocational Training). For the EU Women's Bureau, Halpern published reports on the enforcement of the 1976 Directive on Women's Working Conditions in the Public Sector in both France and the EU countries, on women's entrepreneurship in EU member-states, and on the evaluation of the EU Women's Local Employment Initiatives. She also provided analysis of training needs of women entrepreneurs, the emergence of women's self-help organizations, and women factory workers' working conditions for organizations such as CEDEFOP, the OECD, and the French authorities. Halpern works with numerous NGOs, including the European Women's Lobby and the Women's World Banking Institute, and has been involved with the Friedrich Ebert Stiftung and the Jean Jaurès Foundation.

²⁶ International Feminist Congress, *Le féminisme à l'épreuve des mutations géopolitiques*, 3-5 December, 2010, Paris, congres40ansdemouvement@gmail.com

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Reinforcing Solidarity among Women



By **Ghislaine TOUTAIN**

The danger has been highlighted recently, that the empowerment of women in the developed world might not take into account the effects that it has on the life of women from developing countries. In order to create a culture of equality on a global scale, it seems necessary to reinforce solidarity among women. This paper will take a closer look on two aspects of this issue. Firstly, it will analyse what could be done to ensure the empowerment of migrant women and to bring all the actors of the global care chain on an equal level. Secondly, it will touch upon the dangers of populism on women's right, proposing same time potential strategies to overcome this challenge.

For gender equality in the global labour market: migrant women and care

The increasing visibility of migrant women on the labour market is very clear in the field of personal services (particularly care for young children and the elderly) and in household work. A large majority of migrant women is concentrated in these care jobs, thus responding to an increased demand in rich countries in the North for low-paid female labour. Among others, these include jobs as: housekeeper for the elderly, nanny or baby sitter for children in private homes or cleaning personnel in hospitals and retirement homes.

This demand is linked to the increase of professional activity of women in developed countries over the last 40 years. They no longer want to, nor are able to take on household jobs themselves, or at least they need an outside help, since they themselves have a paid job outside the home. This outside assistance enables them to focus more on their professional life and eventually to have more time for actively engaged in civic life. However, it should be noted that not all the households can recourse to this. Many women, who work, continue to do 80% of the housework.

Nevertheless, this globalization of care work and the transnational ties that bind women to the tasks traditionally attributed to them, such as housekeepers and care-givers for children and the elderly, has led American sociologists to begin discussing global care chains. In fact, as Andrea Ch. Kofler and Lilian Frankhauser¹ have pointed out, this international transfer of care, that follows a chain from poor countries in the South to rich countries in the North, reproduces the traditional model of division of labour. At the eve of the 20th century, all over Europe and beyond, there was a considerable migratory movement of girls leaving the countryside for town to work as servants. So today, it can be viewed as the continuation of a long tradition of female migration.

However, the worldwide dimension of the phenomenon gives it an impact that is more and more important and brings up new problems. One of the aspects raised most often by researchers deals with the fact that many migrant women leave their own children in the care of other persons: their remaining family members (father, sister, grandparents) or other trusted persons, mainly women. For them and for the children this is an emotional trauma that is often heavy. Until currently only few studies have been conducted on this phenomenon. At the same time, these migrant mothers choose this way of life to ensure a higher standard of living for their families and to enable their children to go to school. They stay in touch with their children by e-mail or Skype. Many of these women are mobile and return home from time to time, often to leave again after a certain period. Arlie Russell Hochschild² notes that both material resources and a capital of affection redistributed in the form of work. While added value is created for the benefit of children in Western societies, the migrant women run a high risk of becoming strangers to their own children. This transnational motherhood has been covered in a number of sociological studies³, which focus on the way the feeling of motherhood changes and is renegotiated by the mother in order to adapt to the separation. The price is a high one for migrant women, particularly since, as Mirjana Morokvasic⁴ rightly says, the social costs resulting from absence and emotional distance is only calculated for women. The separation of fathers from their children is not considered as problematic other than from the standpoint of financial support.

