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‘Domestic Work is Real
Work’

Repoliticizing the
Discourse on Gender,
Citizenship, and Global
Injustices

Midori Kaga

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‘Domestic Work is Real Work’ Repoliticizing the Discourse on Gender, Citizenship, and Global Injustices

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Abstract. This working paper analyzes the relationship between gender, citizenship, and poverty by examining the structural discrimination of international domestic work(ers). This type of work is problematic in many ways, in particular its devaluation in terms of social standing, low remuneration, its relegation to the ‘private’ sphere and its association with ‘feminine’, and thus less valuable, work. This situation is exacerbated in the context of a lack of citizenship or second-class citizenship, in which domestic workers may not be entitled to the same legal and social protection. Divided into five chapters, this paper establishes a theoretical and analytical framework that lays the groundwork for an argument that the exploitation of domestic workers is a political act that reproduces and perpetuates patriarchal hegemony. This act occurs through, and is reinforced by the historical and persistent mis-

recognition, maldistribution, and misrepresentation of domestic work(ers). The discrimination and devaluation of domestic work is not a natural occurrence, but a result of social, political and economic processes in which all participants (the employers, employees, policy makers, law enforcement, and society in general) are complicit. Finally, this paper examines two case studies of resistance in which domestic workers confront and demand changes to their current circumstances of discrimination and lack of social and legal protection: the first in the New York, USA with the National Domestic Workers Alliance, the second in India with the National Domestic Workers Movement. These movements bring the discussion of domestic work in the public sphere, not simply as an issue of low pay, but to gain recognition that their social inequalities are an issue of social justice.

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3.1. Citizenship and Entitlements. Source: author's elaboration, adapted from Fraser, 2005.

List of acronyms.

ILO - International Labour Organization
NDWA - National Domestic Workers Alliance
NDWM - National Domestic Workers Movement

1. Introduction

“The subject is never separated from the material conditions of its existence, and the world is never free of the representations that construct it” (Jackson 1997: 148).

Carl Schmitt once claimed, “a world in which the possibility of war is utterly eliminated...would be a world without the distinction of friend and enemy and hence a world without politics” (1932: 35). It may be that political acts as Schmitt conceived them are becoming less visible; however, our world is still in a very real sense, political. Although it is rarely articulated in such terms, a key element of this political process is based around the question of citizenship. The question is not simply about *who* is included within the boundaries of the nation-state, but *how* they are included –as first class citizens, or as second-class/non-citizens? Citizenship is conceived in this paper on two levels: *de jure*, which are the formal rights, duties, and entitlements of citizenship, and *de facto*, which is the ability of citizens to exercise these rights and entitlements. This participation in society directly affects the capability of people to “choose a life one has reason to value”; therefore, anything that restricts this participation must be critically analyzed and justified (Sen 1999: 74). Citizenship, for this purpose, is understood to be not only the possession of rights and duties, but also the ability of citizens to exercise agency so as to shape those entitlements. This citizenship status is essentially an unspoken valuation of people as belonging to a bounded community, whether this is the nation-state, or on a universal level as part of a global nation of human beings. It is a status that legitimizes people’s access to rights, entitlements, representation, and recognition by the state. Those who lack or are denied full citizenship may experience severe injustices that affect their life opportunities and choices. These injustices are often shrouded in discourses that posit the problem in terms of its manifestations, rather than its causes. One of the most prevalent discourses is based on conceptions of poverty and ‘the poor’. This development discourse is engrossed by the need to define, measure, and collect data on the subject in order to ‘solve’ the problem of persistent and prevalent poverty. The policies and programs that arise from this discourse, aiming to reduce this poverty, often fail to make any major improvements because the measurements only pick up the ‘symptoms’ of the problem: “they focus on what is in actual fact not ‘poverty’ but the effects of the social relations that produce it” Green & Hulme 2005: 869). In these discussions ‘the poor’ are often perceived to be unpro-

ductive and outside of the political and economic system, rather than being an embedded and productive part of it. This is partially due to the failure to recognize the informal sector and those who function below the radar of the state. More fundamentally, this is an indication of unjust social relations and economic and political structures that lead to a cycle of inequality, discrimination, and marginalization of certain groups of people. This structural and procedural subordination obstructs the opportunities of certain groups to participate fully in society and restricts their inclusion in the nation-state.

Paid domestic workers, from contexts of poverty, provide an accurate example of this structural discrimination. This type of low-paid, informal, and unregulated work is most often performed by poor women, and takes place inside the privacy of peoples homes, out of the public eye, out of the purview of social protection. The nature of their work is devalued by greater society: a lack of recognition that frequently determines domestic workers’ access to, and exercise of, rights, entitlements, and citizenship. The low position of domestic work within paid divisions of labour is not merely due to its ‘unskilled’ nature, but is a product of its structural and historical degradation in which gender, race, and class identities play a large role. Resolving these structural inequalities is not only a question of domestic workers’ mobilization for rights, but even more fundamentally, a question of gender, the revaluation of so-called ‘women’s work’, and the favourable inclusion of women in contemporary social, economic, and political spheres. Despite the global history of paid domestic work, there has not been a significant improvement in the conditions of this work. This is partly due to the lack of government initiative to change a system that benefits many (often wealthier) people: it is also partly due to the unorganized position of domestic workers. However, this in the process of changing, as the injustices experienced by domestic workers have recently been taken up by the workers themselves, as they mobilize for recognition, redistributive entitlements, and representation on a national and global scale. This type of mobilization challenges persistent injustices that arise from unequal citizenship: demonstrating an “active engagement in the wider political struggle...[which] constitute[s] the essence of citizenship, even in the absence of formal rights” (Kabeer 2005:22).

This paper is divided into six parts: the theory behind the argument, the analytical framework; an analysis of the injustices experienced by domestic workers; a discussion of two case studies, one focused on the current status of

(mainly immigrant) domestic workers in the United States; the other discussing the situation of domestic workers in India, with its roots in caste, as well as gender and class dimensions, and the parallel mobilizations in both countries for recognition and change; and finally a concluding statement. Through this example of domestic workers, the aim is to demonstrate that many of the global injustices faced today are not fixed or 'natural', but are products of social, economic, and political processes of dis-

crimination. These discriminations culminate in the 'lived experience' of unequal citizenship by certain devalued groups. Only a shift in the discourse surrounding domestic workers can significantly change the outcome of their livelihoods. In conclusion, this paper aims to highlight the "politics in everyday life" that operate through hegemonic discourses at the individual, state, and global level, and which often end up perpetuating severe injustices (Fraser 1989: 18).

2. Theoretical Framework

This chapter outlines the theoretical concepts behind the effective denial of full citizenship to certain devalued groups. Although this discrimination is context specific, it is often based on devalued social identities such as gender, race, disability, age, or religion, which often interact with each other in harmful ways. This lack of citizenship is most clearly manifest in the poverty experienced by these devalued groups. This chapter therefore begins with a discussion of ‘the poor’ at a level of abstraction: how they are conceived in society, and how these conceptions, although not overtly political, are based on assumptions about desert, entitlements, and ultimately, citizenship (both in the nation-state and globally). These conceptions concretely shape the ways in which ‘poverty’ and ‘the poor’ are addressed in social and economic policy, and in society as a whole. It is crucial to confront and critically analyze ‘the representations that construct ‘the poor’ to reveal their *political* underpinnings, which are keeping people in poverty (Jackson 1997: 148). This chapter will then discuss one of the most prevalent forms of discrimination, that of gender, and its interaction with poverty as it is reflected in the case study of domestic workers. This devalued identity (and its theoretical underpinnings) is crucial to understanding the injustices experienced by women in terms of their second-class citizenship, and how these influence the injustices faced by domestic workers.

