

Chapter 1

Capability and International Labor Migration for Domestic Work

It is no less heartbreaking to look back now at my first Sunday in Hong Kong. I was enraged and in tears when I saw congregations of overseas domestic workers in the streets of Central, which was so crowded that many had to sit on newspapers and flattened cardboard boxes on the ground. *Why aren't they home? They should be home*, I remember thinking over and over again. At that stage, I had already experienced one month with the Filipino domestic worker community in Paris. I had already been informed that they came to, and remain in, France to escape the conditions of poverty in the Philippines: *dahil sa hirap ng buhay saatin* [the hard life back in our homeland], they had all said.

More and more women from poor areas of the world are migrating to rich countries for domestic work. Women from the Philippines form one of the more widely-known groups of migrant domestic workers whose livelihoods have become intrinsically tied to international labor migration.¹ Faced with high unemployment and insufficient wages within their own national economic settings, they resort to participating—both through documented and undocumented means—in the global market for domestic work. While participation allows many to access wages sufficient to sustain livelihood expenses, which can range from raising families to raising capital for micro-enterprises, it is often at the expense of their human rights.

The large volume of published research on their exploitation and “slavery” has been influential in orienting policy action towards their protection as victims. It has become increasingly obvious, however, that far from protecting livelihood needs, the “victim” approach legitimizes the protection of rich countries’ borders, allowing migrants’ rights to be undermined by receiving states’ claim to the rights of sovereignty. An emerging perspective underscoring migrant women’s agency is producing a counter-approach that fights for migrants’ rights, not as victims but as workers. Yet despite this important development in research and policy agendas, increasing inequality in the global economy along with stringent immigration policies, which can constrain migrants’ agency to the point

1 Of an estimated 86 million international labor migrants, almost 50 percent are women (ILO 2004b). The International Organization for Migration 2005 Report (IOM 2005) concludes that international female migration to developed countries have been consistently high since the 1970s while low and declining to developing countries. In the Philippines, women’s share of international labor emigration in the unskilled service sector has reached as high as 92 percent (Shuto 2006, 206).

of paralysis, leave both the applicability and efficacy of a rights-based approach questionable. How is it possible then, to protect the rights of these workers? The short answer is to shift approaches from the paradigm of protection to that of empowerment. Just what empowerment means, how it can be achieved, and what theoretical and practical factors must be involved, questioned and challenged in this notion of empowerment is the overarching concern of this book. I argue that it is on a consolidated appreciation of migrant workers' agency *as existing in the context of victimization* that a paradigm of empowerment must rest. I propose that the starting point for this holistic appreciation of agency is the evaluation of its efficacy in overcoming victimization using Martha Nussbaum's capabilities approach. Before evaluation is possible, however, it is necessary to reconcile the polarized theories underlying the victim and rights-based perspectives—feminist structural theory and migration agency theory, respectively. For this task, I draw on Anthony Giddens' structuration theory to explain how analysis can shift from the identity categories of "victim/slave" and "agent/worker" to a "field of action" (see here also, Hesford 2005). It is then that it becomes possible to evaluate the capability of agency in (inter/trans) action. In synthesizing structuration theory with the capabilities approach, the study is able to refine the conceptualization of agency from a highly ambiguous and contestable rights-based framework to a more theoretically sound and feasible approach—that which I term, the "capable agency approach (CAA)." The main hypothesis is that agency requires capability to successfully mediate victimization; agency in itself is insufficient. In practical terms, this means that while protecting rights doesn't guarantee livelihoods, protecting livelihoods creates the opportunity or capability for securing rights. But while I claim this approach, it is by no means solely self-produced. The CAA is a product of learning from the experiences of Filipina overseas domestic workers in Paris and Hong Kong. It is they who enabled me to understand why agency and rights are not enough, and to discover how it is "capability" that can turn the "slave" into "the worker" and empower "the worker" from turning into a "slave."

Research Significance

The Question of Slavery or Work?: Migrants' Rights Violations, and Limitations

Most studies on overseas domestic workers² analyse their labor market participation through a feminist lens that underscores structural gendered inequalities in the global political economy. This feminist-structural lens focuses on the feminization of migration, drawing a direct link between the increase

2 Used interchangeably in the literature with foreign domestic helpers (FDHs), foreign domestic workers (FDWs), migrant domestic helpers, and migrant domestic workers.

in poor women's migration for work and the expansion of a patriarchal global political economy. Neoliberal trade policies and the development policies of the International Monetary Fund (IMF) and the World Bank are viewed as responsible for the concurrent rise of paid female domestic service in advanced capitalist economies with the number of women domestic workers migrating from the developing world (see especially Ehrenreich and Hochschild 2002; Sassen 1988, 1998, 2002a, 2002b). Underlying this has been, on the one hand, the contraction of welfare provisions and privatization of basic family services such as health, housing and education, and on the other, the increase in income inequality between nations (see here especially, Misra et al. 2005). The result, they argue, has been the particular exclusion of poor women in, and from, the Third World from the economic benefits of globalization (see especially, Aguilar and Lacsamana 2004; Sassen 1998). Moreover, the gender bias in global political economy processes extends to the immigration and domestic labor employment policies of receiving countries, which devalue migrant women workers and render them invisible. Feminist structural studies thus describe migrant domestic workers as export-import traded commodities whose labor is reduced and confined to slave-like servitude within the precarious employment sector of domestic work in the host countries (Altink 1995; Anderson 2000; Bals 1999; Chang, K. 2000; Cheng 1996; Chin 1998; Constable 1997; Heyzer et al. 1994; Li et al. 1998; Lindio-McGovern 2003; Parreñas 2000, 2001; Pratt 1997). These observations have been supported by human rights-based non-governmental organizations (NGOs) whose findings have revealed high rates of abuse and violence experienced by overseas domestic workers, worldwide. These findings include a combination of withholding of wages and passports, overwork, near or total confinement in employers' homes, rape and other sexual abuse, physical beatings, burning, psychological and verbal abuse as well as constant threats of violence (see for example, Human Rights Watch 2006; Social Alert 2000).

My initial thoughts on the situation of Filipina overseas domestic workers (hereafter FODWs) were also rather structuralist (Briones 2001). I was thoroughly convinced by feminist-structuralist explanations that FODWs, as "poor Third World women," were clearly victims. In the course of further research, however, two major issues complicated these assumptions. The first was my growing awareness of emerging feminist works which used the concept of "agency" to highlight the positive aspect of migrant workers' experiences. In contrast to the structural-based studies, agency-centred studies underscore the individual migrant's decisions to pursue livelihood opportunities in the global labor market and foreground the migrant's social and financial gains from international labor migration (Barber 2000; Ebron 2002; Ford 2001; Gibson et al. 2001; Mozère 2001; Tacoli 1999). These studies draw on the increasing acknowledgment in migration studies that labor migration can empower poor migrant women. Migration enables the formation of transnational households in which these women become significant or main income earners, thus altering

gender power-relations by enabling their decisions to become more influential back in their own households (Hondagneu-Sotelo 1994; Morokvasic 1984). In addition, international labor migration can politically empower migrant women to participate in collective resistance through migrant networks (Yamanaka and Piper 2003, 1–2). Agency-based works thus represent the “victorious” side of what Momsen (1999) has aptly identified as the “victim or victor?” debate in the current literature on migrant domestic workers.