In addition to this very important psychological factor, whose consequences on the mother and the children are not well known yet, the global care chain calls for reflection on other aspects. The departure of women from their country of origin – particularly educated women (nurses, midwives, teachers) – creates dramatic employment gaps in their countries where the health systems are often precarious. In addition, migrant women who occupy household and personal service jobs in the countries in the North are often undocumented and work in the shadow sectors. Among other risks, this means they have no social security. Or, they are proposed by specialised recruitment agencies, which often provide women with little or no protection. They are also susceptible of becoming victims of all kinds of abuse. On the other hand, Eleonore Kofman⁵ emphasizes the remarkable roles they play in maintaining the welfare state, particularly in Europe, insofar as, one must go beyond the confines of the domestic sphere and the home to integrate the many professional sectors and places where the nurses' profession, which has become globalized, is now an integral part of the care professions.

While it is true, as certain researchers have remarked, that focusing on care work should not make us

1 See : Ch. A. Kofler & L. Frankhauser, *Femmes en migration*, Commission fédérale pour les questions de migration December 2009

2 A.R. Hochschild, *Global women: nannies, maids et sex workers in the new economy*, Metropolitan Press New York 2003.

3 P. Hondagneu-Sotelo, *I'm here and I'm there. The meanings of Latina transnational motherhood*, [in:] *Gender & Society*, Sage Publications Vol. 11 N°5 October 1997, pp. 548-571

4 C. Catarino & M. Morokvasic, *Femmes, genre, migration et mobilité*, [in:] *Revue européenne des migrations internationales*, Association pour l' Étude des Migrations Internationales, Vol. 21 N°1 2005, pp. 7-27

5 E. Kofman, *Genre, migrations, reproduction sociale et Welfare state. Un état des discussions*, [in:] *Les cahiers du CEDREF*, Université Denis Diderot Paris Vol.16 2008, <http://cedref.revues.org/579>

forget the other sectors where migrant women are active, it still must be observed that migrant women who work in the personal service and household sector run up against specific problems to which solutions must be found. As explained by Sonya Michel these trends are a major political challenge in the world. American analysts define these issues by the three Ds: difficult, dirty and dangerous.

Better protection of the social rights is necessary, for migrant women in general and for household workers in particular. Confined within houses, by and large they are outside the control of labour inspection, for example. Given the fact that they are dispersed, it is hard for them to organize. However, thanks to the action of their associations and certain militant migrant women, they seem to be making progress. Accordingly, the 100th Conference of the International Labour Organization (ILO) approved the first International Convention concerning Decent Work for Domestic Workers on 17 June 2011. It includes new standards for household workers and a few additional steps towards what the ILO General Manager, Juan Somavia called a *new era of social justice*. It was a historic victory for these militant household workers who came from all over the world to Geneva to defend their rights.

The ILO convention is a step forward, at least in the international context. However, everything will depend on the concrete application by the Member States and signatories. We recall that five international conventions already apply to the situation of migrant women: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural rights, the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)⁶, the International Covenant on the elimination of all forms of Racial Discrimination, and the International Convention on the Protection of the Rights of all Migrant Workers and the Members of their Families. Neither these texts, nor the Beijing action platform adopted in 1995 have been enough to ensure decent situation for migrant women. All over the developed world migrant associations have essentially the same demands.

Here are a few ideas for reflection, in order to improve the situation of migrant women workers:

- ensuring legal security of female migrant workers in the host country, including illegal migrants, and particularly in the personal service and household sector, with the objective of establishing equal opportunities and treatment; immigration policies should recognize a personal legal status for migrant women independent of any family ties and any economic ties to ensure the respect and application of fundamental rights;
- defending women's fundamental rights, ending violence of all kinds of which women are victims: forced marriages, sexual mutilation, honour crimes and racist crimes, fighting prostitution networks;
- studying the effect of national, European and federal laws on the status of migrant women from the standpoint of gender equality (gender mainstreaming), and particularly the discrimination they incur both as migrants and as women;
- taking account in integration policies of the inequalities that hit particularly women;
- supporting migrant women's organizations, who help this group of women to know their rights, better integrate in the host country (particularly by learning the language), gain better access to health care institutions, to the labour market and training, and to participation in public life;

⁶ More specifically, see: CEDAW General recommendation No. 26 on women migrant workers.