2.1. Discourse(s) on Poverty

Poverty is most frequently understood as a lack of the resources (money, food, education, health) necessary to meet a person’s basic needs (Streeten et al, 1981: 93). The discourse on poverty is fixed upon different ways of identifying and measuring poverty in order to address it. The assumption underlying such an approach is that ‘poverty’ is quantifiable; this lends the concept a concreteness that often homogenizes the different experiences of poor women and men. The numerous methods by which ‘the poor’ are detected for targeted action reveal the core problem in this discourse: poverty measurements become the primary method for understanding poverty, and sometimes end up constructing ‘the poor’ instead of understanding their experiences of poverty. Since poverty is most recognizable by its characteristics, which have been mistaken for its causes, it is often “seen as a lack of resources rather than an absence

of entitlements[;][therefore] as an ‘economic’ rather than ‘political’ problem” and this has resulted in a fundamental misunderstanding about the causes of poverty (Green and Hulme 2005: 869). The most common example of this is the poverty line measurement, which is a country specific household threshold based on calculations about what the average person requires to achieve a minimum standard of living. This basic needs threshold is determined by a combination of poverty indicators based on health, education, income, nutrition and so forth (Streeten et al, 1981: 93). There are many problems with poverty lines, from the calculations about what is an ‘acceptable’ standard of living and who makes this decision, to the inadequacies in the way this methodology is applied to different contexts within countries (urban/rural), and its failure to disaggregate between and within various households. In this latter point, households are assumed to be nuclear, with a husband, wife, and children, and it is taken for granted that the relations between them are equal. As Sen (1999) has shown, the power dynamics within households are never neutral and individuals may face discrimination even when households are statistically considered wealthy. The poverty line is one of many measurements in “a long and established intellectual tradition of perceiving poverty in ways which, in making poverty the object of analysis, abstracts poverty from people and obscures the social processes that make certain people subject to its effect” (Green 2006: 1112).

The repeated conflation of ‘the poor’ with characteristics of poverty¹ is problematic on several levels. For one, this creates a conceptual segregation between those who are poor and those who are not. An imaginary line is drawn between ‘the poor’ and the rest of society, in which the former become a subgroup of the population, categorized by their poverty². Consequently, if poverty is perceived as belonging to this subgroup, then it is much easier for the rest of society to dissociate itself from the responsibility of this ‘problem’. This conceptualization of poverty “separates it from the social processes of the accumulation and distribution of wealth, which *depoliticizes* it, and...poverty [can then be] treated as a kind of social aberration rather than as an aspect of the ways in which the modern state and a market society function” (Hulme & Kanbur 2009: 207, italics own). This is an act that construes them as the subject matter: helpless, dependent, and unproductive. Indeed, this is one of the most pervasive stereotypes about ‘the poor’: that most of them do not work or contribute anything useful to society, that they are leeches on

society's wealth, constantly consuming yet never producing. The perseverance of this conception of 'the poor' has its origins in the early days of industrial capitalism, with the categorization of the deserving and undeserving poor (Fraser 1997: 126). This era placed great value on wage earning and the independence that derived from labour; where welfare benefits were reserved only for those who were truly 'deserving', people who could not help themselves, such as widows with children (ibid: 127-128). Welfare programs were designed in a catch-22 fashion, where those who were perceived as being able to work but who were not seen working were considered 'undeserving' of receiving welfare, and those who were working were assumed to be able to earn enough to survive and not require 'the dole'. However, both these conceptions are falsely based and often end up enforcing conditions of poverty.

This stereotype underlies many current discussions in which 'the poor' are conceived as 'unproductive; yet it is just as insupportable, for in reality people in poverty are struggling daily to survive and working in any way to make a wage'³. The type of work in which these women and men, boys and girls participate most often takes place in the informal sector or the lowest paid parts of the formal economy. 'The poor' appear unproductive to the rest of society due to the 'invisibility' of this informal sector, which is "characterized by small-scale operations, labour-intensive techniques, low-income levels, and indigenous ownership" (Moser 1978: 1054). This informal economy is unregulated by governments and, because of its nature, difficult to measure and quantify for poverty analysis. The relationship between the informal and formal sector is neither neutral nor benign; rather, it is actively (re)produced by all those employed, often to the large benefit of society's elites. Indeed, much like the differentiation between 'the poor' and the rest of society, the difference between the informal and formal sector is "determined by the structural position of the economic operator within or outside the system of privileged access to resources and limitations of competition, rather than as the result of characteristics inherent in each sector" (Moser 1978: 1054). The middle and upper classes have the capability to purchase better quality education, insurance, and health care from the market and thus are able to compete for a space in the formal sector. 'The poorest of the poor' do not have this option and thus must rely on the benefits and social programs provided by the state. Consequently, particularly in developing countries, poor people often lack the skills, education, and opportunities necessary to gain employment in the formal sector and so they are forced into seeking other means of making money. In this way, 'the poor' are structurally excluded from the chance to improve their livelihoods and well-being. This deprivation may be due to the active exclusion of certain people from equal opportunities, such as in the case of immigrants being denied the same rights as full citi-

zens (Sen 2000: 14-15). This may also result from more passive exclusions, which "may not be impoverishing in themselves, but can lead to impoverishment of human life through their causal consequences" (ibid: 13). In other words, the ways in which a person is included in the labour market determines his or her life chances and this inclusion is highly imbricated with the person's citizenship status, the social relations they have, and the structures and institutions that may work for or against them. These exclusions and 'unfavourable inclusions' may be experienced simultaneously, or not, by different individuals, yet in any form they limit the opportunities and are often causal components of poverty (Sen 2000; Kantor 2009). It is precisely this process that engenders domestic work.

2.2. Desert and Entitlements

The difficulties that arise from globalization in a world in which citizenship is bounded by nation-states, occur in part from contradictions within and between states in terms of inequalities of wealth, rights, entitlements, and opportunities to 'live a life one values'. Within nation-states, the distribution of citizens' entitlements and their opportunities are often determined by the ideological philosophy behind the state's domain of responsibility. In states that lean towards more neo-liberal ideologies, in which the role of the state is minimized in order to make room for the market as a more 'efficient' service provider, the entitlements of citizens are often dependent on their ability to purchase them from the market⁴. This is in contrast with more communitarian democracies, such as Sweden or Norway, which offer much more universal entitlements (Esping-Anderson 1990: 34). For those citizens in residualist welfare states who cannot afford these services, a social safety net is provided in the form of welfare. However, not every welfare program is equal; indeed, their content, whether they are "targeted [or] universalistic programs, the conditions of eligibility, the quality of benefits and services and, perhaps most importantly, the extent to which employment and working life are encompassed in the state's extension of citizen rights" are all part of the entitlements belonging to members of a state (Esping-Andersen 1990: 20). These entitlements, in turn, reflect a state's conception of citizenship and the obligations it has to its citizens. In residualist welfare states, welfare programs tend to be more targeted and less universal, meaning that as the middle class becomes wealthier and more capable of purchasing 'better' benefits, the disuse of these programs by the major voting power results in a reduction of funding, leaving 'the poor' with 'poor' benefits (Mkandawire 2005: 7). These programs remain in place partly out of a sense of duty of the rest of society to help the worst off. This sense of duty derives from the conception of citizenship within these states, which T. H. Marshall once described as "a status bestowed on those who are full members of a community[:] all who possess the status are equal with respect to the rights

and duties with which a status is bestowed" (1992: 18). Yet, with this authority comes the ability to discriminate against those deemed 'undeserving'. This arbitration recurs time and again, through eligibility criteria that aim to screen out those unworthy of society's handouts. In residualist welfare states, the benefits are often designed in such a way to discourage dependency and avoid any addiction to "the narcotics of welfare" through discriminatory means testing (Fraser 1997:138-139). These restrictions reveal the prejudice behind many of the policies and programs that should be trying to reduce poverty, yet end up demonstrating society's valuation of some citizens over others, as only 'the poor' must prove themselves to be deserving citizens.

