

Chapter 6

Caged in and Breaking Loose: Intimate Labor, the State, and Migrant Domestic Workers in Saudi Arabia and Other Arab Countries

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Introduction

This chapter is about migrant domestic workers in a number of Arab countries in the Middle East, namely Jordan, Kuwait, Lebanon, and, chiefly, Saudi Arabia. We show how governments in those countries deploy a gendered concept of privacy to justify systems of migrant domestic worker employment that bind employees to their employers, confer unregulated power on the latter, and divest receiving states of responsibility for migrants. This regular system of unregulated power produces as its corollary an irregular system of migrant domestic labor as evidenced by the figure of the “freelancer.” Freelancers challenge claims made by receiving states about the necessity of the conventional employment and sponsorship arrangements. They demonstrate the generative processes and gendered effects of state disciplinary power (Foucault 1978; see also Introduction).¹

Domestic work fits clearly with the definition of intimate labor proposed by Boris and Parreñas as “work that involves embodied and affective interactions in the service of social reproduction” (Borris and Parrenas 2011:7). We suggest that the concept of intimate labor may best be deployed as a question: that is, how, when, and where are certain types of work deemed to be intimate, private, and personal, and what are the social consequences and corollaries of construing that work as such? Posing the question in this way responds to Boris and Parreñas’s invitation to think of intimate labor as situated at the intersections of the private and public, mindful of the scholarly work that discloses how putatively private and intimate relations, such as the family, turn out to be shaped and surveilled by various public

institutions (e.g., Folbre and Bittman 2004; Nelson and Garey 2009). Moreover, as feminists contend, the work that some people, women especially, do has frequently been devalued or unpaid because of the gender normative associations that construe what they do and the effort expended as natural aptitude and inclination and/or “voluntary” work in the service of love. Intimate labor also defines the work done by and associated with a feminized, though not always female-bodied, ethnic or racialized migrant other in an increasingly globalized world (see Ehrenreich and Hochschild 2003).

Although domestic labor performed by migrants is nominally recognized as a contractual relationship of employment, or a commoditized form of intimacy (Constable 2009), its construal as a private, personal, and intimate relation renders that work of lesser economic value, reduces legal protections, and legitimates endless expectations about the varied sorts of work that migrants might be called on to undertake. Across the world migrant domestic workers are often denied the right to live independently and enjoy family life in host countries. They are instead incorporated as dependents within the family they work for, a designation used by employers to obfuscate their contractual obligations and by governments to abdicate responsibility for these workers (Anderson 2000; Bakan and Stasiulis 1997). The putatively private relation between employer and employee is structured asymmetrically not just by social divisions of race, class, and gender but by the differential residency and citizenship status that migrant domestic workers occupy in various host countries.

In each of the countries described here, the state benefits politically and economically from a system of structural violence (Gardner 2010; see also Mahdavi 2011:95–97) that grants its citizens unregulated power over domestic labor with practically assured impunity and at minimal cost to the states themselves. It is not only the case that migrant workers are denied permanent residency and citizenship rights, but also that the system of migrant visa sponsorship makes the employer a proxy for the state. As Longva contends, “Through this

delegation, dominance [is] no longer merely a property of macro relations between the state and its migrant population but a central component in the relationship between individual natives and individual migrants” (1997:109; see also Gardner 2010:220).

This doubly “privatized,” but in reality state-produced and -sanctioned, relation between sponsor/employer and migrant/employee consolidates the former’s power and control over the latter. It also ensures that government authorities rarely, if ever, intervene to protect migrant domestic workers’ interests either as foreign residents or employees. Rather, the state acts as guarantor of unequal labor relations justified ideologically on the basis of the inviolability of the home and domestic sphere and enforced by making migrants’ residency status contingent on the continued performance of their intimate labor. In that way, migrant domestic workers are subject to a regime of deportability (De Genova 2002; De Genova and Peutz 2010) whose corollary is the restriction and denial of rights of and over the movement and mobility of their embodied and affective reproductive labor (Rubin 1975).

The systems that produce and sustain migrant domestic worker subordination and their everyday forms of resistance have been written about extensively (e.g., Anderson 2000; Constable 2007; Gamburd 2000; Moukarbel 2009; Parreñas 2001; Silvey 2004, 2006). The existing literature demonstrates that power is never absolute, is both enabling and constraining, and produces different sorts of embodied subjectivities capable of acting in sometimes surprising ways (e.g., Bourdieu 1992; de Certeau 1988; Foucault 1978; Scott 1985, 1990). In this chapter, we highlight one way that migrant domestic workers are enabled to act against the system of extreme coercion that they face; that is, by absconding, or more precisely, in the words of migrant domestic workers, going “freelance.”

Going freelance is, we suggest, both a manifestation of migrant domestic workers’ disaffection (Manalansan 2010) and provoked by specific experiences of abuse and exploitation. In that situation, as Longva contends with respect to migrant domestic workers

in Kuwait, it may be considered the “the ‘weapon of the weak’ ... par excellence” (1997:97). Freelancing, in short, is a product of and response to the existing system of domestic labor organized in and through the *kafala* system of sponsorship (Gardner 2010) that makes the fulfillment of the contract of employment, where one actually exists, contingent on the good will and benevolence of individual employers and transforms an employee’s withdrawal of their labor into an act of civil if not criminal disobedience.

State response to freelancing is predictably inconsistent. On the one hand, the state averts its gaze from employers who enter routinely into informal employment arrangements with freelancers. On the other hand, it prosecutes regularly those employees found or reported by employers to have irregular residency status. Neither the state nor employers consider seriously the suggestion that people become freelancers as a direct result of the existing state of labor relations.

Nonetheless, while activist groups and NGOs mobilize sending states and apply international pressure to change the *kafala* system to increase workers’ rights and formally regulate employers’ power, on an everyday basis it is the freelancer who seizes the opportunities of escape and enters into an informal employment relation to exact some limited concessions and improved conditions of service from employers. In so doing, freelancers make explicit the contractual basis and mobility of their intimate labors, challenge the legitimating fictions of private familial relations that normatively underpin receiving states’ material investment in the present structure of migrant labor, and repudiate their ascription as docile bodies groomed affectively for care by the sending state.

Caged in: Hiding Abuse Behind the Shield of Intimacy

Domestic work is labor performed in the intimacy of a family home. In much of the Middle East, and in the Gulf States in particular, the state abdicates an interest in regulating the domestic workspace in favor of shielding the home from government intrusion (see

Chapter 7). Political and economic interests lie at the heart of this abdication, but governments, and citizens who are employers of domestic workers, couch them in the language of respect for the privacy of the home or the protection of gender-based norms of behavior. High officials in Jordan, for example, including the attorney general, the most senior judge, and senior police officers, explained to Human Rights Watch that confining a migrant domestic worker to the house was for her own protection from immoral attacks or proposals, and thus for the protection of the employer's reputation and that of his family (Human Rights Watch 2011b:34). Employers frequently consider the domestic worker part of the family, albeit with different rights and duties, and thus consider a misstep by the worker, or an attack on her, an infringement on their honor and privacy.