- fighting stereotypes about migrant women, perceived essentially as victims and/or women lacking of professional qualification, while many migrant women in fact have qualified, skilled and independent careers;
- professionalizing personal service jobs;
- recognizing the economic and social contribution of migrant women to the host society.

As Andrea Pető⁷ stated, there are two possible interpretations of the situation of migrant women on the whole: one negative, the other positive. On one hand, most of them are exploited, invisible and illegal, with living conditions that are often marked by violence of all kinds, and with the most precarious, disqualified and underpaid jobs. On the other hand, they have some decision making power, and a form of independence with regard to their employers, negotiating the situation on the black market. They gain emancipation from their jobs and when they return to their countries of origin, where they are recognized when they become wealthier. Nevertheless, it remains to be seen whether the social gender relations within the couple and the family have really changed by migration of women.

Finally, one cannot fail to see a contradiction between a certain form of emancipation that migrant women can acquire in the sector of personal services and household work, and the consideration that these jobs represent a step backward in the emancipation of women. Ultimately, these women continue with the tradition of housework that maintains women in the private sphere. For the French philosopher Geneviève Fraisse⁸ the concept of service is in opposition with that of democratic equality, since the relation between employer and employee has neither symmetry nor equality. For Béatrice Ouin the response lies in professionalization and the development of mixed gender service jobs. **When men want to exercise jobs as household helpers, babysitters, and family aids, it will be a sign of a great step towards gender equality.**

Overcoming the right wing populist challenge

The tendency of electoral shift to the right, and even to the far right in the European Union and according to the statistics, in the United States, can be particularly surprising. A shift to the left would appear more rational, given the fact that the current financial and economic crisis justifies the analysis of progressive parties about an unregulated laissez-faire economy and its disastrous consequences (particularly for the most vulnerable categories). Instead, the working classes are the ones who are turning away from the left, and no longer recognize their priorities in their discourse and action. From this point of view, it is no matter whether the left is in power, like in the United States, or not, as in most of the Member States of the union.

It seems that the social-democratic model has been going through a profound crisis for several years. It appears to be unable to sufficiently integrate the unprecedented changes in the world associated with the development of globalization. Therefore, it no longer offers trusted solutions for the part of the electorate who have been hit the most by the crisis. Consequently, they seek protection and security in this period of economic uncertainty in the political right, rather than in the left. Additionally, more and more women seem to be attracted by right wing populism despite the fact that these political trends are contrary to their emancipation process. Indeed, studies show that the left has largely lost women's votes. Therefore, on one hand, **progressive parties should remind women about the risks of right wing populism.** On the other

⁷ G. Toutain, *European and American women: together towards equality*, Fondation Jean Jaurès Paris October 2011

⁸ G. Fraisse, *Service et servitude, essai sur les femmes toutes mains*, Editions Le bord de l'eau Latresne 2009.

hand, parties must also analyze the reasons why women voters are turning away from them and reflect on new strategies on the basis of these.

In addition to the dissatisfaction associated with the crisis, the decrease in women's votes for progressive parties also shows a certain deception with regard to the reality of their situation in society and to the effective implementation of their rights. Although the left put the objective of achieving equality between men and women high on its agenda, the results have not always lived up to hopes. Gender pay gap, the difficulties of reconciliation between professional career and family life, the desperate lack of childcare solutions, precarious employment and part-time work, a high unemployment rate, low retirement pensions, insufficient representation in local and national political parties – these still describe, at varying degrees, the general situation of European and North-American women today. The left in power was unable to make a significant qualitative leap towards a culture of effective equality in the society.

While “women's vote” does not exist as such, women still have specific demands that differ depending on their age, economic and social situation, and their level of education. A detailed study of the electoral behaviour of women should provide better understanding of the various groups of women and the reasons behind their vote. Consequently, this would make it possible to take better account of their motivations and special demands.