Global immigration further complicates this question of citizenship and the boundaries of the state, especially in light of the state's limited capacity to provide services to its own citizens. Yet, to deny rights, social protection, and even basic entitlements to immigrants, who contribute to the economy of the host states, is an injustice that must be addressed, particularly if those who have immigrated wish to become citizens of the host state. These structural processes and power relations determine people's economic and social status, which keep some in a state of poverty while others prosper. The toleration of poverty as an unfortunate, yet unavoidable normality "help[s] inscribe the limits of social responsibility for poverty, perpetuating the representation of poverty as a problem of the poor" and help to maintain the discriminatory processes that keep people in a state of poverty (Green & Hulme 2005: 876).

2.3. Engendering Poverty

'The poor' are often conceived in everyday discourse as a homogenous group, an idea that is reinforced by the measurements used to quantify them. The tendency of these measurements to capture the effects, rather than the causes, of poverty is most clear in the data that depicts women as the majority of 'the poor'. Indeed, some astounding statistics have circulated the development discourse, claiming that women compose from "60-70% of the world's poor", with female-headed households representing 'the poorest of the poor' (Chant 2003:1). These findings are taken as facts and are circulated, unquestioned, in a discourse that ends up distorting this information to such a degree that poverty becomes 'feminized' (ibid). As such, the "'feminization of poverty'... [has come] to mean not (as gender analysis would suggest) that poverty is a gendered experience, but that the poor are mostly women"(Jackson 1996: 491). Poverty is thus enclaved as a problem of women, rather than the unequal gender relations that restrict their rights and entitlements, thus placing them in a position of second-class citizenship that leaves them structurally and procedurally vulnerable to conditions of poverty. This construction, of gender as a problem of poverty, traps gender concerns within discussions about poverty, so that the two appear inherently linked. However,

although both derive from a lack of equal citizenship and recognition, and are often interconnected in detrimental ways, this is not *necessarily* so. The embeddedness of unequal gender relations in patriarchal societies constrains the inclusion of women in the social, economic, and political spheres, and it is these processes of discrimination that are reflected in the statistics about women in poverty. Gender discrimination is one of the ways in which a lack of full citizenship affects the 'material conditions of women's existence'.

There are two dominant feminist theories that attempt to explain why unequal gender relations occur. The first is patriarchal feminism, which claims that societies are patriarchal when men hold the authority, power, and control, which is then used to dominate women. This domination is primarily reflected in the gendered roles of women and men, with women assigned the reproductive and community roles, and men responsible for the productive and political roles. In political terms, these four roles are split between the public and private sphere, with the reproductive role falling firmly in the latter category. This division of labour is based on the idea of the nuclear family, in which the husband makes a living wage that can support the entire household, and the wife stays at home to take care of the household and children. Marxist feminism, on the other hand, takes a gendered perspective on Marx's criticism of capitalism, which considers the household as a unit of production within the capitalist system. Women are oppressed and forced into subordinate positions in the capitalist system because it serves the function of capitalism (Barrett 1988). The sexual division of labour is advantageous to the capitalist system because women are not paid for their work in the reproductive sphere⁵ even whilst this work is essential for the reproduction of the labour force and functioning of the capitalist system. Women's labour is undervalued, and even if they enter the productive sphere their wage is considered supplementary to their husband's and thus is never sufficient as a 'living wage' (ibid: 25). They also usually enter into 'feminine' occupations, which are the only ones open to them, low-paying because of their association with the reproductive sphere and by the volume of women who accept this work. Although these two theories are considered to be 'competing', they complement each other. Marxist feminism is important to our current understandings of unequal gender relations and how they are reproduced in a capitalist system. However, the sexual division of labour existed prior to the establishment of the capitalist system: "capitalism did not create domestic labour, or the 'feminine' areas of wage labour, but it did create a set of social relations in which pre-existing division were not only reproduced but solidified in different relations in the wage-labour system" (Barrett 1988: 182). Both theories are necessary to understanding how and why women are allotted second-class citizenship in many contexts. The origins of this gender discrimination are discussed by Simone de Beauvoir, in her adaptation of Hegel's master/slave analogy⁶, claims that women's oppression is that of

the ultimate 'Other'. This is the basis for their subordination in patriarchal societies, in which unequal relations are embedded in a social, economic, and political system that enslaves women (Beauvoir 1993). The sexual division of labour is designed as such because "it is impossible to regard woman simply as a productive force: she is

to man a sexual partner, a reproducer, an erotic object –an Other through whom he seeks himself"(Beauvoir 1993: 62). This 'othering' of women makes possible the sexual division of labour, which is translated into her status as second-class citizen, an act that is nothing but political.

NOTES TO CHAPTER 2

1. For example, the lack of education of 'the poor' is considered a characteristic of 'the poor', which can be resolved by providing them with access to education. However, a lack of education is both symptomatic of deprivation and a reinforcing instigator of poverty. These policies fail to address why this subgroup was unable to access this education to begin with (du Toit 2009: 231).

2. This is most clearly manifest in countries that have adopted neo-liberal policies, which are based on conceptions of citizenship and entitlements as something to be earned or bought, rather than communitarian policies that operate on a more universal basis of inclusionary citizenship.

3. For example, outsourced work performed by individuals (often women) within their homes, such as tailoring, embroidery, washing, childcare or manufacturing, are undocumented and therefore these workers are perceived as being 'unproductive' (Kantor 2009: 200).

4. This type of state, which will be referred to in this paper is the dominant Anglo-Saxon model, or "the liberal residualist welfare state", which is most prominent in the US, Canada, and the UK (Esping-Andersen 1990: 33).

5. Historically women's labour belonged to men as they were considered part of men's property.

6. In this philosophical hypothesis about the first encounter between two equal people Hegel outlines the most fundamental struggle in our world: that between the 'Self' and the 'Other'. Each person knows himself to be the 'Self', but this knowledge is thrown into question upon meeting the 'Other' person. The self-recognition of each person is no longer enough –each 'Self' desires the recognition, seeks to know himself, by the 'Other' and what results is a physical struggle in which the winner becomes the master, and the loser, the slave. This situation is now one of unequal relations between two people: the master forces the slave to recognize him and profits from the slave's labour, while denying the slave equal recognition. However, this situation is insupportable, as the slave is dependent on the master and "the master is not self-sufficient but dependent on the slave" (Rockmore 1997: 66). This struggle for recognition and the abolishment of unequal relations can only be resolved by the mutual recognition of the master and slave, each as a 'Self', and no one as an 'Other'.

3. Analytical Framework

"It is not only the substance of justice, but also the frame, which is in dispute" (Fraser 2005: 72).

The exact parameters of social justice are never permanently defined, for it is an ideal that means many things to different people. Part of the scope of justice is concerned with "preventing manifestly severe injustices", that is –those injustices within the control of human beings to change (Sen 2009: 21). One such social injustice is the discrimination, exploitation of domestic workers, both those employed in their own country and those abroad. How these workers are inhibited by a lack of entitlements based on their incomplete recognition as equal and full citizens is the subject of analysis. Their condition as devalued commodities in a global care chain is, as will be shown, a political act. The concept of citizenship in this context moves beyond nation-state barriers, in which states only have duties to their citizens, to the global stage where the culmination of most economic and social activities take place. In this broader sense, citizenship is not a static relationship between two stakeholders, but a dynamic interplay amongst multiple actors within and beyond the state. Citizenship becomes "the terms on which [these actors] participate in this collective life and the forms of agency they are able to exercise...and where they are only able to participate on highly unequal terms, or are denied access altogether, citizenship relates to their attempts to challenge these exclusionary processes and bring about change" (Kabeer 2005:22). The criteria by which this model of citizenship will be assessed are as follows.

1. How inclusive (in terms of the actual ability of people to participate in decision-making in their own lives and in the political, economic, and social spheres) is the citizenship? For this Fraser's three Rs will be used as a measurement of participation.
2. How does the realization of citizenship and entitlements enable people to 'live a life he or she values'?