These state-sanctioned and state-enforced conventions are premised on gender regimes that ascribe to men power and authority over the household. This is not about unchanging patriarchal structures or kinship ideologies but about the way that some Arab governments have deliberately sought to position themselves as the guardians of gender ideologies that construe women first and foremost as wives and mothers. In the case of Saudi Arabia, in particular, the legitimacy of the ruling elite depends in part on its being seen to moderate outside influences and guard against the corrupting influence of foreign culture by publically affirming the privacy of the home and the protection of the modesty of women within it (Al-Rasheed 2007:128–29; Doumato 2000).

State discourse about the inviolability of the home conceals both state and other external institutions' involvement in policing intimate relations and official willingness to violate the privacy principle when it suits. In Saudi Arabia, a mobile phone app enables border control officials to automatically send an alert to men when one of their female "dependents" seeks to leave the country. Saudi women's protests led to a review and revision of the procedure, but men will still be able to "opt in" to the service and designate which of

their dependents' movements they wish to be alerted to (Harding 2012; "Saudi Women Celebrate" 2014).

More broadly, the laws of each country under review empower prosecutors to issue search warrants for private homes when there is reasonable evidence of a crime. Government law enforcement agencies have shown few scruples about entering homes, even without a warrant, when the suspect, though usually a man, is accused of crimes, such as terrorism, or even speech crimes, such as offending the king, emir, or president. At the same time, in Saudi Arabia, police as a general matter do not enter private homes when women alleging domestic abuse have called for help, unless the male head of household invites them inside—though he may very well be the person alleged to have perpetrated the abuse (Human Rights Watch 2008b:22–23). The point is that government authorities choose not to intervene in domestic abuse that involves either citizen women or migrant domestic workers precisely because that contributes to the public image of the government as protecting "traditional" cultural norms and ensures that citizen employers are in the most economically advantageous position. In what follows we show further how this gendered discourse of privacy and intimacy—routinely violated by states when required and increasingly subject to challenge by Arab women—is deployed and extended by governments and employers in and through the state sponsorship system.

Sponsoring Exploitation

The sponsorship system is the primary vehicle by which governments confer powers over the migrant worker on the employer, or sponsor. Briefly, a sponsor requests a work visa for a migrant worker employee—for two years, usually—on the basis that the sponsor not only is the employer but also assumes nominal responsibility for ensuring that the latter abides by his or her conditions of stay. Sponsorship grants the sponsor the power to restrict a migrant worker's transfer to another employer and to prevent his or her exit from the country.

Although all migrant workers in this region are subject to the sponsorship system, there are three elements of state law and government policy that significantly skew the power relation between employer and migrant domestic worker.

First, while other categories of workers are covered to greater or lesser degrees by employment law, an employer's obligations toward a migrant domestic worker are not anchored in law, but are merely contractual arrangements (Jordan, which extended limited employment rights to domestic workers in 2009, is the sole exception). As part of the contract of employment, employers agree to pay a fixed salary. In a division of labor naturalized in terms of gender, race, and nationality, salary is fixed according to origin: Nepalese, Indian, and Ethiopian workers command the lowest salaries, followed by Sri Lankans and Indonesians, with Filipinas generally commanding the highest. This region-wide wage hierarchy among female domestic workers is one effect of a lack of labor laws and their enforcement. Just as important, these standardized contracts are favorable to the employer because they allow the employer to break a contract with impunity, such as withholding wages, while imposing state-enforced sanctions against the migrant domestic employee even when she breaks the contract for good reason.²

In Lebanon, an employer can break a contract if a migrant domestic worker "commits a mistake, [or] acts negligently," but the contract leaves mistakes and negligence undefined (Human Rights Watch 2010a:18). The migrant domestic worker, by contrast, is allowed to break the contract without penalty only "if the employer or a member of the household beat or sexually harassed her and the act was proved in medical reports by a forensic doctor and in investigative reports from the police or the ministry of labor" (Human Rights Watch 2010a:18). In Jordan, the contract does delimit the circumstances allowing the employer to break the contract, but a migrant domestic worker can do so only when she can provide evidence that the employer failed to pay her salary on time or to obtain the necessary work

and residency permits. That means that a migrant domestic worker in Jordan cannot legally end her contract early, even if her employer makes her work eighteen or more hours a day without rest (Human Rights Watch 2011b).

Second, all countries restrict a migrant domestic worker's ability to transfer to another employer without the consent of the initial employer/sponsor.³ The sponsorship system ties a domestic worker's documented (or "legal") residency status to one employer, who is also the sponsor of her residency. If employment ends, then the migrant domestic worker's documented residency status also ends, leaving her vulnerable to arrest and deportation, and unable to work legally. Saudi Arabia requires a migrant worker's sponsor/employer to obtain an exit visa for the worker to be able to leave the country, a power sponsors/employers use to coerce migrant domestic workers to forgo any claims against them.

Third, the concept of the sponsorship system is wider than the legal powers conferred on the employer. Rather it is underpinned by the notion that the state ought not to interfere in matters between the employer/sponsor and the migrant worker when labor is undertaken in the privacy of the home and family. This not only assumes that intimate labor is performed exclusively in the home but also determines the general conditions of residence that confine migrant domestic workers to the home. In Lebanon, migrant domestic workers are obliged as a condition of their visa to live inside employers' homes, and leaving the house requires their employer's consent (Human Rights Watch 2010a).⁴

Even where limitations on migrant domestic workers' movements and living arrangements are not legally or contractually delimited and defined, the legal powers conferred on employers coupled with a policy of noninterference effectively sanction employers' criminal behavior toward migrant domestic workers, that includes forcible confinement and restrictions on internationally guaranteed rights to freedom of movement and to work. Forced confinement is a crime in some countries like Kuwait, Lebanon, or

Jordan, but few prosecutions have taken place when migrant domestic workers are the victims. In Jordan and Saudi Arabia, passport confiscation is illegal, but the authorities do not routinely pursue offenses against migrant domestic workers, whereas in Lebanon, Kuwait, and other Gulf States, employers can confiscate migrant domestic workers' passports without violating domestic law. Two studies on migrant domestic workers in Lebanon found that 85 percent did not have their passports and 60 percent were locked inside the house (Human Rights Watch 2010a: 22). In Lebanon, a judge even ruled that two Filipina migrant domestic workers who took their passports when they left their employment had "stolen" their own identity documents, apparently bestowing on the employers if not ownership, then at least a right to possession of the workers' documents (42).