The second issue that complicates my “structuralist” assumptions fortifies these agency-based arguments. Since the Flor Contemplacion and Sara Balabagan cases in 1995,³ the Philippine media, as well as many women and migrants’ rights-based NGOs, have regularly reported the rampant abuse and enslavement inherent in overseas domestic work. Yet significant numbers of women continue to leave their families in the Philippines for overseas domestic work. My tentative research question then, was: is the FODW a “slave” or “worker?” That is, although the FODW’s highly precarious situation put her in a position of (ready) enslavement, her migration for work does entail a voluntary choice, whose rationale is supported by a significant number of recorded narratives on “success stories” in which the health, education and daily needs of families left behind were paid for by remittances, and also by which homes, small businesses and community centres were built.

This question, as well as its policy implications, shares much in common with the feminist debate over prostitution in less-developed countries, and more recently, over trafficking in sex from less-developed countries. Kempadoo (1999) and Agustín (2005; 2006), for instance, note the tensions between advocates of “the victim” who emphasize aspects of violence and sexual slavery in prostitution, and advocates of “the agent” who propose prostitution as “work” for women who have limited livelihood options. Both Kempadoo and Agustín subscribe to the agent/worker framework. Similarly, Doezenia (2002) shows how the debate over prostitution in developing countries is dichotomously framed around the victim’s “coercion” and the agent’s “consent” in international anti-human trafficking policies. She traces the debate back to western feminist

3 In 1995, Flor Contemplacion was hanged in Singapore for a crime which many migrant rights-based NGOs considered unproven. Flor had been accused by her employers of murdering another FODW and her Singaporean charge. Angered by what they alleged as the Singaporean government’s unquestioning stance on the employers’ claims, the NGOs lobbied the Philippine Government to respond. Despite a period of animosity between the two countries, the extent of the Philippine Government’s response was confined to improving its own policies on migrant workers’ rights protection as the sending country. The case of Sarah Balabagan occurred later in that year, in the United Arab Emirates. She was sentenced to death for stabbing her employer. However, Sarah had pleaded that her actions were in self-defence since her employer had tried to rape her. After protests from Filipino migrant NGOs around the world, and the Philippine government, Sarah’s sentence was reduced to flogging plus a year in prison, after which she returned to the Philippines.

abolitionists in the early twentieth century who, under the banner of human rights, called for the protection of the female victim from trafficking and other forms of slavery. Doezema (1998, 2000, 2002) argues, however, that such policies result in justifying repressive measures that deny prostitutes their autonomy and agency, while restricting their mobility to cross international borders in search of work.

The inclusion of domestic work as a type of labor vulnerable to trafficking in the United Nations Trafficking Protocol in November 2000 has raised similar divisions and similar issues for those working with migrant domestic workers.⁴ At one end of the debate are those who subscribe to the victim-centred approach. The feminist-structuralist works and human rights NGOs findings on domestic slavery, for example, have resulted in a “modern slavery” discourse which has enabled some NGOs to lobby for the “protection” of victims under anti-trafficking laws (see for example, the NGOs mentioned in the policy reports by the Council of Europe on domestic slavery, 2001, 2004). There is increasing evidence, however, that policymakers’ idea of protection are failing to respond to migrants’ needs for empowerment, with current protective measures focused more on the receiving-country concerns of border control than on the issue of sustainable livelihoods for migrant workers (Agustín 2005; Anderson and O’Connell Davidson 2003, 55; Limanowska 2004; Pécoud and de Guchteneire 2005, 3; Piper 2005; van den Anker 2004, 3–4). At the other end of the debate are those who are calling for a paradigm shift in policy approaches from the protection of human rights, to the assertion of human rights. Schwenken (2003, 2005), for instance, uses the case of RESPECT, a Europe-wide network of overseas domestic workers and their supporters, to demonstrate that viewing migrant domestic workers as women with voice and agency, rather than as passive victims, allows their rights to be heard and upheld by the receiving state. RESPECT has drawn up a Migrant Domestic Workers Charter of Rights which calls for rights to mobility both within the states of the European Union (EU) and the EU itself. It also calls for migrant workers’ right to earn their livelihoods by being recognized as valuable workers doing “proper work” (see Appendix 4). Schwenken argues that recognizing the domestic worker as bearer of political rights provides the platform from which a political imperative for foregrounding her agency can be achieved.

4 The full name of this international protocol is the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.” The definition of trafficking was traditionally considered as trafficking in prostitutes/sex workers. It was not until November 2000 that other highly exploitative situations, such as those of domestic workers, were included in the UN Trafficking Protocol. See Article 3, paragraph A of the Protocol (United Nations Trafficking Protocol 2000).

The Concept of Agency

However, much like the state of the debate on “prostitution,” the growing case for overseas domestic workers’ agency and rights rarely go beyond paying lip service to the root cause of migrants’ needs for sustainable livelihoods (Agustín 2006). At the conceptual level, agency seems to be conflated with rights. It is not clear how having agency directly, or certainly, leads to having rights. Nor is it clear what type of agency is being conflated with what type of rights. In the particular issue of FODW livelihoods, for example, can a FODW earn a livelihood by being a slave? Is she therefore practising a type of agency without rights? Or is she using her agency to practise her right to earn a livelihood over her right to non-enslavement?

These difficulties with the concept of agency are put into context when considering the feasibility of the rights-based approach in the political arena. Firstly, much talk on rights is concerned with the domestic labor laws and related immigration rules *within* the borders of the receiving states. This ignores those who undertake circular migration, or who are yet to enter or cross these borders to work in a non-EU destination, or to return to their country of origin. Indeed, Cox (1997) and Sim (2002) have identified that the vulnerability of overseas domestic workers extends beyond the workplace destination, and occurs as a process that begins from preparation and recruitment for going abroad, to working abroad (where this might entail several host destinations), but also to returning home (see Appendix 3 for the typical migration cycle). In this regard, it is unclear how the rights-based approach improves on the anti-trafficking approaches that reduce migrant livelihoods to border control concerns. Secondly, because the focus on rights is based on the receiving or demand side of overseas domestic work, the supply side, as bound in underdevelopment and lack of livelihood access in countries of origin, does not receive appropriate attention. Nor is the supply-demand relationship, which structural studies have convincingly highlighted, sufficiently accounted for. This leads to the third problem in agency-based analysis, of failing to incorporate the role of broader structural contexts that push and facilitate the movements of migrant workers through multiple borders, on multiple occasions.