3.1. Measuring Citizenship

Over the past years, there has been a renewed attention. Nancy Fraser's framework separates different forms of injustice into three categories in order to gain a clearer understanding of the different ways they must be ad-

ressed. However, this categorization is only analytical; these injustices are interconnected and reinforce each other, and in reality they will need to be dealt with cumulatively and comprehensively (1997: 12; 2005: 76). Only in this way can justice be truly transformative.

The first category is a maldistribution that derives from "socioeconomic injustice, which is rooted in the political-economic structure of society"; this culminates into such things as exploitation, economic marginalization, and deprivation (Fraser 1997:13). The solution to this form of injustice is through redistributive actions that change the structures and institutions of society to make them more equitable. The second category, misrecognition, arises from a devaluation of certain people based on their culture, identities or status where "injustice is rooted in social patterns of representation, interpretation, and communication (ibid: 14). This develops into discrimination, disrespect, and even the non-recognition of these people, which can only be addressed through the recognition and revaluation of their identities/cultures. The struggle for recognition is most transformative when it changes the perceptions and values of both the misrecognized and wider society. Misrecognition can also occur through the framing of boundaries of recognition, such as between the 'private' and 'public' sphere, the 'personal' and the 'political', or 'foreigners' and 'citizens'. The third category is misrepresentation, which can be experienced at three levels: the ordinary-political level, political misframing, and the meta-political level (Fraser 2005). The ordinary-political misrepresentation arises from the structures of a political system, such as the electoral system and the way it shapes the outcome of people's political choices, or in the difference between affirmative policies and 'neutral' policies and how these contribute or detract from an individual's political parity (ibid: 76). Misframing is when the boundaries set by society actively exclude certain people or groups from participating or being included within it, which also denies them any recourse to justice. This concept is crucial to our discussion on citizenship, as misframing, in "constituting both members and non-members in a single stroke, ...effectively excludes the latter from the universe of those entitled to consideration within the community in matters of [re]distribution, recognition, and ordinary-political representation" (ibid: 77). Indeed, Fraser's three Rs constitute what was discussed earlier as an individual's entitlements, which are determined by and reinforce their citizenship status (as in Figure 3.1).

The power to frame the boundaries of social inclusion

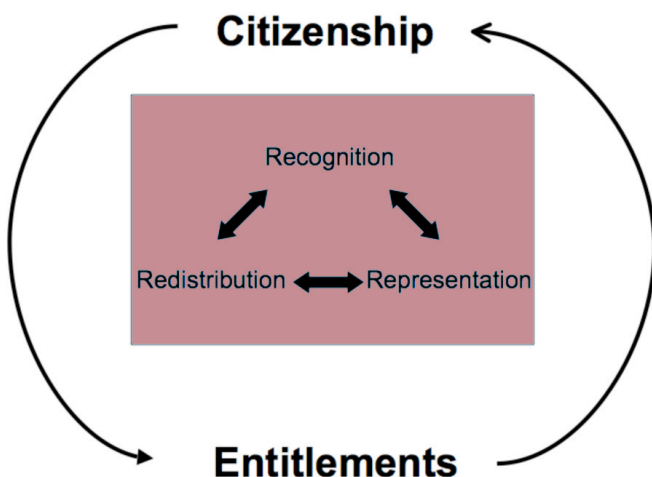
generally rests within state sovereignty: the more democratic the state, the more inclusive it will be. However, on a global level, when this framing is dominated by states and multinational figures without the participation of those whom the political decisions will affect, this is understood as meta-political misrepresentation (ibid: 84-85). These three categories of injustice are closely tied to each other in the case of domestic workers and “implies demands for...redistribution, recognition, [and representation]”, which ultimately, is a demand for inclusive citizenship (Fraser 1997: 12).

3.2. A Political Act

Before analyzing the case of domestic workers, it is necessary to be clear about what is meant by the phrase, ‘a political act’. One of the purposes of this paper is to recognize and repoliticize the actions of individuals and states where they contribute to and maintain processes of domination. Public participation is declining in capitalist democracies, as their citizens turn away from public life, inwards to their private interests, and leave the decision-making to political elites (Habermas 1973: 37). This “political abstinence”, in which citizens remove themselves from their political role, results in the loss of seeing the political in everyday life (ibid). The outcomes of social, economic, and political processes then “lose the character of a fate accessible to self-reflection and acquire the objectivity of inexplicable, contingent, natural

events” (ibid: 30). Consequently, the actions of individuals in their routine life are depoliticized and the agency of those involved in wider processes of injustice is hidden behind a façade of inevitability. Only by critically reflecting on what appears to be ‘natural’ or ‘normal’ about these acts can they be confronted and transformed. The denial of equal citizenship, which concretely determines the ‘material conditions of the individual’s existence’ is the most basic of political acts. It is the ultimate act of ‘othering’, inscribed in processes of discrimination and exploitation, and resulting in a “general system of domination exerted by one group over another, a system whose effects, through successive derivations, pervade the entire social [global] body” (Foucault 1976: 92). This political act is not an ‘act’ in the traditional sense: there is no singular action or intention behind it. It is best conceived of as relations of power/knowledge and domination, embodied and circulated through discourse (Foucault 1980: 78-108). Power/knowledge is articulated, confirmed, refuted, and solidified in everyday discourse. It is transfused and reinforced in social norms and attitudes; it is a system that “is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies” (Foucault 1976: 93). Thus, the injustices experienced by many groups of people –whether unequal gender relations, racial discriminations, exclusion from entitlements, or unfavourable inclusion in the economic sphere –stem in part from a lack of recognition, which manifest into unequal forms of citizenship. The depoliticized discourse is rarely posited as such; instead it focuses on the ‘undeserving poor’, the irrationality of women (unfit for civic duties) and their ‘natural’ propensity to care and reproductive work, or the ‘foreignness’ of ‘job-stealing’ immigrants. Yet, this discourse is political, and though the actors may not acknowledge their role in this process of domination, they are responsible for perpetuating social and global injustices.

Figure 3.1. Citizenship and Entitlements. Source: Author's elaboration, adapted from Fraser, 2005.



In keeping with Foucault’s claim that “in relations of power, resistances are inscribed as an irreducible opposite”; the only way to respond to these hegemonic discourses is through confrontation and resistance (1976: 96). What is necessary for transformative change in unjust social relations is to recognize the injustice and those who are affected, to redistribute entitlements and finally to ensure proper representation of those discriminated against. These forms of resistance must be political: they must speak politically, act politically, and must make political demands. Only then will the injustices be seen for what they are. Those who lack citizenship, who are placed on the outskirts of the hegemonic discourse, are best situated to change conditions of injustice, for “if the slave knows himself to be the truth of the relation, he can rise up to abolish the relation of master and slave in favour of another form of society” (Rockmore 1997: 67). To act politically and to demand equal inclusion and participation within the social, economic, and political spheres is itself an act of citizenship.

4. Domestic Workers and Citizenship

The ILO estimates that there are “between 53 to 100 million domestic workers worldwide” (ILO 2011). Domestic work¹ is normally comprised of activities necessary for household functioning, such as cleaning, gardening, laundry, and cooking, grocery shopping, and often child-care, or care of the elderly. Paid domestic work is engendered and often interacts with dimensions of race and class identities in ways that leave domestic workers particularly exposed to situations of subordination, marginalization, and exploitation. In the most extreme cases, domestic workers may be comprised of minors or children, may be forced to work long hours without breaks or food, may be confined to the house, may be sexually and/or physically abuse², and may not receive payment for their work, whether due to the employer, the employment agency, or their relatives. This can only be interpreted as modern-day slavery.