The governments' complacency in prosecuting crimes against migrant domestic workers extends beyond passport confiscation and forced confinement. Although prosecutors pursued some cases of physical and sexual assault against migrant domestic workers, police in all countries sometimes dismissed migrant domestic workers coming to complain of serious crimes, such as severe physical assault or rape. Kuwaiti, Jordanian, and Saudi police in several cases returned the worker to her abusive employer or sent her on to her country's embassy without registering her complaint. In Saudi Arabia, police sometimes do not take complaints by a woman without the presence of her male legal guardian or, for foreign women, her sponsor, making it nearly impossible for migrant domestic workers to make a formal report of abuses to the authorities (Human Rights Watch 2008b:22–23).

By contrast, government prosecutors detained and tried migrant domestic workers who had left their employment based on employers' accusations of theft against them. Employers were sometimes frank that these countercharges of theft were spurious and retaliatory for migrant domestic workers' accusations of abuse against them, or to forestall any monetary or criminal claims against them. In Kuwait by law, and in all other countries by

practice, police may also detain migrant domestic workers for “absconding” (Human Rights Watch 2010b).

Two Jordanian employers, who regarded themselves as model employers providing a comfortable and fair working environment for the worker, admitted that their migrant domestic workers had not returned home for vacation in years, a contractual entitlement due every two years, and that they did not give them a weekly day off or allow them to go out. The first employer said she kept her employee’s identity documents because her migrant domestic worker would not know what to do with them: ““How can she have them? She doesn’t even know the end of the street!”” (Human Rights Watch 2011b:26). The second employer said she had prohibited her migrant domestic worker of more than ten years from having a mobile phone, fearing she may engage in improper relationships. Lebanese and Kuwaiti employers echoed these sentiments: ““How can I guarantee that she won’t open the door to strangers?”” one Lebanese employer commented, justifying her migrant domestic worker’s confinement (Human Rights Watch 2010a:22). Kuwaiti employers’ fears of domestic workers finding other jobs or boyfriends led many to prohibit any independent movement.

Preserving female worker’s morality, public morality, and their own reputation is used routinely by employers throughout the region to justify forced confinement, in the same way that the privacy of the home is used by government officials to justify the lack of and/or failure to enforce legal protections for migrant domestic workers. However, just as the discourse of privacy is a convenient way to keep labor costs low for states and citizen employers, everyday restrictions on workers’ freedom of movement and communication also increased employers’ powers of exploitation. Some employers frankly acknowledged that restricting migrant domestic workers’ movement and communication was necessary to prevent “other [migrant] workers from spoiling them” and luring their workers to seek better

employment elsewhere (Human Rights Watch 2010a:22). An Ethiopian migrant domestic worker in Kuwait said her employer punched her after discovering that she had a cell phone, for fear she would learn of better working conditions. Community activists helping migrant domestic workers in Jordan explained that employers were afraid to let their domestic workers go out “because they might hear of others earning higher salaries” (Human Rights Watch 2011b:35).

The situation that migrant domestic workers face in Arab countries is by no means entirely unique and in a number of important respects is similar to that encountered by migrant domestic workers elsewhere (see Anderson 2000; Constable 2007, also Chapters 4 and 7). Nonetheless, the situation of migrant domestic workers in a number of Arab countries, and in the Gulf in particular, exhibits traits different from those elsewhere. The sponsorship system confers more coercive power on the sponsor/employer by conditioning a change in a migrant domestic worker’s employer or a return to her home country on his/her consent, and migrant domestic workers are often more isolated both because of the legal conditions of residency imposed on migrant domestic workers in some countries and because of state-sanctioned cultural norms that view single women in public as a moral hazard.

Breaking Loose: Freelancing in the Kingdom and Beyond

The human rights perspective outlined above provides a comprehensive indictment of a system of migrant domestic labor in the Middle East that binds employees to their employers, confers unregulated power on the latter, and divests receiving states of responsibility for protecting labor rights. In what follows, we examine one of the ways that this system of constraints creates forms of agency even under conditions of extreme duress; that is, by enabling and provoking migrant domestic workers to go freelance.

We begin with an unsolicited and informal conversation that Johnson had with a Saudi academic in Riyadh in April 2009. The academic recounted a series of trouble with

Muslim Filipina domestic workers. The most recent one had absconded just a few weeks into her contract. He called the embassy and the police but no one was able to locate her. He previously had another domestic worker who worked for his family for two years (her contract period) and they wanted her to stay on, but she left, too. He did not specify the circumstances of her leaving but suggested that, like the one who absconded shortly after arriving, she had not returned to the Philippines but had disappeared. He explained that he paid them SR800 a month (about US\$200 at the time in 2009). He surmised that they left in hopes that they would find employment working for someone else for a higher salary. He recently hired an Indonesian through an unspecified third party and now paid SR2,000 per month, though he suspected that the maid received no more than half of that. He had been surprised that the first maid did not take the opportunity to renew her contract and upset about the second Filipino domestic worker because of the time and money she had cost them.

The Saudi academic's story is not unusual. Recruitment agencies charge prospective employers, or sponsors, from US\$1,000 to more than \$3,000 in upfront fees to hire a migrant domestic worker. Given migrant domestic worker salaries of between US\$100 and \$200 a month, \$3,000 is not far below a worker's total earnings for the usual two-year contract period. In interviews Human Rights Watch conducted with employers, the fear of losing the value of the upfront recruiting fees emerged as a primary factor cited to justify abuses against their domestic workers (e.g., Human Rights Watch 2011b:95 ff.).

While employers accuse migrant domestic workers of breaking contracts illegally for personal gain, stories told by migrant domestic workers and their fellow migrants present a far more complex picture. What Saudi officials refer to as "absconding," Filipinos refer to, in Tagalog, as *takas*, a word that describes someone who has taken flight to escape confinement and/or an abusive employer. Migrant Filipinos in Saudi Arabia reported frequently that they knew of domestic workers who had left employers to escape abuse. Many also said that they

knew of or had heard about domestic workers who would leave one employer for another in pursuit of better wages and working conditions. A successful Filipina businesswoman living in Jeddah described bitterly how her Filipino worker had told her she was leaving immediately. She could only afford to pay SR800, while the worker claimed to have found an employer apparently willing and able to pay SR1200. Describing irregular migrant domestic workers as *takas* explicitly foregrounds the exploitive and abusive conditions that are said to occasion flight while acknowledging that the women who do so may also leave in pursuit of better wages and conditions of employment.