The fourth problem pertains to the applicability of rights in host settings as well as in the international political arena. In host settings, the issue of rights is in itself precarious and is received differently. Thus, for example, while migrant workers’ rights in western European receiving countries may be attached to the right to citizenship, their rights in receiving countries in Asia can be limited to short-term contracts (Battistella 2002; Bell and Piper 2005). Moreover, Bell and Piper (2005, 215–22) observe that the western liberal democratic notion of rights is in itself flawed and not entirely applicable to the East Asian context. They argue, for instance, that domestic workers are incorporated into the receiving Asian society not in terms of citizenship rights but through the traditional notion of extended families as underscored by a Confucian cultural heritage that

is mutually shared, and perhaps even preferred, by migrant domestic workers who come from Asian backgrounds themselves. Internationally, the fight for migrant workers' rights seems futile in the face of a lack of political will by receiving states. The 1990 United Nations Convention on the Rights of All Migrants and their Families (ICMR) remains unratified by receiving countries. Where it has been ratified by the sending country, implementation problems have included the limited technical and financial capacity of state administrations to enforce the rules of the Convention (Pécoud and de Guchteneire 2004, 12–17). Ultimately, however, the current state of the ICMR, as Piper (2004, 81) puts it,

underscores the age-long conflict between the international norms of human rights and state sovereignty—a particularly thorny issue in the context of cross-border migration. Ultimately, the “rights of states” clearly prevail over the “rights of migrants” with states retaining the right to set the conditions under which foreigners may enter and reside in their territory.

Fifth, a rights-based approach fails to consider the impact of increased rights on the sustainability of livelihoods even within borders. More rights could lead to demands for better wages and working conditions, and probably citizenship. This in turn could lead to receiving states closing off the migrant domestic labor market since pressure on state resources would make it preferable to encourage citizens to undertake the work. After all, the reason why migrant domestic workers are “imported” (and tolerated, if undocumented) is that they are cheap, flexible and expendable. Conversely, increased rights can speed up the process of saturation of the overseas domestic work labor market at the same time as supply from the poor and populous countries rapidly expands. In both cases, the issue of sustainable livelihoods for migrant workers could become even more precarious as employment opportunities contract. Lastly, and underlying these concerns, is the very notion of the appropriation of rights by neoliberal ideologies in which empowerment through rights can really be enjoyed only by individuals who already have a powerful political economic standing (Close and Askew 2004, 25; Hesford and Kozol 2005, 15–21)—a standing which FODWs clearly lack.

This book is concerned with the under-theorization of agency and its relationship with the limits of a rights-based approach in migrant domestic work. While the concept of agency has received acknowledgment within structural analyses (Constable 1997; Anderson 2000; Parreñas 2001), it remains largely unexamined (Moors 2003; Parker 2005a). Inquiries into migrant domestic worker agency have rarely gone beyond employing Foucaultian notions of everyday and collective forms of resistance which, based on a fluid concept of power, enable the identification of spaces in which migrant workers exercise power but do not explain how they can take, keep, or indeed, be entitled to power. Thus, as Aguilar (2002, 7) observes, although such works intend to “valorize domestic workers as empowered agents,” they end up confirming

the migrant worker's oppression and can thus resonate "with the conservative tactic of blaming the victim."

This observation remains true for Abdul Rahman's study on Indonesian overseas domestic workers (2003, 2005), which to date (2006) is the only one to provide a systemic account of overseas domestic worker agency. Abdul Rahman reveals how resistances come about through agency-structure relations (or structuration). In considering the power of Indonesian overseas domestic workers, she uses Foucault's notion of power to complement Giddens' notion of power as existing in action; as both enabling and constraining. However, it is Foucaultian resistance and not Giddens' transformative concept of agency which Abdul Rahman identifies as the "essential insight to power" (Abdul Rahman 2003, 26–32). Parker (2005c, 6) observes that examining agency and resistance in Foucaultian terms does not escape the hold of dominant powers; that these powers, "be they of nation-states, of institutions of global capital and development ... or of the discourses of human rights ..., [or] of feminism[,] ... allow the expression of agency as a safety valve that will enable the main project [of structural oppression] to continue." Thus, while Abdul Rahman's use of Giddens is an important point of departure, she begins from, but also stops at a structural or constrained view of agency. Unsurprisingly therefore, she concludes that both the agentic power of the individual Indonesian domestic worker and their collective resistance ultimately remain powerless to alter structural conditions. Her study goes no further than to confirm the subordinate status of the migrant domestic worker, and correspondingly, the peripheral place of her agency amidst oppressive societal, national and global structures.

I argue that when examining agency, it is important to retain Giddens' notion of the agent in his structuration theory as the basic unit of structures, and that this agent is capable of transforming these structures (Giddens 1984a, 1–28). Within the context of the current state of inquiries into migrant domestic worker agency, an understanding of how agency negotiates structures needs to advance to how it negotiates *with* them (for an important beginning see Ogaya 2004a). In the particular case of FODWs, the present study seeks to go beyond discussions of their agency per se, to *how they can continue to practise agency despite structural constraints*. Conceptually, this requires reconciling the "victim" with the "agent" by theorizing agency within the context of, rather than being the analytical nemesis of, victimization. To do so will involve shifting the analytical focus from looking at agency within a structural context to that of agency within its own agentic context—in Lyn Parker's (2005d, 85–6) words, from "subject effects" to "subjects." This allows the focus of inquiry to move beyond altering structural conditions to altering agentic conditions—to make them more capable, for instance—since, if we are to follow the logic of structuration theory, it is on agency that the process of structural (trans)formation depends. As the current challenges faced by both the victim and agency-based approaches show, unless migrant domestic worker agency is conceptualized and evaluated in terms of its capability to be practised, it will

continue to provide little impact on the progress of polarized policy actions on who to protect—the migrant domestic *slave* or the migrant domestic *worker*; and what to protect—rights or livelihoods.

The Question of “Capability:” Development, Migration, and Agency

The Analytical Framework: Global/Locale and Structuration

The main objective of this book is to conceptualize and evaluate the capability of FODW agency by examining their circumstances in the locales of Paris and Hong Kong. To meet this objective, I revise and build upon the current frameworks or structural complex used to analyse the situation of FODWs.

I identify the structural complex of Filipina overseas domestic work using an analytical paradigm which I term a “structural-structurationist approach.” The structuralist component refers to the neo-Marxist theory of migration. This theory sees migration as an outcome of social and spatial structures which create conditions that produce migrants rather than as constituted by the aggregate actions of self-determining individuals. The feminist adoption of structuralist migration theories (discussed earlier and in detail in Chapter 2) underlies the structuralist approach in particular reference to overseas domestic work. The structurationist component refers to Goss and Lindquist’s holistic approach to understanding migration. Employing Giddens’ “duality of structure,” it coherently articulates structure and agency and thereby reconciles micro and macro elements in migration processes. The “duality of structure” is a dialectical process that explains structures as both medium and outcome of agents’ recursive use of rules and resources in everyday social (inter) action, which in the longer term, evolves into institutions. From a structuration perspective, migration is therefore the product of a complex articulation of social action between agents across time and space, transcending not only state borders but also *locales* (Goss and Lindquist 1995, 319, 335).