Special attention should be given on the one hand to the most vulnerable women who may opt for a protest vote. These include women in precarious jobs, whose situation has worsened due to the crisis, and women working in the public sphere, whose position is largely threatened by budget cuts. As declared by the European Trade Union Confederation (ETUC) via its former Secretary General, John Monks (t) *here is an urgent need to look at the gender dimension of the economic crisis and to adopt measures that will strengthen the position of women in the labour market.*⁹

A focus should also be on elderly women since they are confronted with difficult situations because of the limited amount of the retirement pensions, a large degree of isolation and often a lack of inter-generational solidarity. It must not be forgotten that on both sides of the Atlantic, the population is aging. This demographic situation is already causing important transformations in the organization of society in general, and particularly in the structure of female employment. For that matter, this is why the European Union designated 2012 as the year of active aging and inter-generational solidarity. Its objectives are to maintain the vitality of the elderly (a majority of them being women), reinforcing their participation in society, and eliminating obstacles between generations. This is an important issue in which progressive parties should be involved more than they are currently to *make a lever of social transformation and invent a society that is more pleasant to live in for all*, as Serge Guérin wrote recently in *Le Monde*¹⁰.

Finally, it is clear that feminist movements have evolved in their demands following progress that has been made, but some problems do remain. These movements are now undergoing a renewal. They have two characteristics that differ from their forerunners. Firstly, they no longer exclude men from their actions. Secondly, their main demand remains to be the effective application of laws voted since the 1970s for gender equality. This is where the problem lies. There is a need to find solutions to the effective implementation of laws in everyday life.

⁹ See: European Trade Union Confederation, 4th Annual ETUC 8th March Survey 2011. http://etuc.org/IMG/pdf/8_March11_analysis_FINAL_EN.pdf

¹⁰ S. Guérin, *Le vote des seniors est-il synonyme de vote de droite ?* [in:] *Le Monde* 13 March 2011.

Progressive parties should embrace gender equality as a constitutive element of all their policies, instead of using a simple catalogue of measures intended for women only. This is a method that has persisted in electoral programs for far too long. Indeed, building equality between women and men means thoroughly redefining operating methods particularly in companies, local governments, means of transport, and opening hours of public services. The idea is to build a more balanced society for women and for men, which does not necessarily entail higher public expenditures in a time of inevitable tight budgets. Better time management and a better breakdown of housework could create savings and lead to more efficient management of household budgets as well as the national budget. But it takes political will to apply a new kind of social organization.

Involving more women in political life could be a starting point for changes. From this point of view, European progressive parties have reinforced the women quotas within their structures over the last 10 years, but (except for a few Scandinavian countries) equality is far off in elected assemblies. It is certain that a large proportion of women in local and national assemblies would change the political atmosphere. Above all, those assemblies would pay greater attention to problems that men politicians tend to hold in contempt. These include issues concerning family policies, child care, parental leave, organization at work, girls' educational orientation and quality of women's employment. Progressive parties must set the example in this field if they really want to regain the trust of women and convince them about the sincerity of their commitments to the value of gender equality. PES Women have been lobbying for several years to attain equal representation of women in several political bodies.

A specific question for European women concerns their relation to the construction of Europe, which has been backed by all European progressive parties in a firm and profoundly pro-European position. Over the years the EU has developed a high-level legal corpus to ensure the equality of women and men, particularly in the field of employment and parity democracy. These directives and recommendations have given impulse for change in a large number of national laws promoting equality and parity. However, a survey¹¹ conducted after the last renewal of European Parliament in June 2009 showed that throughout the EU women are less enthusiastic than men about the construction of Europe, although they are not completely hostile to it. While recognizing its frontline role of harmonizing conditions and regulations, they perceive the Union as distant, complex and hard to understand in its operating methods. While they do not consider the EU to be mainly responsible for the current recession, they do not trust it entirely to develop an adequate response strategy. Finally, they underlined the lack of information about its action. In France, for these reasons, the majority of women voted against the European Constitution at the occasion of the referendum in 2005. Thus, some of them joined the Eurosceptic position held by part of the right-wing, pro-democratic parties, but more alarmingly, some of them favoured the voices of parties on the far right which are hostile to the EU. **European progressive parties should integrate the positive aspects of EU more in their discourse, than they do currently. This is a precondition to convince women about its constructive role in defending and promoting their rights.** The very difficult times that the EU is currently facing from a financial, economic, and social standpoint, should encourage women and men not to abandon the European movement to national egoism, and to redefine the European project on progressive bases.