Domestic workers we talked to referred to themselves not as *takas* but as “freelancers.” The term *freelancing* is used widely throughout the region and beyond by migrant domestic workers who have left their place of official employment to live outside of their employer’s home, usually as an irregular migrant (e.g., Frantz 2008; Moukarbel 2009; de Regt 2010). In Saudi Arabia, freelancing is neither singularly associated with domestic workers nor that unusual among migrant Filipinos, and it operates in a number of different ways. The least risky form of freelance work is to enter into a paid agreement with a sponsor to allow them to work for someone else while formally, for the purposes of legal residency, remaining tied to that sponsor.

It need not be the original employer from whom one rents sponsorship. Migrants reported that they knew or had heard about Saudis who set up a business and applied for a number of visas to recruit fictional foreign employees. They then “rent” those official papers to migrants who wish to alter their employment status or extend their stay (see also Longva 1997:107). Government officials are reported to be involved, benefiting economically from a rent system of buying and selling “sponsorship” titles over migrant workers (Human Rights Watch telephone interview with Saudi lawyer, Riyadh, August 2011). The “rental” of visa sponsorship and residency permits also appears to operate between private households when

one household “rents” visa sponsorship and residency papers for a household worker to another.

The other more precarious way of going freelance is to leave one employer to work for another without the agreement or consent of the original employer and without securing “formal” sponsorship. That is often the only alternative open to migrant domestic workers who are excluded from the provisions of recently introduced laws in Saudi Arabia and Kuwait that permit other employees to leave their employers without prior consent after a three year period. Leaving an employer without consent is risky for a variety of reasons. First, domestic workers who leave their employers are likely to be reported to the authorities and if apprehended, will be treated in violation of residency laws, and possibly even as criminals. That is, in Kuwait by law, and in all other countries by practice, police will detain escaped migrant domestic workers for “absconding” (e.g., Human Rights Watch 2010b; Mahdavi 2011:194; Strobl 2009). Second, they are often forced to leave without any formal residency papers or their passports, which often remain in the possession of their employer. Third, precisely because a lone Asian woman travelling or moving about on her own is more likely to attract attention in public, and because in Saudi Arabia it is virtually impossible for a single woman to find accommodation on her own, there is a greater risk of abduction by the authorities or worse: one migrant domestic worker who absconded from an abusive employer reported that she was picked up by a man who offered assistance but then sexually assaulted her.

Freelancing is not just an unintended consequence of the state sponsorship system. Rather the state is also complicit in, and profits from, the production of this form of irregular labor (see also Chapter 7). In the regular system of state sponsorship, the gendered notion of privacy functions to protect a system that is heavily slanted in favor of the employer. In the system of irregular migrant work that is its corollary, privacy is also the basis on which the

state can conveniently turn a blind eye to employer violations of the state sponsorship system, while using a system of fines to heavily penalize those migrants whose residential status is deemed to be irregular. That selective vision paradoxically provides migrant domestic workers who have left their original employer some small opening to negotiate better pay and working conditions outside of the formal sponsorship system, but it does so at a price. In order to flesh out the actual experience of what becoming a freelancer entails, we present below four migrant domestic workers' stories of their experiences in Saudi Arabia. The first three stories were related to Johnson by migrant domestic workers in the home of middle class Filipinos in Riyadh in May 2009. The fourth story was recounted to Johnson at a boarding house in Manila.

Freelancing: Four Migrant Women's Stories

Mel (a woman in her twenties) is from Ipil, Zamboanga in the southern Philippines. She first came to Saudi in 2007 to work as a nanny. She said that at first, things were "OK," that the "madam" treated her well enough, but that the problem was the children. When she left the household, there were five of them whom she helped care for, aged fourteen, nine, eight, four, and a two-month-old. She said the older children increasingly treated her with disrespect, sometimes kicking, swearing, and calling her all sorts of names and referring to her as a "dog." After an Indonesian workmate left, and not wanting to face the children alone, she decided to escape. She had, through a mutual acquaintance whom she called after escaping, been put in touch with a professional Filipino couple for whom she was now working and in whose home Johnson met her. Mel's plan was to continue to work for the family until she had enough money both to ensure she was able to obtain necessary papers to allow her to leave the country and to have something to bring back with her to the Philippines. She said she did not have any plans to look for other extra work.

Amanda was also working for another Filipino professional couple who lived next door to the family with whom Mel had worked and where Johnson met and talked to her. She qualified as a teacher in Zamboanga and had come to Saudi to work as a medical secretary in 2007. When she arrived, she found that her original contract had been transferred, without her knowledge or consent, to a Saudi family for whom she was expected to undertake domestic work. She worked for them for two months and then escaped. The reason she left, she said, was that she did not want “to get involved.” When asked what that meant, she said that the eldest teenage son of the family said he liked her and had made several passes at her. She was afraid of his intentions and did not want to stick around. “Where did you go when you left?” one of her companions listening to her story interjected rhetorically, knowing in advance, it seemed, what her answer would be. Flicking her *abaya* over her shoulder, Amanda threw her head back and, adopting a haughty expression, said she had picked up her phone, ordered a taxi, and asked the driver to take her to the Faisaliyah Tower (a well-known landmark and ritzy shopping center in Riyadh). Everyone laughed and exclaimed, “*Sosyal!*” (What style!).

From Faisaliyah, Amanda called a distant relative who came to pick her up, a cousin whose wife was a nurse working in the same hospital as the woman for whom she now worked and in whose home we sat. She managed to recover her passport and residency card because one of the drivers in the household, a Filipino, had been able to retrieve it for her. With her residency permit, she felt secure moving around and was able to get a job as a freelancer in a school teaching a Philippine curriculum. When her residency permit (*iqama*) expired, she had to go into hiding and was now working irregularly for the professional couple who had provided her with a place to stay while she looked for a new position. She helped to look after their four-year-old son. She hoped that she might either find work as a medical secretary or as a teacher again in another school, whether freelance or on a regular contract.

Lang is from Basilan, an island municipality in the Southern Philippines, and has four children there, children she had with her first husband, who is now deceased. She first came to Saudi Arabia in 1994 and was employed as a care worker for the first three years in a rehabilitation center. She returned in 1999 after a short break in the Philippines and worked for eight months in domestic work in a Saudi home. She left that job because her employer was always quarrelling with her. She said that she sought and secured the help of the embassy in securing release from her employer. Subsequently, she was able to find work as a freelancer for a French family in the foreigner's compound for five months. She was well paid, her working conditions were good, and she was able to live outside the home and socialize with friends. During that time, she met and married her second husband, an Ilocano convert to Islam (*balik Islam*) who was working as a mechanic. When her employer departed, she was left without work. At the time of interview, she had one daughter with her second husband and lived with them in Riyadh.