The transcendental characteristic of its social constitution makes the concept of locales an important marker for the study’s “physical” (that is, in terms of state borders and state-based relations) as well as conceptual framework (the acknowledgment of the multi-dimensional and temporally fluid experiences of FODWs). Giddens (1984a, 118) argues that individuals’ knowledge and social contacts are limited in the sense that social interaction occurs in specific locales—the physically or symbolically bounded space or “place” setting for agents’ actions and interactions. However, although they may act as physically constraining structures, locales are also characterized by “presence-availability.” That is, locales denote a physical location where agents of various social positions, but also from various contexts of time-space, “are able to ‘come together’” (ibid., 118–23). Locales are thus where co-presence in time and space occurs between individuals and their social systems; where

they “literally face ... the institution, where the particularistic interactions of everyday life are engaged by the social system, and where ultimately agency connects with social structures” (Goss and Lindquist 1995, 333). In this sense, the concept of locales is very much a structuration or sociologically-based expression of the geographer’s “politics of scale” in examining “transnational spaces and everyday lives” through the intrinsic connection of the global with the local (Ley in Nolin 2006, 5–6). Only here, the transnational is conceived as the *translocale*, wherein a connecting dimension is added into the global/local formulation—that of the dimension of the institutional.

Within this global/local/institutional matrix, my analytical approach identifies the FODW structural complex as contoured not only by immigration policy and labor law constraints in host countries, but also by two other structural elements. The first addresses the need for a more complete structural context of Filipina overseas domestic work, as including processes of development that equally take into account constraints associated with the country of origin. I use Hong Kong and Paris to account for both documented and undocumented locale settings with which the Philippines, as a country of origin, actively engages. As discussed in Chapter 8, this more complete structural context is particularly important for responding to the disjunction between the main research and policy areas of “migration” and “development,” where migration-based work tend to remain concentrated on host-country concerns while development research and policies are largely confined to countries of origin.

The second is a structural element with which FODWs most immediately engage, and which the study identifies as the “FODW institution.” The “FODW institution” serves as the structural context of FODW agency within the broader structural context of overseas domestic work. The conceptualization and evaluation of capability in FODW agency is as much about constraints as it is about possibilities or enabling resources for overcoming constraints. Discussed in detail in Chapter 5, it is within the FODW institution that we can see these dynamics more clearly. Importantly also, the evaluation of capability is integral to correcting underlying assumptions in current migration-development nexus policies that base migrants’ motives and actions on a concept of functional (i.e. cost-benefit analysis) rather than capable (i.e. the cost of no benefit analysis) agency.⁵ This receives more discussion in Chapters 2 and 8. In the meantime,

5 For example, discussion on migration and development in the World Migration Report 2005 (IOM 2005), focuses only on how migrants, through their remittances, can aid development in their home countries and not on how development can protect the migrants themselves. The Report gives due consideration to grass-roots return migrants initiatives such as the AMC’s integration program, discussed in Chapter 4. In currently dominant debates, remittances are therefore seen as financial/capital resources separate from the migrant’s sacrifices and suffering. I argue that the issue of remittances must be discussed using the migrant as both the starting and end points. Remittances are migrants’ hard-earned money. They are not for officials in sending-country governments or in the development industry to use or manipulate in the name of “assistance” (see here

the discussion must turn to livelihood, resources and human rights as integral elements for a concept of capability that ensures the agent or migrant can overcome constraints in her structural contexts.

Livelihood, Resources and Human Rights

When considering the livelihood of FODWs, it is important to recognize that their earning power is not only tied to work in the wealthier countries, but also to sustaining life for families back home, including their own upon return. In other words, they make their living in the world within a context of unequal globalization; a practice that Olwig and Sørensen (2002) call “mobile livelihoods.” In particular, this involves means and strategies for sustaining life transnationally.

“Means” refers to assets and resources in cash and kind that people can access. “Strategies” are connected to social institutions, such as kin, family, village and other social networks facilitating and sustaining diversified livelihoods. Pursuing mobile livelihoods can thus be seen as a poverty-reducing strategy involving refashioning resources dispersed in space into family livelihoods. (Sørensen et al. 2002a, 53)

Mobile livelihoods is an important concept that allows an appreciation of resources in the FODW context as constituting both means and strategies used to access, as well as remain in, paid overseas domestic work. It further allows identification of the resources specific to FODWs’ basic needs; that is as cash in the form of wages from domestic work (means), and as networks in the form of the migrant institution and social and political migrant networks (strategies). These resources are in turn used to reduce poverty, or the occurrence of poverty, by being refashioned in terms of savings, capital accumulation and investments and/or for daily livelihood expenditures such as food, shelter, medicine and education for themselves and their families.

Of central importance to issues of livelihoods and resources for the FODW, is the recognition that they are pursued. This means that they simply do not exist for the taking. Rather, they exist in a highly political environment of restrictive immigration controls that constrain FODW use of domestic work migration as a livelihood strategy, but also of oppressive development policies that obliterate livelihood access in countries of origin for them. As discussed earlier, the role of rights-based migrant NGOs has been crucial as both a means and strategy to provide continued access to overseas domestic work by opposing inadequate immigration and labor policies. However, their inefficacy was also highlighted, pointing in particular to a poor articulation of what rights actually constitute

also, Luan 2005). Having said this, debates on the migration-development nexus have also produced arguments for a strong partnership between migration and development policies towards poverty reduction in the sending country (see here especially, Sørensen 2004; Sørensen et al. 2002a, 2002b). This is certainly a welcome beginning.

in the case of FODWs, and how they can best be articulated in development policies.

Empowerment and the Capability Approach

Martha Nussbaum's adaptations of Amartya Sen's capability approach (CA) is useful in explaining how issues of human rights, and their interrelation with FODW livelihoods and resources, can be more fully grasped as an issue of capability. The CA is a broad and multidimensional framework for evaluating individual well-being and the intrinsic experience of development and justice this entails. It argues for a concept of human development to challenge the economic growth-centred orthodox model of measuring development within a country, and thus articulates resources qualitatively rather than quantitatively. Development is seen in "human" terms; in terms of a quality of life and what people are able to do and be, rather than as a measure of how many resources people have or are given by the state. This departure from treating people as factors of production to seeing them instead as agents of production, foregrounds the immediacy of capability over functionality. As Nussbaum (2002) puts it: "... about a variety of functionings ... of central importance to a human life, we ask, is the person capable of this or not?" Since, in this way, capability is seen as a pre-requisite to what a person can actually do and be, the CA finds both theoretical and practical resonance with human rights.