The serious financial, economic, social, and cultural crisis can be an opportunity for progressive parties on both sides of the Atlantic to develop a fairer and more democratic vision for the future. This vision should take

¹¹ European Commission, DG Commission & European Parliament, *Women and European Parliamentary Elections, Flash EB Series N°266 2009*
http://ec.europa.eu/public_opinion/flash/fl_266_en.pdf

better account of the evolution of the world by ensuring real equality in all fields of life. In 2012, France and the United States will both hold crucial presidential elections. What greater opportunity to convince women?

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The series



NEXT LEFT, NEXT EUROPE

In 2009, FEPS launched a call for papers addressing PhD and PhD candidates to elaborate on how they saw Europe in a decade, within the framework of its [Next Left] programme, run under the leadership of former Austrian Chancellor Alfred GUSENBAUER. The first release of Queries contains a selection of the most interesting pieces, of whose authors became founding members of FEPS Young Academics Network.

Contents: Future of Social Europe | Changing European Society | Green Agenda for a Sustainable Europe | Europe of Democracy and Civic Participation | International Responsibility of Europe in a Global Age



THE NEXT WAVE OF EMANCIPATION

Since the beginning FEPS has been strongly involved in a debate on gender equality, which in fact was one of the very first projects that it established. This issue reviews the history of the struggle for gender equality in national member states, in Europe and elaborates on the progressive agenda for the future.

Contents: Gender sensitive, progressive Europe | A commitment that arises from a century struggle | Stronger from the past, encouraging experiences | The next agenda for changing society



WHAT COMES BEFORE, WHAT COMES NEXT

A tribute to Tony JUDT

Queries serving as a guideline in selecting themes and articles that pose the most crucial questions and can stimulate an intellectual debate, it comes with no surprise that this issue commemorates late Tony Judt and his work. As Ernst STETTER, FEPS Secretary General writes, the last book of Tony Judt, "Ill Fares the Land", poses an extraordinary challenge. This very particular intellectual testament of an outstanding academic and universalist socialist encompasses a fair, though bitter, assessment of today's world. It touches upon the mission that a renewed social democracy must embark upon in order to reverse the negative processes corroding our societies, through respecting all the achievements of past generations and being optimistic about the chances for the progressives to succeed in the future. This motivated the title of this issue.



THE NEXT GLOBAL DEAL

New answers seem indispensable in times in which people lose their confidence in international institutions, their governments and politicians in general. Their detachment and scepticism about politics can be overcome once the democratic rules are put back in place, as far as global governance and European decision making processes are concerned. The disastrous consequences of the recent financial, economic and social crisis exposed the bankruptcy of today's world order, dominated by neo-liberal ideologies. Its inability to respond to global challenges makes it inadequate for the 21st century. But recognising this is not enough; Europe and the world need a new, feasible agenda. For FEPS this is both a challenge and a chance to present our NEXT Global Deal.

Contents: Preface by Joseph E. STIGLITZ | Regulating and taxing the system | The New Global Deal | A new political economic response | Conference Report



NEXT LEFT: SOCIAL PROGRESS IN 21ST CENTURY

A decade into the new century, Europe is beset by a striking mood of social pessimism. 49% of EU citizens believe they will be worse off in 20 years time, with majorities perceiving the rise of emerging economies as direct threats to their living standards. Such anxiety presents a particularly debilitating political problem for social democracy. Historically, the promise of social progress has been a powerful force in all of its projects, and a corner-stone to the movement's political offer. Overwhelming disbelief in the primacy of political ideas and the ability of politicians to make a difference has translated into voter resignation and subsequently to widespread withdrawal from political life.