The final story presented here is that of Deng, a middle-aged woman who is legally married but separated from her husband (who had taken a new wife) and her several children who live with her husband in Basilan. Deng had recently returned to Manila from Riyadh where she had lately been imprisoned for some months, an abrupt and unpleasant end to a three-year sojourn and her fifth outing as a migrant domestic worker in the Kingdom. Piecing together a story that was recounted with some agitation, it appears that Deng had either left or been forced out of her original employer's home and her employer kept her passport, residency papers, salary, and mobile phone. She then spent a year working "outside," that is, working irregularly in a variety of foreign expat homes in a gated community and living with friends who were also freelancers. At various points in recounting her traumatic story, Deng suggested that it was either her original employer or fellow Filipinos, identified as *balik Islam* (new Muslim converts) alleged to be in the pay of the religious police, or possibly both, who

turned her in to the authorities because of her status as an illegal worker and/or because she and her friends freely mixed with and invited other men into their home.

Initially aghast at hearing about her arrest, the others listening with Johnson increasingly interrupted Deng and became her main interlocutors: did she run away or was she driven from her employer's home? Why did her employer take her phone? Was it because of boyfriends? Did she see out her original contract, and how long was she TNT (*tago nang tago*, literally hide and hide, an irregular migrant)?

Visibly weary from all the questions going back and forth, Deng went to her bedroom and collected her phone, returning to replay what Johnson at first thought was going to be a video recording of her arrest. As it turned out, it was just a picture of her flat in Riyadh and of her and her friends, women and men watching TV: that, she said, ironically, was her "sin." She said that despite the arrest she enjoyed her life there, had made good friends and that given the opportunity she would return, possibly not to Riyadh but to Dubai or Qatar where she had also previously worked. And although she might go as domestic worker, she reckoned that her best bet would still be to work outside of the home as a freelancer because she did not have qualifications that would enable her to secure a better-paying job through normal routes.

Disaffection, Abuse, and Prospects of a Better Situation

There are a number of points to be drawn from the above stories. The first, that relates directly back to the concept of intimate labor, is to draw attention to what Martin Manalansan (2010) refers to as "disaffection." That is, while it is said routinely, by migrants themselves and by others, that Filipino domestic workers are both caring and careful, the effect of those gendered and racialized ascriptions of Filipino affect is to naturalize the work and labor they perform and render it of lesser value. Manalansan reminds us of the role of the Philippine state in inculcating the discourse of the caring Filipino and promoting the processes through

which people acquire and become skilled at caring. He also reminds us that the performance of care in many situations involves disaffection. For Manalansan, disaffection is about both “emotional distance, alienation, antipathy” and, more precisely, “disloyalty to regimes of power and authority” (2010:217). Disaffection, he suggests, may be manifested in a variety of ways but is best characterized, following Berlant (2008, in Manalansan 2010), as composure: an often carefully managed and deliberately staged economy of affect. Though we have only migrant testimonies, rather than firsthand observation, there is ample evidence above—in descriptions of the situations they encountered and of the audacity and style of their departure—both of women’s “disloyalty to regimes of power and authority” and of their composure. It is also possible to see evidence of that same disaffection in the unexpected departures of migrant domestic workers and their reported effects on both the Saudi academic in Riyadh and the middle-class Filipina businesswoman in Jeddah: that is, anger, bitterness, and, perhaps most especially, evident surprise.

Second, while the actions of freelancers make explicit their disaffection, open acts of defiance are based mainly on serious provocation. That is, in keeping with what has been reported in Human Rights Watch reports from across the region, all of the women indicated that they ran away to escape extremely exploitative and abusive situations (see also Mahdavi 2011).⁵ They subsequently became freelancers who sought better living and working conditions. It is important to clarify that the threat of going freelance does not appear to be a significant bargaining chip in negotiations between domestic workers and their regular employers/sponsors. Rather, it is only after one has left that regular employment and become a freelancer that opportunities arise to seek out and bargain for an improved situation.

Third, migrant Filipinos do report good employers among Saudi nationals. Among the more than eighty domestic workers Johnson and Pingol talked with in Saudi Arabia and in the Philippines, roughly a third described their employers and their situations as good and

decent; there were also stories about generous employers. Stories of good employers that circulate in the migrant community also motivate people to leave a poor employer, as was the case with Amanda and Lang. As Lang's and Deng's stories indicate, there is also a significant population of affluent non-Saudis—Europeans and Asians, middle-class and elite Filipinos among them—who require and seek out the services of migrant domestic workers. They are commonly, though not always, reported by migrant Filipinos to be both more generous in the remuneration they offer and in the conditions of work. Overall, as reported widely from across the region and elsewhere, women who worked as freelancers and lived outside of their employers' homes were likely to report better pay and working conditions and greater autonomy than those employed on a regular contractual basis in Saudi homes (Constable 2009; Frantz 2008; Human Rights Watch 2011b; Mahdavi 2011: 241; Moukarbel 2009).

Fourth, although there are many structural commonalities across receiving Arab states, there are significant differences in law, practice, and procedures that make freelancing easier, if not always better, in some places than in others. In Saudi Arabia, where gender segregation and restrictions on women's movement and living arrangements are legally sanctioned and publicly enforced both by the state and by non-state surveillance (see Alhadar and McCahill 2011), it is very difficult for lone migrant women to negotiate life as freelancers outside of sponsors' homes. To lessen the risks and increase the probability of success as freelancers in Saudi Arabia, migrants mobilize and rely on social networks among their own migrant communities (see also de Regt 2008; Johnson 2010; Longva 1997: 96).

Filipino migrant domestic workers account for approximately 20 percent of the more than one and a half million Filipinos in Saudi Arabia. Our research suggests that there is a reasonable expectation among migrant domestic workers that they can rely on either kinfolk or *kababayan* (compatriots) to come to their aid and facilitate choices they make, whether to help them escape abuse, offer them a place to stay and employment while they seek new

pastures, and/or to put them in touch with someone who knows someone—whether a Saudi, fellow Filipino, or other expatriate—who needs an employee. Migrant domestic workers also often benefit from the support and succor of well-established voluntary associations that assist migrant compatriots in Saudi Arabia, both from within and outside of the country (Bultron 2011; Rodriguez 2009, 2011).⁶

However, neither the affective ties of one's compatriots nor the interventions of kinfolk come without costs. Those costs may include taking on both paid and/or unpaid intimate labor within the household of the more middle class compatriot. Further, while domestic workers talk about leaving employers to go freelance, they are, as indicated above, routinely referred to by other Filipinos as being *takas* (escapees). To go freelance conveys a sense of agency and choice, as well as composure, and, in the Saudi Arabian context, of being able to work the highly restrictive system of sponsorship to one's advantage. Identifying someone as *takas*, by contrast, conveys pity for a victim of difficult circumstances whose only option is to take flight and run. One Filipino woman who routinely employed irregular Filipino workers in her beauty parlor described her business as “an orphanage for *takas*.” Especially as applied to domestic workers, *takas* may also suggest some moral failing on the part of the person so identified, and in the case of women, carries a stigma that as Deng's story tragically illustrates is linked either to an assumption that they have been sexually violated and/or to judgment about their presumed sexual promiscuity. Deng's story is a cautionary note about overly romantic portrayals of national solidarity in a situation where cross-gender sociality and intimacy are, for women especially, culturally and religiously censured outside of the heavily policed and normatively enforced regimes of recognized marital relations both at home and abroad (Johnson 2010; Pingol 2010; see also Frantz 2008: 623 and Smith 2010 on Sri Lankan freelancers in Jordan and Lebanon, respectively).