Domestic work is clearly devalued, and so is the domestic worker. This is evident in its low remuneration, low status, and lack of protection or labour laws in almost every context. In other words, this occupation suffers from the misrecognition of the work and the worker, with the consequent results in terms of maldistribution and misrepresentation. The ‘unskilled’ nature of this work is one of the reasons for the low remuneration these workers receive. However, these poor wages “are only partially explained by differences in human capital” (Tokman 1978: 1067). Which came first, the devaluation of the work or the worker, and why? Uncovering this will lend insight into what is required to resolve this injustice.

4.1. Misrecognition

Domestic work is considered unproductive, in that there is no visible ‘product’ that comes out of this work. It is difficult to assign a monetary value to this occupation, as the commodity for sale is a person’s labour without a physical ‘product’ to show for it. Moreover, since this type of work takes place in the privacy of people’s homes, the domestic worker, and the work that is accomplished, is ‘invisible’ to the public eye. There is literally no proof that it ever happened. However, if it were just the work itself that was devalued, then it would be devalued equally between women and men. Yet, men who work in the domestic sphere, such as gardeners, drivers, or even in

the more classic sense of the term (cleaning, child-care, cooking), are often paid more and treated with more respect in their positions than women in the same occupation (Raghuram 2001). Clearly, the social identities of the domestic worker play an important part in this discrimination. Domestic work is ultimately misrecognized because of its association with, and derivation from, an unequally gendered division of labour. This stems from a long tradition in patriarchal societies, in which domestic work is considered the responsibility and natural duty of women, as mothers and nurturers, and thus not requiring any form of remuneration. These traditional roles are only challenged if the society has more equal gender relations, or in cases of severe poverty, when women must work to provide for themselves or their family. Yet, even within the ‘productive’ sphere gender continues to “structure the division... between higher-paid, male-dominated, manufacturing and professional occupations, and lower-paid, female-dominated ‘pink collar’ and domestic service occupations” (Fraser 1997: 19). In wealthier contexts, this domestic work has shifted from being performed by all women, to poor women. This is a consequence of either the societal expectations that wealthy households can afford to pay for someone to perform this menial work, or because women (often in Western countries) are too busy with their careers to undertake both productive and reproductive roles. The failure of either of these developments to challenge gender roles will be discussed later on.

The sexual division of labour is clear in the case of domestic workers, the majority of whom are women. However, most women who enter into paid domestic work do so as “a means of survival, rather than a personal choice” (Chigateri 2009: 9). The devalued nature of domestic work stems from the devaluation of women’s work in general. This misrecognition is often highly imbricated with another devalued social identity: race. The link between race and domestic workers is more clear-cut in contexts when the workers immigrate to another country in search of more favourable employment opportunities. However, this link can also be made in terms of racial status within other contexts, such as caste status in India, or in multi-cultural countries such as the United States. Since most individuals who enter into domestic work are poor or come from a context of poverty, it is common for them to move to another, wealthier area where they will be able to earn more to send back home. This can result in the racialization of domestic work, in which this occupation is dominated by poor women of colour who are

more easily exploited because of their subordinate position within society. Domestic work, already marked by its place within a sexual division of labour, is further devalued by its continual connection with women of colour, who are pushed into this occupation because of these same social identities.

4.2. Maldistribution

The devalued status of domestic workers is translated into the entitlements they receive and the terms in which they are included in (or excluded from) the economic and political system. Domestic work often takes place in the informal sector (particularly in developing countries), which can lead to the workers' exploitation as they have little recourse to justice in this unregulated arena. Even when domestic work takes place in the formal sector, the occupation is denigrated by its classification as 'unskilled' labour, (and in some countries, labour laws do not acknowledge domestic paid work at all), which renders it socially unprotected and insecure. In fact, there is very little difference between the two sectors in the case of domestic work, except that undocumented immigrant workers have even less protection under the law and face the threat of deportation. The lack of social protection, labour rights, and regulations limit domestic workers' ability to bargain for basic rights, such as maximum working hours, paid leave, a minimum wage, insurance, or overtime. This situation is further complicated in contexts of poverty, where low levels of education and a lack of knowledge about labour rights (if these even exist) can leave domestic workers open to exploitation by their employers or representative agencies. Even in wealthier societies this occurs, as the immigrant workers may not know the language, understand or know their rights, or be able to exercise their rights. Furthermore, the isolation and 'invisibility' of the domestic worker within the household places them in a precarious position between the private and public divide, in which the space for public interference is questionable. This isolation makes it difficult for domestic workers to speak out against injustices and may deter them from mobilizing for their rights, for they may not know the similar unfair conditions of other domestic workers and therefore suffer in silence. Live-in domestic workers, those who live in their employer's home, are especially vulnerable to abuse, exploitation, and isolation as the boundary between the home and the workplace, and between independence and servitude become blurred. The unregulated control that the employer has over the domestic worker, in which the latter may not even have recourse to the law for help, "extends to controlling her recognition as a member of what constitutes the public... [which] is encouraged by the legal structures...of a so-called public (but in a crucial sense, private) space, the... nation" (Bhattacharjee 2006: 344). The legitimacy of domestic workers' claims on the state, compared to their

employers', is questionable as they lack full recognition and entitlements, which ultimately, correlates to a lack of national citizenship.

4.3. Misrepresentation

Although it is context specific, the ordinary-political misrepresentation of the domestic worker is largely determined by her citizenship status. This status is a major factor in establishing the domestic worker's entitlements and recognition, which in turn further shape her citizenship. However, this misrepresentation is a consequence of the misframing of, not domestic workers per se, but the devalued groups within society that they so often represent: poor women of colour or low caste. The historical exclusion of these groups is experienced as a continuous process, which has improved in some countries but still faces much opposition.

Since the modern conception of citizenship is largely based on the citizen as a productive member of society, and women have been seen as 'non-productive' due to their ascribed roles in the (private) reproductive sphere, it is unsurprising that they have been denied citizenship status for so long ³. Women's mobilization for the right to work and for universal suffrage has essentially been a struggle for inclusive citizenship. However, this full citizenship has yet to be achieved, as the ways in which they are included in, for example, the economic sphere "is shaped by norms regarding appropriate work for [them], with these norms then influencing women's terms of inclusion" (Kantor 2001:195). This constrained inclusion may push poor women into domestic work, which leaves them at risk of being institutionally and structurally marginalized and caught in a process of poverty: thereby perpetuating the 'feminization of poverty'. Both poor men and women experience this constrained and adverse inclusion in the labour market, yet it is particularly acute for women due to the unjust gender relations that relegate them to the 'poorest' of jobs.

This citizenship is further complicated by the racial identity of the domestic worker. In developed and developing countries, the racial barrier to equal citizenship still exists, though the concrete manifestation of this racism may appear to be different. This racial identity, in turn, can be separated between native-born (in which even the most basic form of citizenship applies) or immigrant domestic workers (in which they are distinctly non-citizens). The former category have more access to entitlements, and are able to make some claims on the state as citizens, no matter the underlying racial discrimination. In terms of the latter category, the workers can arrive legally (with proper working permits), or illegally (with tourist visas or none at all ⁴). This distinction is critical, for it immediately shapes the immigrant's citizenship status and his or her employment strategies. The immigrant's legal status determines his or her entitlements (to health care, social insurance,

etc.) and rights (in case of abuse, unfair working conditions etc.). This status also determines how immigrants are included in the labour market: the terms and conditions and the exit options. If the immigrant is undocumented, he or she is much easier to exploit by employers –the threat of expulsion being a convincing inducement to work under unfavourable conditions.