Theoretically, Nussbaum (see especially 2005) explains the relationship of capability with human rights through what she terms the "basic," the "internal" and the "combined" aspects of capabilities. Basic capabilities refer to capabilities that are innate to the human condition such as that of practical reason and imagination. Internal capabilities refer to "states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of the requisite functions." Combined capabilities are "internal capabilities combined with suitable external conditions for the exercise of the function" (Nussbaum 2002, 132). Through these dimensions of capability, Nussbaum shows how human rights can be understood in two distinct yet integral ways. First, rights can be understood in terms of basic capabilities as "prior to and a ground for the securing of a capability" (ibid., 136). Thus to take, for example, a FODWs' call for a right to a livelihood even when her circumstances obviously do not secure such a right to her, Nussbaum (ibid., 135) here would argue that, "just in virtue of being human, a [FODW] has a justified claim to have the capability secured to her." Second, rights can be understood as equivalent to combined capabilities. In this regard, "to secure a right to a [person] is to put them in a position of capability to go ahead with choosing that function if they should so desire" (ibid.). Because people cannot function without basic capabilities, and cannot function freely as they see fit for their own circumstances without combined capabilities, Nussbaum (ibid., 131) argues that "capability, not functioning, is the political goal." Nussbaum's

CA thus defines what it means to secure a person's rights while it also ensures the explicit inclusion of the larger structural context involved in securing a person's rights or "combined capabilities." As Nussbaum (2005, 175) asserts, the CA "makes it clear that securing a right to someone requires making the person really capable of choosing that function...[and also] makes it clear that all human rights have an economic and material aspect." Here, the distinction between having rights and being empowered becomes particularly clear, where the latter necessarily involves an acknowledgment of the inherent role of greater structural processes to facilitate, but also to correct, inequalities and deprivation (see here also, Blackmore 2005, 260).

In practical terms, Nussbaum has captured the intrinsic relationship between capability and rights by creating a working list of capabilities to ensure that certain capabilities essential to a quality of life are constitutionally secured to the individual. Nussbaum argues for a capabilities constitution⁶ because the rights approach with particular regard to individuals (in the developing world) vulnerable to unemployment, hunger, and other resource-challenged situations has proven futile in theoretical, epistemological and practical/enforceable terms. The existing provisions for livelihood, development, economic and social security in various international human rights declarations and conventions are exclusively state-oriented. The very methodology of setting up such conventions is also state-dependent. In contrast, understanding rights as a person's capability transcends traditional distinctions within human rights approaches; between the private realm of the family and the public sphere as well as between state action and state inaction in implementing rights, since securing capability in a person will necessarily require state action to provide the economic and material resources necessary to secure that capability (Nussbaum, 2000; 2005).

The articulation of rights in terms of capabilities also serves a fundamental role in providing a basis from which to understand the relationship of agency and capability in the FODW context. Approaching rights from a capability perspective enables a richer appreciation of rights and capabilities as issues of empowerment through human security⁷ ("making the person really capable of choosing that function") rather than as issues of rights protection based on human agency. A human security paradigm centralizes the problems of unequal human development as FODWs experience and respond to it; as a problem rooted, but also structured transnationally, by their lives in the host country as well as back in their homeland. In this way, capabilities can be seen to provide an informational base that allows tangible and achievable outcomes for the highly abstract and highly contentious notion of human rights.

6 A working list of "capabilities" to act as basic constitutional principles that can articulate the protection of human rights through a more tangible understanding of an individual's potentials, skills and opportunities.

7 For a full treatment of this non-militaristic/state-based concept of security, see Gasper and Truong (2004), Shaw et al. (2006) and Thomas (2000).

As we will see in Chapters 6 and 7, it is a valuable characteristic of the CA that by exposing the limitations of both “rights” and “agency,” it fortifies—or empowers—they with capabilities and capability, respectively. As such, it is able to provide the basis from which a theoretical framework for correcting the conflation of rights with agency is achieved. In both theoretical and practical terms, it illuminates FODW agency in the more accurate context of FODW capability as *the right to access resources in overseas domestic work for the function of sustaining a livelihood*. Shifting thus, the FODWs’ orientation of their agency from its right to its capability to be practised, it becomes possible to grasp a more appropriate understanding of FODW agency that questions how far notions of their agency, which differ to the type of policy being promoted, can be imposed on them.

Study Parameters

Given the vast and porous analytical framework presented above, it is perhaps instructive here to highlight the parameters of the study.

Firstly, the study focuses on FODW agency. That is, agency within the particular setting of overseas domestic work, and as undertaken by the particular group of Filipina overseas domestic workers. Second, it employs the notion of slave-like conditions within this setting, and as propagated by NGOs that have dealt with cases of this type of “slavery.” The FODWs I interviewed themselves shared this definition. However, this does not mean that they do not build upon, or have additional definitions of what constitutes their slavery (see Chapters 6 and 7). Third, because this book examines the case of FODWs, further studies are required to determine the degree to which the processes described here also fit other groups of workers in terms of nationality/ethnicity, gender, and also the national context of the work itself, where domestic work as undertaken “overseas” necessarily differs to that undertaken internally in the countries of origin.⁸ Similarly, it does not examine domestic workers in the destination states who are not migrants and therefore are not subject to immigration policies. Fourth, the study’s analyses emphasize the international context of domestic work. It thus places the analytical framework of the book in the “overseas” aspect rather than on the “domestic work” aspect of overseas domestic work, which has already been comprehensively examined by Bridget Anderson (1993, 2000) and others.

Fifth, although the literature stress the importance of gender-based constraints in subjecting women to (overseas) domestic work, this study does not foreground the issue of gender in its analytical framework. This is not to say that gender-based oppression is not a main facet of the current study. The issue of gender is fundamentally incorporated into the analytical framework

8 For instance, overseas domestic workers earn so much more than domestic workers in the home country that the former is able to employ the latter.

in terms of its (*feminist-*)*structural-structurationist* framework. Moreover, the CA in itself, and as particularly developed by Nussbaum, is based on gender justice. Indeed, *Empowering Migrant Women* is first and foremost a feminist critique of “how to avoid reproducing the spectacle of [Third World women’s] victimization while not erasing the materiality of violence and trauma, and recognizing the interdependence of material and discursive realms” (Hesford and Kozol 2005, 13). I mean merely to caution here, that male experiences of overseas domestic work have yet to receive attention in the currently biased approach towards women migrant workers (Agustin 2005, 97; 2006, 23–6; Piper 2003, 26). In particular, the historical accounts of paid domestic work as once a male-dominated sector (Momsen 1999b, 2–5) has yet to be incorporated into current analyses. Similarly, more studies need to be undertaken on the experiences of Filipino male low-skilled workers in being treated like “dogs” and “slaves” within their own context of international labor migration (Marigold 1995). Future studies also need to examine the fuller structural context of overseas domestic work which creates employment for women in the sending countries while men remain unemployed.⁹ In addition, studies that look into the nature of the working relationship between female overseas domestic workers and their female employers have found that the issue of citizenship rather than the issue of gender, underlies the domestic worker’s oppression within the employer-employee relationship (e.g. Lan 2000; Mattingly 2001). I thus contend, that until what Pratt (2004, 67) has called the “disciplining effects of feminism” in current research agendas are challenged to incorporate male experiences of overseas domestic work, it is difficult to see how women’s overseas domestic work experiences are different from those of their male counterparts.