Freelancing is thus an exchange of one set of risks and possibilities for another. From a migrant domestic worker's perspective, undertaking work abroad is always a gamble. Where working for a decent employer with a guarantee of basic rights is not a legally enforced expectation—true of many places, not just Saudi Arabia or other countries in that region—Filipino migrant domestic workers often describe the outcome as “a matter of luck” (*swerte-swerte*). Though migrants talk about luck and good fortune, taking a gamble is not simply a passive acceptance of one's fate. Rather, stories of good employers and decent remuneration promote the repeated throw of the dice, whether as regular or freelance workers, to maximize the possibility of landing a decent situation. That is to say, migrant domestic workers are, in one sense, acting very rationally precisely because they know that the state sponsorship system ensures that the market conditions are very much unequally set against them.

In sum, there are potential material and symbolic benefits to migrant domestic workers as freelancers. Being a freelancer conveys both to self and others the capacity to take positive action the aim or goal of which is more than simply escape or flight and is a conscious refusal of the other status categories variously ascribed to, and occupied by, domestic workers—be it the putatively good and compliant servant, absconder, criminal, victim, or runaway charity case. Those categories, too, may and do enable different sorts of agency and forms of “tactical” if not “strategic” resistance (de Certeau 1988). What is particular about migrant domestic workers' claim to freelancer status is that it is an already hard-won achievement established by the withdrawal of their embodied and affective labor from employers who are otherwise granted enormous coercive power over them in law and in practice. Freelancing conveys also the actual situation in which many migrant women domestic workers find themselves having no other formal recourse beyond themselves and their social networks through which to secure either their basic human rights or conditions of

existence. One might say that it is a statement of defiant agency produced by and in the face of extreme precarity (Butler 2009).

Conclusion: Prospects for Change and Transformation

In this chapter, we described how the state confers enormous power on employers over migrant employees through the system of sponsorship. Receiving states legitimate the system of exploitation on the basis of protecting the privacy of the home to conceal and secure their political and economic interests. The system also produces a particular form of resistance, that of the irregular freelancer. Freelancing is both a manifestation of disaffection engendered by structural violence and a response to experiences of exploitation and/or acts of abuse. Few actors have the resources necessary to rectify the system of exploitation and abuse that receiving governments enable and perpetuate against both regular and irregular migrant domestic workers. By way of conclusion, we review three sets of social agents that might effect change: sending states and transnational organizations, host nationals, and migrants.

International nongovernmental organizations, the media, and pressure by some sending governments, the United States, and United Nations organizations have been able to extract some political concessions. For example, most countries in the region, with the exclusion of Kuwait, have now put in place an anti-trafficking law criminalizing forced labor for exploitation, but the laws mainly collect dust in prosecutors' drawers or are implemented in ways that work against migrant workers' interests (Mahdavi 2011). In Jordan, the 2009 migrant domestic workers bylaw gives labor officials the right to inspect the house where a migrant domestic worker is employed when a labor violation has been reported, but officials have not yet made full use of these new powers. A Saudi proposal (which Kuwait also claims for itself) of shifting sponsorship away from individual employers to a handful of large, state-

run or state-supervised recruitment and employment agencies, has not yet been put into practice, although it looks set to go ahead.

Until receiving states enact and enforce comprehensive employment legislation that guarantees domestic workers' rights in private domestic settings, including the right to leave their place of work and seek new employment without threat of deportation, fine, or imprisonment, these piecemeal changes are unlikely to ensure much-needed labor protections for migrant domestic workers. In the meantime, sending countries suspend, and sometimes renew, official cooperation in the deployment of their nationals as domestic workers to the Gulf or the Levant. Unfortunately, as Mahdavi and Friedman discuss in the introduction, sending countries' protective policies may encourage migrants to seek routes abroad that subject them to greater abuses (or "trafficking-like" situations). Sending states must collaborate to ensure that receiving states do not engage in a race to the bottom by recruiting migrant domestic workers from countries whose governments have not been active in securing their nationals' rights abroad. None of this collaboration is taking place, however, as demonstrated by the difficulties in convening the Dhaka round of meetings among labor-sending countries.⁷

Given ineffective coalition building among labor-sending countries, might pressure for change come from a coalition of migrant and citizen women within host countries? Women's changing roles across the region and their increasing move into paid labor, often outside of the home, have driven demand for migrant domestic labor. Women's movements are challenging normative and legal frameworks that make women dependent on men and variously restrict and curtail the enjoyment of their rights, such as participation in the workforce or, as in Saudi Arabia, even driving a car. However, as yet, there is little evidence of any meaningful coalition across the divides of race, class, and citizenship to challenge the gendered system of state-sanctioned norms that underpin and legitimate the sponsorship

system and restrictions on migrant women's autonomy.⁸ There are at least two reasons for this. First, the existing gender regime produces a conflict of interest between citizen women and migrant domestic workers, the latter of whom consistently reported that it was primarily the "madam" who ran the household affairs and carried out abusive practices. Second, as Longva (1997:220) suggests, citizen women distinguish themselves routinely as virtuous daughters, wives, and mothers from economically and morally impoverished migrant domestic workers whose labor they rely on to be both modern and traditional women.

Finally, what about migrant domestic workers themselves as possible agents of change? Domestic workers face legal and practical restrictions that prevent them from organizing around their interests and limit significantly possibilities for overt forms of collective action. Nonetheless, migrant workers, including domestic workers, have found ways to act transnationally through collective action in home and host country mobilized via networks of voluntary associations. These networks are created and facilitated through migrant alliances such as, for example, the Center for Migrant Advocacy, Migrante International, and the Asia Pacific Mission for Migration (Bultron 2011; Rodriguez 2009, 2011). Migrant alliances have not only been vital in providing support and succor to migrants living and working abroad as well as to families at home, but they also have had some success in pressing sending countries to intervene on behalf of their citizens abroad.