The discrimination of a state and its nation is most clearly manifest in its immigration laws; they are a state's form of controlling the perimeters of its nation's borders, both physically and constitutively. In a sense, "immigration laws have *privatized* the nation"; they create clear boundaries that posit citizens as normal, valued, or 'insiders', and immigrants as different, unworthy, or as 'outsiders' (Bhattacharjee 2006: 344). Immigrants are distinctively non-citizens, especially when they are illegally landed, and thus lack many entitlements and rights accorded to native-born citizens. Access to public benefits is often denied to non-citizens, despite the contributions they make to society: a political choice that "speaks volumes about the salience of citizenship as a marker of difference" (Mattingly 2001: 380). This difference is reiterated in everyday conversations marking the immigrant as 'other' and in social norms that push immigrants into lower-status, lower-paid, and unprotected occupations that are 'unfit' for full, respected citizens. 'Unskilled' immigrants are thus socially and politically excluded from their host state, while being adversely included in the economic sphere. Their status is explicitly as non-citizens, as 'outsiders', evident both in their constrained decision-making abilities and in their lack of entitlements and rights. This is especially true in the global context, where the control of state borders is equivalent to control over citizenship and the question of responsibility in the face of globalization.

4.4. A Political Act

"We should not forget that many institutions do not pressure enough because [public] services are not covered and domestic workers serve as a mattress to conceal all this" (Peterson 2007: 275).

The construction of domestic work as being 'unimportant' or 'menial' is embedded in the fabric of patriarchal societies. It enabled (and still does) husbands to benefit from the free labour of their wives, and it enables employers to benefit from the cheap labour of women forced into a subordinate position by social norms, a capitalist economy, and a discriminatory political system. This process of subjugation and exploitation should not be construed as 'accidental' or 'unintentional': it is a political act that reproduces and perpetuates patriarchal hegemony. If women's main duties are their roles in the reproductive and community spheres, then their entrance into the other spheres will be met with resistance for it naturally demands a re-ordering of the current system of gender

hierarchy. It would, ideally, mean that the four roles (re-productive, productive, community, political) would be shared equally between women and men. However, gender roles are so deeply embedded in patriarchal societies, that instead of a mutually beneficial sharing of responsibilities, what often occurs is that women are burdened with their previous responsibilities on top of having to earn a living wage, thus experiencing severe time-poverty. This burden becomes more intense with a residual welfare system that increasingly shifts the burden of care and social services away from states and on to citizens (Anderson 2000: 16). The decrease in the public provision of social services means that more people must purchase these services from the market, which results in the need to make more money in order to afford these services. This gives rise to an increase in women in the labour market and the increase of time-poverty of these women to perform domestic and productive duties. Domestic workers are sought after to fill this gap where the state no longer provides services and women are entering the workforce to pay for these services.

Crucially, what often remains unsaid is how wealthier women (working or not) benefit from the subordinate position and cheap labour of the domestic worker. Rather than challenge the sexual division of labour, these women merely transpose their domestic burdens onto poorer people who have little choice but to accept the unfavourable options ascribed to them. This care chain is part of a larger, global chain where poor, often immigrant, women are imported to wealthier areas to take over the care work of more affluent women: not only does this practice diffuse pressure for a more equitable sharing of household work, but it also recreates race and gender ideologies that justify the subordination of women of colour" (Glen 1985: 36) Yet, it is not simply wealthy women who gain from this exploitation, but also their husbands, and the capitalist system, and whole societies. The production of human capital has been taken for granted by many people, including policy makers and economists, for without someone to take care of the household chores and to raise children, society would not be able to function. Here we see that what has been passed-off as 'insignificant women's work' is actually productive, as it enables the functioning, reproduction, and expansion of whole nations.

In turn, the categorical exclusion of immigrants from equal legal rights and entitlements is a failure (intentional or not) of the host state to recognize the important contributions these non-citizens make to the (re)production of the state. The host state does not have to pay for their 'production', as in education or health care, yet it receives all the benefits without conceding anything except the bare minimum of rights (Chang 2000: 12). Thus, the unjust position of domestic workers, which stem from unequal gender relations within a patriarchal system, are reproduced in a capitalist economic and political system that benefit from and push poor women (often of colour) into an occupation that, in fact, sustains the whole system.

4.5. Claiming Citizenship

The 'invisibility' of domestic workers within the private home is reflected in the gap in statistics about domestic workers around the world, which makes these women appear as unproductive. The statistics that do exist are unable to account for the informal sector, which in some contexts comprises the majority of the labour force. The lack of concrete information about domestic workers arises from the failure of the measurements and measurers themselves to recognize the contribution of these workers (Chen 1999). This 'invisibility' is translated into the forms of legal and social protection available to domestic workers, which is neglectful at best. Domestic workers often experience injustices within the so-called 'private' sphere⁵, but these stem from much larger processes of injustice, bolstered and perpetuated by unequal (social, economic, and political) structures within nations and, critically, the world. Despite the global history of domestic worker exploitation, little has been done on the side of governments to resolve or advance the condition of this

subordinate group. Their citizenship, in the fullest sense, is restricted. Yet, citizenship is not only something given, but must be fought for and claimed.

Domestic workers occupy a unique position in society, in that they represent both the upholding of women's role in the reproductive sphere, while potentially challenging it by turning this work into productive, 'real' work. In these conditions, domestic workers challenge the spatial division between the private and public spheres by placing public market forces within the privacy of peoples' homes. These constructed boundaries are confronted by the presence of "the domestic worker, as a worker (often a woman) in a family home...because one sees that the family home can actually be a public space" (Bhattacharjee 2006: 343). Moreover, domestic workers pose an international challenge to state structures in terms of the question of citizenship in a world of fluid movements of people. Addressing the maldistribution, misrecognition, and misrepresentation injustices commonly suffered by domestic workers represents a unique opportunity to globally transform unequal gender, race, and class relations.

NOTES TO CHAPTER 4

1. There are two types of domestic work: paid and unpaid. Hereon in, the terms domestic work, and those who occupy this position, refers to paid domestic work, although the devaluation of both kinds stem from a sexual division of labour that "is seen to reflect the 'natural' order, and is ideologically reinforced through such means as the legal and educational system, the media, and family planning programs, without recognition that within it the woman's position is subordinate to that of the man's" (Moser 1989: 1800).

2. Domestic work takes place in the employer's homes, leav-

ing domestic workers more vulnerable to sexual/physical abuse than workers in more 'public' occupations.

3. Most women only gained the right to vote and run for office in the 1900s (Women's Suffrage, accessed August 27th, 2011).

4. Here on to be known as undocumented workers

5. A distinction that is not 'natural', but socially constructed. Why should this occupation not be subject to the standards of human rights?

5. Case Studies

“The achievement of decent work for domestic workers ultimately depends on their capacity to organize and engage in collective action” (ILO 2010: 11)

5.1. Context: Domestic Workers in the United States

The current state of domestic work in the United States is continuous with the country’s historically gendered and racial division of labour. Domestic work has traditionally been performed by women and in wealthier households, by poor women of colour. The labour history of the US is one in which “African American, Mexican American, and Japanese American women were drawn into domestic service by a combination of economic need, restricted opportunities, and educational and employment tracking mechanisms” (Glenn 1992: 32). This, in turn, increased the low-status of domestic work as not only associated with poor women, but also racially related. The value of this work is still largely unrecognized –economically, politically, and socially. Domestic workers are paid only minimum wages, (and in the case of undocumented immigrants often below that), with no maximum hour work limit, paid leave, overtime or social protection (such as coverage under the Occupational Safety and Health Act) (ILO 2010: 12). The misrecognition of domestic work is a product of its gender and race dimensions, which “hel[p] to maintain an overall system of class subordination” (Glenn 1985: 87). This racialization has persisted in US immigration policies that push women and men from developing countries into industrial, domestic, and other ‘menial’ occupations unfit for ‘respectable’ citizens. Yet, this cheap, immigrant labour is vital to the American economy and standard of living, especially in terms of domestic work. The decline in welfare benefits and delivery of social services in the US, combined with the increase of middle-class women in the labour market, has pushed for a constant demand of cheap labour to perform the domestic work of the nation. This misrecognition, of how domestic work contributes to the development of the American nation, is translated into maldistribution in the form of unfavourable immigration policies that constrain women from developing countries into the occupations of domestic work while denying them access to social services or citizenship status (Chang 2000). Racist discourse is blanketed under cover of nationalism as the American “construction of immigrant women ... has been used to advance brutal welfare policies deny-