Finally, the study only examines the situation of FODWs in Paris and Hong Kong. Global cities, by virtue of their “developed” economic status in the global political economy, share the same political-economic setting. However, immigration and immigrant policies are also largely influenced by the culture of the receiving society and the politics of the state. Thus, other labor-receiving settings should also be the concern of future inquiries.

As the Researcher and Author: Working Feminism

Caught thus in a binary, I needed to reconcile my thoughts on the FODW situation if I was to understand the nature of her *capability* to become and remain a “victorious agent.” The global/locale or dynamic multi-dimensional analytical framework forces analysis to appreciate as well as synthesize seemingly opposing concepts. The structural-structurationist approach I propose in this

9 Philippine international labor migration has been male-dominated since 1909. The trend reversed when the demand for male migrant workers declined and increased for female unskilled service sector work (Chapter 2).

book is therefore an important framework within which I could work towards a reconciliatory approach. The framework allows not only reconciling agency with structure, but also more specifically, reconciling a particular type of agency (FODW agency) with its particular set of structural constraints. In effect, it is the intrinsic relationship between victim-slave/agent-worker that defines the situation of the FODW. It is a relationship of being “forced to choose” (Doezema 1998)—forced by structural factors and practising choice through agentic maneuvers within structural constraints. The following discussion elaborates on the paradigmatic context of my reconciliatory approach, and explains the qualitative and interview methods used to collect and understand primary data on the research questions. Fieldwork was conducted over a period of two months, from September 8 to November 9, 2003; one month in Paris and one month in Hong Kong. The following discussion also underscores the problems inherent in data analysis when, as apparent in the works of Anderson (1993, 2000; 2001a, 2001c, 2002, 2004c, 2004a; with O’Connell, 2003) and Pratt (2004) (further discussed in Chapter 3), there is the equally immediate need to reconcile theory with practice if the research is to have any useful impact on the daily lives of its subject matter.

Paradigm and Strategies of Inquiry

My methodological approach stems largely from the perspective of my academic discipline which takes a cultural studies approach to contemporary development studies (Schech and Haggis 2000, 2002). By foregrounding the role of power and discourse in constructing otherness, the approach challenges basic binaries in theoretical and methodological practices such as structure/agency, development/underdevelopment (especially Bhabha 1994; Pries 2002; Wilks 1995). While binaries rampantly infiltrate the book, I hope to unsettle them in order to take analysis beyond a black and white photographic shot of the FODW, so to speak, to that of a colored cinematic account that captures the contrasts of her spatial context, as well as the dynamics of her temporal experience.

It is within such an approach that it becomes possible to examine both the actor and her actions. In this respect, Giddens’ concept of agency in structuration theory is particularly useful as it allows understanding to go beyond structure/agency to “structuration.” This perspective, as discussed earlier, enables a dynamic and transformative conceptualization of how the agent relates to her structure. This in turn, is important to gain insight into the ways in which this relationship impacts on the well-being of the agent, which is the central concern of current works, whether directly, as in agency-based inquiries or indirectly, as in the structuralist works. A particular way in which this insight may be gained, is to draw from other fields of research that deal with the imbalances of power, knowledge and resources in a certain structural order. For this study, the field of development studies has been the most appropriate both in terms of providing a more complete knowledge of the structural context of overseas

domestic work, and of providing readily useable theoretical frameworks for issues of agency. Giddens' sociological concept of agency can thus be easily fused with agency as used in the capability approach (Chapter 5). It has also been useful in providing the basis for an agent or actor perspective, used as a methodological tool for tackling "the interlocking of theory and practice" within development research (Long and Long 1992).

The study employs similar qualitative methods of primary data collection and analysis as used in extant inquiries, which are based on ethnographic, anthropological and interview data. The study builds on issues raised by current works. It therefore seeks to test a continuity of the main findings on "slaves and victims/workers and agents" in the narratives of FODWs. Importantly, qualitative methods are complementary to the study's adoption of a structuration viewpoint of agency. Giddens (1984a, 284–310) notes how a qualitative approach based on ethnographic method is useful for examining the actors' views and experiences of structural constraints. Ethnographic research provides detailed insights into the agent's reasonings and motivations for their participation in structures, including dealing with its constraints. In this way, it is particularly informative of the extent of an agent's "knowledgeability;" that is, her ability to know how to go on in daily life, within a given structural complex. Therefore, in order to get to know the actors, and what they "already know and have to know to "go on" in their daily lives" (ibid., 284) as overseas domestic workers, the study adopted the ethnographic methods of interviewing and participant observation in fieldwork (Spradley 1979, 1980).

A "Feminist Ethnographic Interview" Method

Although anthropologists (e.g. Clifford and Marcus 1986) and feminists (e.g. Behar and Gordon 1995; Visweswaran 1994) have provided substantial critique on the ability of an ethnographic approach to adequately represent the orientalized and oppressed "other," I retain Visweswaran's and others'¹⁰ rethinking of culture and power in ethnographic research within the critical study of colonial discourse and feminist scholarship. According to Visweswaran (1988, 1994), while ethnographic methods can never be entirely representative of its subjects, they are nevertheless sufficient if considered as a set of tools and resources for considering cross-cultural representations among women in different positions of economic and historical power. This feminist ethnography allows the woman in the relative position of economic and historical privilege to place her "self in the experience of oppression in order to liberate it" (Visweswaran 1988, 29). This location of the self, however, must be acknowledged as "experimental." It is thus "marked by disaffections, ruptures and incomprehensions" (ibid., 30), which must be embraced as a given reality that replaces any ethnographic goal of total understanding and representation. It is within this experimental

10 See *Inscription Journal* (1988) 3:4.

feminist reading of ethnography that I adopt the use of ethnography as a tool for locating myself in the experience of the FODWs in this study.

The Field: Paris and Hong Kong

The locations of Paris¹¹ and Hong Kong were chosen for comparative purposes to reflect the international context of Filipina overseas domestic work. Building on Parreñas' (2001, 8–11) justifications and findings for her comparative study of Rome and Los Angeles, I wanted to discover the extent of FODWs' "parallel lives" across national settings that receive their labor officially (Hong Kong) and unofficially (France). The Sino-British Joint Declaration on the Question of Hong Kong and the Basic Law provide the Hong Kong Special Administrative Region with full authority on its own matters of immigration control. It is in this respect that I refer to Hong Kong as a national setting or "state" in this study. Parreñas uses the term "parallel lives" to describe similar dislocations experienced by FODWs across Rome and Los Angeles. She locates FODW dislocations within several aspects of migration, such as migration's relation to the nation-state, the family, the labor market and the migrant community in host settings. However, she ultimately concludes that it is the FODWs' parallel socio-economic and political dislocations in the global economy that confine them to the shared position of "servants of globalization." Within the particular comparative context of documented-undocumented settings, I wanted to find out how, and to what degree, FODWs remained "servants" or oppressed by current processes of the global economy. In particular, to what degree, if any, did the FODW's inclusion as either documented worker or undocumented worker entitle her to greater citizenship and other rights-based claims? As there are the parallel lives and dislocations of FODWs as "servants of globalization," could there also be the parallel lives or productive *relocations* of FODWs as "victorious agents in globalization?" To pose this counterpoint is important for the study, if it is to be able to determine the nature of a FODW's capability to become and remain a "victorious agent."