On an everyday basis, to leave without consent and seek employment elsewhere as an irregular migrant or freelancer remains the most overt and direct forms of resistance available to migrant domestic workers against the unregulated power of employers. Freelancing might be deemed, following Bourdieu, to be simply a "weak weapon" (2001:32, cf. Longva 1997:97), insofar as it does not alter the situation fundamentally and relies on the complicity of both states and sponsors/employers. That is not to say that freelancing is entirely without broader effect. It is an important way that women and men register disaffection and makes

explicit the temporally and materially contingent basis of their intimate labor in a situation where there is otherwise a presumption of ownership and control over their bodies and the work that they do. It also reveals the gaps between the state-sanctioned cultural fictions that publically legitimate and sustain the system of sponsorship and the more variable social practices of employees and employers. Freelancers belie government claims that cultural norms about the intimacy of domestic work dictate that employees must live in, be part of, and be restricted to the family home in which they labor.

Structural change requires a fundamental transformation of the sponsorship system and will most likely come about through the concerted efforts of international organizations, transnational migrant alliances, and sending states to exert pressure on receiving states to enshrine and uphold international laws and conventions on the rights of all workers. However, it may be that those groups and organizations pressing for change could better leverage the disaffection of migrant domestic workers and find new ways to tap into the evident composure, strength, and creative capacities of those freelancers who test and challenge the system on a daily basis.

<R>References</>

- Abano, Rhodora. 2006. "Background Presentation—Highlights of CMA's 2005 Migrant Rights Report." In *Ganito Tayo Ngayon, Paano Tayo Bukas: Prospects of Filipino Labour Migration and Philippine Development*. Dr. Alfredo J. Ganapin Advocacy Forum 1 Series 2006, 6–25. <http://library.fes.de/pdf-files/bueros/philippinen/04522.pdf>. Retrieved April 1, 2014.
- Alhadar, Ibrahim and Michael McCahill. 2011. "The Use of Surveillance Cameras in a Riyadh Shopping Mall: Protecting Profits or Protecting Morality?" *Theoretical Criminology* 15(3):315–30.

- Al-Rasheed, Madawi. 2007. *Contesting the Saudi State: Islamic Voices from a New Generation*. Cambridge: Cambridge University Press.
- Anderson, Bridget. 2000. *Doing the Dirty Work? The Global Politics of Domestic Labour*. London: Zed.
- Bakan, Abigail and Daiva Stasiulis, eds. 1997. *Not One of the Family: Foreign Domestic Workers in Canada*. Toronto: University of Toronto Press.
- Boris, Eileen and Rhacel Parreñas, eds. 2010. *Intimate Labors: Cultures, Technologies and the Politics of Care*. Stanford, CA: Stanford University Press.
- Bourdieu, Pierre. 1992. *The Logic of Practice*. Cambridge: Polity Press.
- . 2001. *Masculine Domination*. Cambridge: Polity Press.
- Bultron, Ramon. 2011. "Empowerment of Migrant Workers in Intimate Labor." Paper presented at the conference *Rethinking Intimate Labor Through Inter-Asian Migrations*, June 6–10, Bellagio Center, Italy.
- Butler, Judith. 2009. "Performativity, Precarity and Sexual Politics." *AIBR: Revista de Antropología Iberoamericana*. 4(3):i–xiii.
- Constable, Nicole. 2007. *Maid to Order in Hong Kong: Stories of Migrant Workers*. 2nd ed. Ithaca, NY: Cornell University Press.
- . 2009. "The Commodification of Intimacy: Marriage, Sex, and Reproductive Labor." *Annual Review of Anthropology* 38:49–64.
- de Certeau, Michel. 1988. *The Practice of Everyday Life*. Berkeley: University of California Press.
- De Genova, Nicholas. 2002. "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31:419–47.
- De Genova, Nicholas and Nathalie Peutz, eds. 2010. *The Deportation Regime: Sovereignty, Space and the Freedom of Movement*. Durham, NC: Duke University Press.

- de Regt, Marina. 2008. "High in the Hierarchy, Rich in Diversity: Asian Domestic Workers, Their Networks, and Employers' Preferences in Yemen." *Critical Asian Studies* 40(4):587–608.
- . 2010. "Ways to Come, Ways to Leave: Gender, Il/legality and Mobility Among Ethiopian Domestic Workers in Yemen." *Gender and Society* 24(2): 237–60.
- Doumato, Eleanor. 2000. *Getting God's Ear: Women, Islam and Healing in Saudi Arabia and the Gulf*. New York: Columbia University Press.
- Ehrenreich, Barbara and Arlie Russell Hochschild, eds. 2003. *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*. London: Granta Books.
- Fabricante, Rashid. 2006 "Ganito Kami Ngayon, Paano Tayo Bukas." In *Ganito Tayo Ngayon, Paano Tayo Bukas: Prospects of Filipino Labour Migration and Philippine Development*. Dr. Alfredo J. Ganapin Advocacy Forum 1 Series 2006, 45–70.
- Folbre, Nancy and Michael Bittman, eds. 2004. *Family Time: The Social Organization of Care*. London: Routledge.
- Foucault, Michel. 1978. *The History of Sexuality, Vol. 1: An Introduction*. New York: Random House.
- Frantz, Elizabeth. 2008. "Of Maids and Madams: Sri Lankan Domestic Workers and Their Employers in Jordan." *Critical Asian Studies* 40(4):609–38.
- Gamburd, Michelle. 2000. *The Kitchen Spoon's Handle: Transnationalism and Sri Lanka's Migrant Housemaids*. Ithaca, NY: Cornell University Press.
- Gardner, Andrew. 2010. "Engulfed: Indian Guest Workers, Bahraini Citizens and the Structural Violence of the Kafala System." In *The Deportation Regime: Sovereignty, Space, and Freedom of Movement*, edited by Nicholas de Genova and Natalie Peutz, 305–49. Durham, NC: Duke University Press.

Harding, Luke. 2012. "Saudi Arabia Criticised Over Text Alerts Tracking Women's Movements: Male 'Guardians' Receive Text Message Whenever Women Leave Country Under New System." *The Guardian*, November 23.
<http://www.theguardian.com/world/2012/nov/23/saudi-arabia-text-alerts-women>. Retrieved March 5, 2014.

Human Rights Watch. 2008a. *"As If I Am Not Human": Abuses Against Asian Domestic Workers in Saudi Arabia*. New York: Human Rights Watch.

———. 2008b. *Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia*. New York: Human Rights Watch.

———. 2010a. *Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers*. New York: Human Rights Watch.

———. 2010b. *Walls at Every Turn: Abuse of Migrant Domestic Workers Through Kuwait's Sponsorship System*. New York: Human Rights Watch.

———. 2011a. "Saudi Arabia: Country Report." New York: Human Rights Watch.