ing immigrants access to benefits and services” (Chang 2000: 13) ¹. All of this while benefiting from the labour of people that was paid for in the immigrants’ home countries. This misrecognition and maldistribution are part of the larger problem of globalization and the difficult questions that international migration poses to the continuity of the nation and of who is responsible for the welfare of immigrants. In the United States, the discourse indicates a difference between those who are welcome to stay and those who are welcome for their temporary labour. Within this discourse, domestic workers belong to “a class of people good enough to do [the] dirty work, but not good enough to be permanent residents” (Bakan & Stasiulis 1995: 315). This discrimination extends even further, as the ‘unskilled’ and ‘unproductive’ categorization of their work means that under the National Labour Relations Act they are not allowed to form unions or collectively organize, leaving them little recourse to change the conditions of their labour within American society (ILO 2010: 11). Furthermore, as only citizens possess the right to vote, immigrant domestic workers remain unrepresented in the United States, and are effectively excluded from the frame of justice. Only through organization will domestic workers be able to demand inclusion in this frame of justice, yet this possibility is legally denied to them. Even if mobilization were on the agenda, domestic workers are constrained by several factors including time-poverty (performing productive and reproductive work), economic poverty, fear of deportation (in the case of undocumented immigrants), and the isolation and ‘invisibility’ of the occupation itself. Domestic workers are also ethnically diverse, with different languages and levels of education: any mobilization to transform the condition of domestic workers will need to adapt to these differences.

5.2. National Domestic Workers Alliance: New York

Both American men and women gain from the subordinate position of the domestic worker. Instead of sharing the reproductive responsibilities, the work is delegated onto poorer women who frequently cannot afford but to accept the unfavourable conditions offered. Despite the so-called ‘liberation’ of American women, the “perpetuation of the sexual division of labour, along division of class, race, and nationality” remains: it is simply passed on to less fortunate women (Peterson 2007: 272). The consequences of this have produced an ‘underclass’ of

poor women of colour who are socially, economically, and politically excluded or adversely included in American society. They are denied access to entitlements and full-citizenship status while being exploited for their labour, which “serves as the infrastructure on which First World economic expansion depends” (Litt & Zimmerman 2003: 157). Participating in domestic work under the frame set by American institutions and society, in which this work is structurally and normatively devalued, enclaves domestic workers in a way that denies them alternative choices and the ability to ‘live a life they value’.

However, domestic workers all around the United States are currently contesting these injustices. A notable success is the National Domestic Workers Alliance (NDWA) campaign in New York to pass a Bill of Rights for domestic workers, recognizing them as equal workers under the law ². These campaigners, mainly composed of domestic workers, are taking citizenship into their own hands by actively lobbying the government for the due recognition of their work and contribution to American society. Their demands for redistribution in this Domestic Workers Bill of Rights include the same entitlements that other workers receive, such as overtime pay, regulated time off, and social protection (such as maternity leave, or protection from discrimination and abuse) (NDWA 2011). A key part of this organization is legalizing and facilitating the collective bargaining power of domestic workers, which goes hand in hand with the recognition of this work as equal to other occupations. For six years the NDWA have lobbied the NY state government to pass the proposed bill, and on July 1st, 2011 it was finally adopted, thereby becoming the first state to recognize domestic workers as “real workers under the law” (ibid). However, domestic workers in the US have been lobbying for this change for much longer than this. The success of this domestic workers mobilization has wide reaching implications. For one, it addresses the immediate need to redistribute, recognize and represent the demands of domestic workers in New York and other parts of the US. For another, “the acts of these women not only boldly contradicte[s] the image of paid household workers ‘as passive victims of racial, sexual, and class oppression’ they also ‘revea[ll] an astute political consciousness by making women’s work carried out in private households a public issue.” (Smith 2000-2001: 101-102). This movement is likely to be followed throughout the US as more domestic workers become aware of the power of collective bargaining without the permission of the US government; an act that is itself an act of claiming citizenship. The NDWA is working to share its knowledge with other domestic collectives as they lobby their own states for equal labour rights. This movement has challenged the construction of boundaries between public and private, between the sexual division of labour of women and men, and between citizens and non-citizens. It questions the frame of justice itself. The movement is only one part in a larger global movement to revalue and recognize the importance of domestic work, paid or unpaid, and restructure the gendered division of labour.

5.3. Context: Domestic Workers in India

Domestic work in India is structured around gender and caste/race divisions of labour, which takes place in the informal sector. The sexual division of labour is evident, as women are frequently relegated to the reproductive and community spheres while men are responsible for the productive and political roles. However, for households in extreme poverty (and increasingly in wealthier households where women enjoy more equitable gender relations), women take part in the labour market, providing a supplementary income to the household while still upholding their other domestic duties. There are several reasons why women, particularly very poor women take on paid domestic work. For one, they often lack the requisite skills and education levels to enter into more remunerative or formal work. In fact, most formal occupation are filled by highly educated, upper caste males, whereas “ninety-one percent of the Indian labour force is employed outside the formally ‘organized’ economy and beyond the purview of protective labour legislation, social security provisions and the relative employment security of a formal wage-labour relationship” (Hill 2001: 446). The choice of occupation is also shaped by other factors such as the household’s location for work opportunities and social norms that relegate women to the lowest-paid, unregulated, and insecure jobs (Kantor 2009). Domestic work has also traditionally been caste-bound, with the jarmardani caste performing rubbish and waste disposal, and the mai caste performing domestic work within the house (Raghuram 2001; Qayum & Ray 2003). These castes were also among the poorest people in Indian society, at least until recently when government programs to affirmatively redistribute to these castes led to openings in the educational system and even some government positions (Raghuram 2001: 608). However, these more remunerative and secure positions are only open to men of these castes, with women still performing the traditional work. Although domestic work is no longer strictly controlled by caste position, the stigma of this occupation lingers and those who perform this work are treated as if they were not even ‘human’ (Qayum & Ray 2003: 546). This misrecognition is reflected in the extreme maldistribution of domestic work. The occupation is not even acknowledged as work in labour laws, and its increasing ‘feminization’, characterized by wages below minimum standards, part-time, unprotected and informal work, renders domestic workers in India vulnerable to exploitative working conditions. Although women and men both occupy domestic worker positions, the “more remunerative, full-time, live-in paid domestic work is more likely to be done by men” (Raghuram 2001: 608). Women, on the other hand, generally occupy the part-time domestic work positions (77%) and must therefore also work for multiple households, which contributes to their time-poverty (Qayum & Ray 2003: 525). Even within domestic work the division of labour discriminates against women.

The framing of domestic work in India, as ascribed to women of the lowest caste or as an immigrant, leaves little recourse to justice. Domestic workers belong to social groups

within India that traditionally and currently have the least entitlements and capability to uphold their rights. The capacity of the state to enforce rights is constrained by its limited resources for India's vast population, and despite possessing *de jure* citizenship rights; the *de facto* citizenship of domestic workers is minimal at best. As India's middle-class increases, the gap between them and the 'poorest of the poor' also increases. One study in Kolkata (Calcutta) found that although only wealthy households can afford full-time servants to perform all the housework, "every middle-class household has...on average 1.5 [part-time] servants, whose median salaries ranged from Rs. 500-1000 a month (US\$ 10-20) (Qayum & Ray 2003: 525). In this context as well, the residualist welfare system induces those who can afford it to purchase services from the market, leaving the social benefits to the poorest Indian citizens. The current system of domestic work reinforces the sexual division of labor and unequal gender relations, pushing the reproductive work downwards onto workers who become enclaved in this occupation and stigmatized by association with it. The situation of this work within the informal sector, in a society that previously considered this worker as 'untouchable', means that domestic workers are one of the most exploited, vulnerable, and poorest groups in India.