Participant Observation/Observer Participation

Bernard (1994) distinguishes between participant observation and observer participation by suggesting that a participant observer does not have to tell the informants what she is researching, whereas an observer participant usually tells the informants what is being examined and researched. However, as de Laine (2000, 119) has observed, "fieldwork roles are varied" and are not fixed entities. Indeed in my fieldwork, the roles of participant observer and observer

11 Interviews were conducted in urban Paris (l'agglomération Paris). However, some respondents worked in the *banlieue* or suburban regions which are geographically outside of the city-proper but socio-economically considered to be part of the *région parisienne* or Parisian region.

participant proved inseparable. While those who agreed to interviews and other key informants interested in the research were informed of the details of the research, others with whom I spoke in social and political gatherings, or on the streets of Paris and Hong, were not informed, or were not necessarily interested, in the research.

On the whole, participation was undertaken to maximize association, and therefore learning, from the FODW communities in Paris and Hong Kong. This required attending and participating in social, political and church gatherings, but also participating in some of the “street life” of Paris and Hong Kong as experienced by Filipino migrants. This includes waiting at bus-stops and hanging out at shops selling Filipino products. Activities such as these provided the opportunity not only to meet potential participants but for countless conversations with FODWs who had a few minutes to give instead of a few hours. They proved a useful supplement to the interviews. I also spoke with community leaders including priests, embassy staff and migrants’ rights activists, and was able to meet and converse with male Filipino overseas domestic workers both in Paris and Hong Kong. I also maintained email and SMS text correspondence with some of the respondents and some members of the organizations I visited.

The Interviews—Design and Sample

A main aim of the study is to provide a holistic picture of agency, where this necessarily involves constraints in Filipina experiences of overseas domestic work in Paris and Hong Kong. To reflect this, the main areas of investigation explored as many avenues of constraints and opportunities as possible. Thus aside from seeking to learn from the experiences of FODWs in documented and undocumented settings at the level of the state, the study also seeks to learn from individual migrants’ experiences and explores the ways experiences of enslavement and other forms of abuse, but also those of gainful and abuse-free employment, impact on migrants’ decision to stay in overseas domestic work.

Because abuse and enslavement in FODW experiences are very sensitive issues, and their immigrant status controversial, special care was taken to have a methodologically and ethically well-controlled design. The interviews were conversational in style, with the most sensitive issues discussed later in the conversations. Due to time, financial as well as participant access constraints, the interviews were small in number. The topics covered, however, were comprehensive (see Appendix 5). Analytically, the small sample enabled a more intimate and focused analysis of the individual FODW, while at the same time, placed within the wider context of amply available ethnographic studies and interviews with FODWs. This enabled insight into the extent of how the experiences of the FODWs interviewed for the present study reflected, as well as consolidated with, extant findings. Technically, however, given both the small

sample and the few ethnographic studies available on FODWs in France, the experiences presented in this study are illustrative rather than representative.

An equal number (12 per setting) of FODWs from the two settings of Paris and Hong Kong were interviewed, using the same sets of themes and questions. In order to fully account for insights into the issues of capability, the sample in each country consisted one third who could be said to be/was in an enslaved situation; another third, who could be said to be oppressed and/or abused (in ways that the respondents' considered different from enslavement), and the last third, of those who enjoyed better working and living conditions and who saw their situations as similar to other waged workers in gainful employment. The criteria for determining who is enslaved, oppressed/abused or contentedly employed rested on how the FODW herself classified her situation. Thus variations to the three given categories were discovered (see discussions in Chapter 6). It is important to note here also that FODWs who experienced the worst forms of by slavery were those who I could not access due to house imprisonment. However, contact with those recovering in a shelter enabled insights into these conditions. For example, when I met Lani who was living in such a shelter in Paris, it was only two weeks after she had been rescued from such slavery. Notably, Lani and the other respondents who "reclassified" their situations from slave to waged worker (Chapter 6) provide insight into possibilities and solutions to deal with cases of slavery while ensuring the retention of their employment. As such, these experiences make this study more progressive in its theorization of FODW agency and capability than would otherwise have been possible.

Planning of Interviews

Introductory access to potential participants was made possible by NGOs in Paris, namely the Comité Contre L'Esclavage Modern (CEEM), the Euro-Pinoy Association and Maya Jezewski of Babaylan, and in Hong Kong, the Mission for Migrant Workers (see Appendix 2 for information on these organizations). The Mission was particularly helpful in providing half of the total participants for Hong Kong. In order to obtain more participants and to fulfill the categories required for the sample, a snowball method was used along with a random method of approaching FODWs individually. Access to potential participants was highly problematic within such short amount of time because of the nature of their work. In Paris, most are undocumented and are therefore unwilling to "expose" themselves. In Hong Kong, FODWs receive only one day off a week. However, I was able to obtain the desired amount and quality of interviews since our shared language, gender, cultural and class background enabled me to quickly blend in, and gain trust, among FODW communities.¹² This meant,

12 Rekha Narula, for instance, has commented on how it was "nigh impossible" for her to access FODWs during her fieldwork in Paris and London (personal email correspondence, June 7, 2004). While I was also accorded ready-access privilege in Hong

for instance, that I could be invited to employers' homes for an interview in the employers' absence while the respondents proceeded with the required domestic work for the day.

Structure, Content and Style of the Interview

The semi-structured interview schedule covered the main structural issues of ethnicity, immigration status, domestic worker status and motivations for migration. It also covered those issues that pertained to questions of agency such as their migration experience, including their experiences and/or views on abuse and slavery in their work situation; their political views on their experiences; and their views and experiences on their choices amidst the constraints of their work.

Interview conversations were informal and familiar. Only one interview was fully conducted in English. The rest were conducted in Taglish (a mixture of Tagalog and English), or in Paris, French-Taglish.¹³ There was regular reference to my inclusion as a "Filipina" in our conversations, for example, *alam mo naman tayolsaatin* [as you know with us/in our homeland]. This was particularly insightful since although Filipinos are well versed in English, with the language commonly used in the public/wider society, Tagalog remains the language used to communicate personal life (Mulder 1997, 13).¹⁴ The interviews were conducted mostly without the presence of others in the employers' homes, in their own apartments,¹⁵ in parks, or in a private room in the particular case of those in the shelter in Hong Kong. Where the interviews were not conducted in private, they were always conducted among friends and a familiar environment to the respondent.