The contributions to this issue of Queries are the result of a symposium that took place in London in March this year as a joint contribution to the FEPS Next Left research programme and Policy Network – Wiardi Beckman Stichting Amsterdam Process.



ASIA: WHAT'S NEXT? AN INDIAN PERSPECTIVE

It is commonly repeated that the post-War order belongs to the past, as it no longer mirrors reality and its institutional set-up has proven incapable to respond to the challenges of the modern times. Beyond any doubt, the groups of so called "BRICS" countries will play a crucial role in writing the next chapter of global governance – which is why the attention of FEPS is given to one of them, India. Resulting from a study visit that took place in Spring 2011, the issue features articles by respective Indian high-level authors, who kindly share their views on 4 themes.

Contents: Asian Spring: Promoting Diversity and Democracy | India in Shaping its future | A world player in the making | China: Reshaping the Status Quo



Queries

The Next Women's Move

Emancipation of women has been a core part of the left wing ideology. Despite the proud tradition of the social democratic movement and especially of its feminist organisations, it seems that the ownership of the so called “women’s affairs agenda” is no longer exclusively in the hands of progressives. Both conservative and right wing extremist parties learnt to appeal to women with their ‘modernised’ pleas. Therefore, this issue of “Queries” shows deliberations on the threats and opportunities for the feminist cause nowadays. Bringing together European and American perspectives, it presents the aims that need to be achieved by progressives worldwide if they are to champion equality in the 21st century and safeguard herewith their *raison d’être*.

The first chapter is devoted to the question of domestic work. Studies and opinions shared in the articles indicate it is the next mainstreaming theme for all progressives – embodying an overall need for solid answers to the ageing society, evolving labour markets and the crisis of welfare states. There are over 100 million workers employed within private households worldwide. Their work is often delivered without any employment contract, without social security and health insurance, their work remains underpaid, undervalued and disrespected. The ILO Convention 189 and Recommendation 201 are the first step for a desperately needed change; however there is a long way to go with only 63 governments having ratified them. This is the core sense of the “12 by 12” campaign, whose materials were kindly offered to this issue by the ITUC – International Trade Unions Confederation.

Following it, the second chapter focuses on women migrants who constitute a great proportion of domestic workers. The articles bridge feminist deliberations with another grand debate within the progressive movement – namely the one on the future of the welfare state. Globalisation has resulted in the growing interdependences among states, while the need for those to remain competitive increased. This has led to a demur of domestic policies, which enhanced by the neo-liberal economic crisis, translated especially within the EU to further pressure and austerity applied towards welfare state policies. Logically, individuals seek private solutions to a state’s shortcomings in the provision of care for elderly, children, sick etc. – and here one ‘reels’ the benefits of migration. Engagement of them in households is often done outside of legal frameworks (if those exist). And has created a group of ‘outcasts’ from the entire system of labour and welfare provisions that generations of social democrats struggled to put in place in the course of 20th century.

Consequently, the third and the fourth chapters assume contemporary predicament of feminism. The respective authors analyse it in the light of societal evolution leading to i.e. increased individualisation and reluctance of citizens to unite people in the name of a common objective. These offer fertile ground to prominent women on the right (moderate and extremists), who argue that they gained their respective positions without support from any of the feminist organisations (overlooking the fact that their participation in politics is possible thanks to the struggle of generations of suffragettes). Right wingers also appear strategically stronger in gaining women’s support, resorting itself to strong cultural and religious emblems that seem to offer supplementary credibility to their ideas about the women’s roles in contemporary family and society. While examining strategies of counterattack, the contributors also consider what a new, distinctively progressive feminist agenda should entail. Changing times imposes additions and modifications to the original list of objectives, as also to the methods that the young generation wish to apply may vastly differ from those used by i.e. second wave feminists.

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