5.4. National Domestic Workers Movement: India

The National Domestic Workers Movement (NDWM) is based in India, with over two million members in 23 states, whose purpose is to gain equal working rights, entitlements, and recognition for domestic workers. It lobbies the central government and has gained the adoption of a health scheme (including health insurance) for domestic workers and the extension of minimum working age of 14 years to include domestic work (NDWM 2011). It has also been working towards the acceptance by individual states of equal rights legislation and has gained some ground in states such as Kerala, Rajasthan, Bihar and Maharashtra, which include the Minimum Wage Act (*ibid*). However, these acts and programs are only being implemented slowly, and in some cases, not at all: government registra-

tion of domestic workers into the formal labour system, in which their rights and entitlements are guaranteed, has yet to begin (Rajadhyaksha 2011). Without registration, these workers continue to be 'invisible' in terms of their ability to gain equal rights, access entitlements, and receive full recognition as citizens. The current regulations also cover only those over the ages of 18 years, which leaves a considerable number of young workers vulnerable to mistreatment (Sharma 2009). In particular, the exploitative 'placement' agencies that benefit from the subordinate position of these under-educated and poor workers need to become regulated and held accountable for their abuse of domestic workers. These initiatives are necessary for the redistributive side of justice, however the NDWM (among many other domestic workers movements in India) are also concerned with the positive recognition of domestic workers as valuable and contributing important work to the functioning of Indian society. Indeed, this recognition is central to the tangible rights and entitlements of domestic workers, as well as the respect they deserve as human beings: yet, "such a change of attitude cannot be legislated" (Sharma 2009). Recently, the International Labour Organization (ILO) has been working towards getting employers and states to adopt a Convention on Domestic Workers, which lays out a standard system of labour rights, working conditions, and entitlements for domestic workers, regardless if they are in the formal sector or informal sector (ILO 2011). Crucially, this convention takes a public, global step towards recognizing domestic work as 'real' work. The NDWM has been lobbying the Indian government to adopt this convention as an important step towards globally acknowledging the rights of domestic workers. At the 100th ILO Conference, this landmark convention was adopted by India, along with 90% of other employers and governments belonging to this organization. The convention is a binding international treaty, meaning that there is more leverage for holding those who ratify it accountable (ILO 2011). This form of global recognition and redistribution is crucial to the plight of domestic workers, and as their voices gain momentum worldwide, so does their claim for representation gain legitimacy. In this case, full recognition is the most 'political' demand they can make, through which reforms of redistribution and representation can be accomplished.

NOTES TO CHAPTER 5

1. One such example is the California illegal immigrant bill (Secure Immigration Act – AB26), which was based on a similar Arizona law. The bill would have made it legal for law enforcement officers to demand identification from people who appeared to be illegal immigrants, while punishing employers or businesses who knowingly employed illegal immigrants. The Supreme Court eventually struck down the bill, but the ideology behind it is revealing (Smith 2011).

2. In New York City alone, an estimated 250, 000 to 450, 000 undocumented immigrants work[ed] in domestic service...Earning a mean annual wage of \$15, 160,1 they experience[d] greater levels of poverty than any other occupation" (Smith 2000-2001: 53). The ILO's estimate is that there are over 2 million domestic workers in the US, 90% of whom are women (ILO 2010:11).

6. Conclusion

“The individual is an effect of power, and at the same time, or precisely to the extent to which it is that effect, it is the element of its articulation” (Foucault 1980: 98).

In *A Theory of Justice* John Rawls claims, “the basic structure [of society] is the primary subject of justice because its effects are so profound and present from the start (1971: 7). This basic structure, which comprises social norms, the economic sphere, and the political system, is instrumental in shaping the opportunities and life chances of the people who live within it (ibid). In societies with unequal relations, these opportunities are often determined by the social positions of its citizens, which are based on social identities; these, in turn give rise to discriminations in terms of the life choices and chances of these people. Often, this discrimination manifests in the misrecognition and misrepresentation of these devalued groups, as well as maldistribution in terms of their entitlements and wealth. Consequently, many people in low social positions experience conditions of poverty, which are reiterated in a reinforcing cycle of inequality. The discourses surrounding these socially degraded groups construct this poverty as a problem of ‘the poor’, rather than as a problem with the structures and relations of society. The matter of deep inequalities between people in a society is thus displaced onto ‘the poor’, who become subject to targeted policies and welfare programs. It is the persistence of these inequalities, as “presumably inevitable in the basic structure of any society, to which the principles of social justice must in the first instance apply” (Rawls 1971: 7).

As one of the most prevalent and persistently devalued identities, gender is often correlated with poverty in ways that depict women as the majority of ‘the poor’. Yet, while this ‘fact’ may inspire many targeted programs to ‘help’ poor women, they rarely address the causes of this discrimination; that is, unequal gender relations in patriarchal societies, which are solidified in the capitalist system. The ways in which unequal gender relations shape the opportunities available to women is one of the deepest of inequalities, which demands a transformation of these relations. As the case of domestic workers demonstrates, women’s integration in the ‘productive’ sphere, when unaccompanied by the mutual sharing of the domestic role¹, can result in the transferral of these duties to women in even more subordinate positions. Rather than question the terms of a relationship that posits women’s place in the home as ‘natural’, better-off women and men are often complicit in perpetuating the subordinate position of

domestic workers as they pass down work that they are unwilling to perform. This hierarchical system is magnified in a global care chain, in which “Third World migrant women achieve their success only by assuming the cast off domestic roles of middle –and high income women in the First World –roles that have been previously rejected, of course, by men” (Ehrenreich & Hochschild 2003: 3).

The purpose of this paper, in analyzing the experiences of paid domestic workers, is to identify some of the severe injustices occurring within ‘the basic structure of society’. This example is but one of the ways in which devalued identities concretely shape the life chances of discriminated groups in nation-states and on a global scale. The aim is to demonstrate how people are at once ‘the effects of power’ – as their realities and options are shaped by social, economic, and political structures and relations – while at the same time they are ‘the element of this power’s articulation’ (Foucault 1980: 98). This also holds true for those who may benefit from unequal relations of power. By demonstrating the roles of individuals and states in perpetuating and reinforcing structural inequalities, these injustices lose ‘the objectivity of inexplicable, contingent, and natural events’ and become political. The recognition of these injustices as a product of human relations and thus within human control to change is the first step towards their prevention.

In Hegel’s analogy, unequal relations can only be resolved through the mutual recognition of both people as equal human beings. This struggle for recognition is the struggle for full citizenship within the nation state, and, ultimately, for universal citizenship, in which all human beings are valued equally and able to ‘choose a life they have reason to value’. Positing citizenship in such terms may seem idealistic, however, “around the world it has been the universal language of citizenship that has provided socially excluded groups with a lever to demand inclusion and their fair share of public resources and social recognition” (Marie-Goetz 2007: 33). In this sense, an inclusive and fair democracy is a necessary mechanism to enable greater participation and representation. Through greater participation citizens are able to influence decision-making and have greater control over their lives, and if the process of democracy is truly inclusive, then it will recognize every stakeholder and the important roles they play in the household, community, nation-state, and global arena². The demand for recognition by domestic workers around the world is, in this sense, a demand for inclusive citizenship: a political act that challenges some of the deepest of social inequalities.

NOTES TO CHAPTER 6

1. This role must be shared between women, men, and the state. Simone's perspective on everyday spatiality in the cities of the South.

2. It is also much easier to make demands on the state in an

inclusive democracy, such as for "systematic and dependable child care provided by the state...[as a necessary] 'public good'; an essential prerequisite for women's successful integration in the global economy", as well as their inclusion as equal members of society (Sadasivam 2001:3).

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