———. 2011b. *Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers*. New York: Human Rights Watch.

———. 2010. "Diasporic Dreams, Middle Class Moralities and Migrant Domestic Workers among Muslim Filipinos in Saudi Arabia." *The Asia Pacific Journal of Anthropology* 11(3-4):428-48.

Longva, Anh Nga. 1997. *Walls Built on Sand: Migration, Exclusion, and Society in Kuwait*. Boulder, CO: Westview Press.

Mahdavi, Pardis. 2011. *Gridlock: Labor, Migration and Human Trafficking in Dubai*. Stanford, CA: Stanford University Press.

- Manalansan, Martin. 2010. "Servicing the World: Flexible Filipinos and the Unsecured Life." In *Political Emotions*, edited by Ann Cvetkovich, Janet Staiger, and Ann Reynolds, 215–28. New York: Routledge.
- Moukarbel, Nayla. 2009. *Sri Lankan Housemaids in Lebanon: A Case of "Symbolic Violence" and "Everyday Forms of Resistance."* Amsterdam: Amsterdam University Press.
- Nelson, Margaret and Anita Garey, eds. 2009. *Who's Watching: Daily Practices of Surveillance Among Contemporary Families.* Nashville, TN: Vanderbilt University Press.
- "OFW Helpline Featured at Migration Fair in Brussels." 2008. *Migration for Development*, December 3. <http://www.migration4development.org/content/ofw-helpline-featured-migration-fair-brussels>. Retrieved January 9, 2012.
- Parreñas, Rhacel. 2001. *Servants of Globalization: Women, Migration and Domestic Work.* Stanford, CA: Stanford University Press.
- . 2010. "Filipino Women Workers in Saudi: Making Offerings for the Here and Now and the Hereafter." *The Asia Pacific Journal of Anthropology* 11(3–4):394–410.
- Rodriguez, Robyn. 2009. "Challenging the Limits of the Law: Filipina Migrant Workers' Transnational Struggles in the World for Protection and Social Justice." In *Globalization and Third World Women*, edited by Ligaya Lindio-McGovern and Isidor Wallimann, 49–63. Farnham, England: Ashgate Press.
- . 2011. "Philippine Migrant Workers' Transnationalism in the Middle East." *International Labor and Working-Class History* 79:48–61.
- Rubin, Gayle. 1975. "The Traffic in Women: Notes on the 'Political Economy' of Sex." In *Toward an Anthropology of Women*, edited by Rayna Reiter, 157–210. New York: Monthly Review Press.

“Saudi Women Celebrate: Monitoring System of Cross-Border Movements Suspended.”

2014. *rt.com*. <http://rt.com/news/saudi-suspends-women-travel-619>. Retrieved March 5, 2014.

Scott, James. 1985. *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven, CT: Yale University Press.

———. 1990. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven, CT: Yale University Press.

Silvey, Rachel. 2004. “Transnational Domestication: State Power and Indonesian Migrant Women in Saudi Arabia.” *Political Geography* 23:245–64.

———. 2006. “Consuming the Transnational Family: Indonesian Migrant Domestic Workers to Saudi Arabia.” *Global Networks* 6(1):23–40.

Smith, Monica. 2010. “Erasure of Sexuality and Desire: State Morality and Sri Lankan Migrants in Beirut, Lebanon.” *The Asia Pacific Journal of Anthropology* 11(3–4):378–93.

Strobl, Staci. 2009. “Policing Housemaids: The Criminalization of Domestic Workers in Bahrain.” *British Journal of Criminology* 49(2):165–83.

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<N>Notes</>

¹ The chapter grows out of a conversation between Christoph Wilcke, formerly a senior researcher at Human Rights Watch and regional director of Transparency International, and Mark Johnson. The first part of the chapter draws on findings from a recent series of Human Rights Watch reports and country studies about Saudi Arabia (Human Rights Watch 2008a, 2008b, 2011a), Lebanon (Human Rights Watch 2010a), Kuwait (Human Rights Watch

2010b), and Jordan (Human Rights Watch 2011b). The second part draws on ethnographic research among Filipino migrants in the Kingdom of Saudi Arabia conducted by Mark Johnson and his late colleague Alicia Pingol: Pingol, in Jeddah and Riyadh from September 2007 to January 2008; and Johnson, mainly in Riyadh in April–May, 2009. Research in Saudi Arabia was complemented by research in the Philippines before and after visits to Saudi Arabia. The project was funded by the Arts and Humanities Research Council, UK (grant ref. AH/E508790/1/APPID: 123592). Alice sadly died at her home place in Laoag, Philippines in March 2012.

² Migrant domestic workers report regularly that their employers fail to pay salaries in full or on time, a practice justified routinely in terms of employers recouping part of the upfront recruitment fees (Human Rights Watch 2008a, 2011b).

³ Changes in Kuwaiti and Saudi law exempting migrant workers from this condition if they have worked for more than three years or if their employer has failed to pay them do not apply to migrant domestic workers (a similar change in United Arab Emirates law in January 2011 applies to migrant domestic workers).

⁴ Until recently, that was also true of the Jordanian migrant domestic worker contract (Human Rights Watch 2011b). Kuwait's 2006 standardized contract "allows" the migrant domestic worker to spend her weekly day off with the employer's family, interpreted to mean she cannot go out alone (2010b). In Saudi Arabia, migrant domestic workers and other single female workers are proscribed from living on their own, and their movements are constrained by state-enforced norms that insist a woman must be accompanied by a male guardian/employer (2008a).

⁵ It is difficult to provide reliable information about numbers of "absconders" (see also Human Rights Watch 2008a:22–23, 121). One estimate from the Centre for Migrant Advocacy gives a figure of 600 runaway Filipino domestic workers in 2004 (Abano

2006:17), while another estimate from the Saudi-based NGO Pusong Mamon Task Force, which provides assistance to runaway Filipinos in that country, suggested that between four and six migrant domestic workers absconded daily, rising to a peak of twelve per day during the month of Ramadan (Fabricante 2006:56).

⁶ One example of that is the mobile SOS SMS helpline coordinated by the Center for Migrant Advocacy (CMA) and its OFW partner, the Saudi-based Pusong Mamon Task Force (“OFW Helpline Featured” 2008).

⁷ The first three meetings of the so-called Colombo Process, a series of regional consultative meetings on Asian labor migration, were held in successive years, starting in 2003, but it took from 2005 until 2011 for the fourth meeting in Dhaka to take place amid lagging cooperation and increased competition among Asian labor-sending countries.

⁸ The Jordanian Women’s Union, the country’s oldest women’s organization, conducted an only partially successful outreach program of education on migrant domestic workers’ rights to its own members before attempting to lobby the government for changes.