Kong, the documented status of FODWs means that they have less fear of deportation and are more willing to engage with "outsiders," albeit it seems, with certain conditions such as that outsiders are not of the domestic worker employing class within their own host locale, and that they must be able to communicate, if not in Tagalog, in English (see here also Lan's fieldwork experience, 2006, 22–7).

13 Having Tagalog as my mother-tongue and having formally studied French for a few years, I could readily participate in this language.

14 With Tagalog as the national language of the Philippines, it is also important to note that dialects from the different regions of the Philippines are perhaps the strongest means of communicating personal life. But for the purposes of the present study, which is not anthropological, communication via versions of Tagalog suffices.

15 In Paris only: where the bourgeois domestic architecture is long-established, with maids' living spaces placed within, or close to, bourgeois homes. These very modest quarters are called *chambre de bonnes*; commonly termed "apartments" by the FODWs.

Data Analysis and Presentation: Theory-Praxis

So why was it that I reacted in such a way once in Hong Kong? Certainly, the pure visibility of so many of “my kind”¹⁶ and of those who I’ve thought about so often, literally all over the streets of Central, was a major factor.¹⁷ But I want to consider here the value of this reaction to explain the necessity of a “working theory” in analyzing and presenting my ethnographic data on FODWs.

Why aren't they home?—Having been reminded by FODWs in Hong Kong of what the FODWs in Paris had already explained to me, what a silly question this seems now. However, it was a useful pointer towards a revision of my theoretical roots. As mentioned earlier, my theoretical discipline is rooted in a school of development studies that foregrounds “culture and discourse” in analysis. Although I knew of these women and their struggles, I knew of them and their situation from a discourse-analysis viewpoint, and not from their laboring, material bodies. My thinking had not been trained to be so palpably confronted with her “body.” Notwithstanding the importance of culture and discourse as an analytical tool, Bynum’s (1995, 1) critique of the approach nevertheless seems to find relevance here: “[t]he body that eats, that works, that dies, that is afraid—that body just isn’t there.”

How did my theoretical premise so grossly miss the point of the FODWs’ practical lives and daily struggles? Indeed Agustin’s (2006) recent book, albeit focusing on sex workers, is a response against such a lack of practical accountability in the “Rescue Industry.” But much of the answer to this question has already been answered by Pratt in *Working Feminism* (2004). She, too, had been confronted with gaps in the practical applicability of her theoretical premises as a feminist geographer. Pratt (2004, 8) tells, for instance, of how a FODW had “confessed that [a] theoretical discussion on the body ... had no meaning for her; it was irrelevant to her experience and struggles in Vancouver.” It is, however, Pratt’s (ibid., 169) account of her first workshop with FODWs at the Philippine Women’s Center in 1995 that finds direct complementarity with the concerns of the present study:

16 It is not only my shared, migrant, ethnic, and gender, background with FODWs, but also my mother’s shared class positioning in post-colonial Philippine society that compelled me to embark on a study of their situations in the first place. I would have most likely inherited the precarious situation of either a poor or middle-class Filipina if my mother had not migrated to, and brought me up in, Australia. The chance that I could have ended up resorting to the FODW life remains vivid in my daily consciousness. Indeed, my mother had come to, and remained in, Australia for the very same reasons given by the FODWs in this study.

17 I have, in fact, been to Hong Kong 12 years ago—a trip which first introduced me to the situation of FODWs—but not on a Sunday, when it is the day off for the great majority of overseas domestic workers.

The first items ... on the agenda for discussion was the [FODWs'] frustrations with nepotism in the labour market in the Philippines ..., elaborate processes of moving through various institutional structures in the Philippines, the medical test, taxes and levies that they endured to come [to Canada]. It seemed that they most wanted to talk about their lives in the Philippines, and I wanted to hear about their lives in Canada. I have only begun to understand that their stories about life in the Philippines are stories about life in Canada.

Thus while for me the question was, "why aren't they home?," for Pratt, it was "why are they in Canada?" Minus the different geographical focus, these are the same question, albeit asked in a different context. Due to our theoretical and discursive premises as embedded in our secure socio-economic and political status as funded researchers and citizens of our respective "western" states relative to the status of FODWs, Pratt and I, in effect, prevented the "subaltern to speak" (Spivak 1988). In this way, both Pratt's and my initial approach to understanding the FODW reflect the ambivalent efficacy of migrant domestic workers' resistance—whether in the form of hidden transcripts or public protests—as no more than "the story of continuous subaltern insurgency, always failing, but continuous to this day" (Spivak in Landry and MacLean 1996, 291). Intrinsically consequential to this critique is not only Pratt's and Spivak's (especially, Spivak 1993, 1996), but also other postcolonial feminists critique (e.g. Ferguson 1998; Minh-ha 1989), of a western feminism that "doesn't work." For Pratt (op. cit., 4) in particular, to work on the situation of FODWs requires working *with* FODWs to "form a closer interaction between [feminist] theory and empirical analysis of [FODWs] ... into a ... more lasting association, from which there is no immediate release."

In line with Pratt and others, the present study closely, and in a long term manner, engages with "an empirical situation from which [FODWs] can not readily walk away" (ibid.). Hence, the book's core question of *how FODWs can continue to practise agency despite structural constraints*. Methodologically, this requires an approach based on a "theoretical reflexive ethnography" (de Vries 1992, 80–84) or a recognition of my own agentic role in the research process as having the responsibility of constructing the final text on "my FODWs subjects," who at the same time, have shaped my understanding of their "subjection" (Long 1992). In this study, and from this process, I attempt to fill in the meaning of agency with the embodied and materialist meanings it holds for the FODWs. So far, FODW agency has largely been understood as disembodied in a functionalist way, or in terms of an embodied identity in a feminist way that renders agency an "empty word" (Spivak in Landry and MacLean 1996, 294). These viewpoints have produced the hegemonic discourse on the situation of FODWs. I thus analyse and use the words of the FODWs in the "responding" chapters (5-7) to inform current discourses on the meaning of their agency. I have structured the book to balance the hegemonic discourses (Chapters 1–4) with FODW responses because, like Pratt (2004, 68, citing

Spivak), “I do not want to be read as implying that the words of [FODWs] are somehow more authentic or true than those of other speakers.” As will become apparent, especially in Chapters 5–7, FODW agency and capability are intrinsically connected to those of researchers, journalists, policy-makers and activists associated with the hegemonic discourse.

In line also with the need to apply theoretical interpretations to their daily lives in overseas domestic work, the study, as discussed earlier, draws on the CA. This approach is holistically relevant in providing a more accurate theorization of FODW agency on the one hand, and in addressing the practical problems with the continued practice of FODW agency, on the other. Theoretically, it puts the context of agency within the context of capability and human development or well-being; what the actor is actually able to do and be for the purposes of a quality of life (Chapter 6). In this way, the approach is useful in demonstrating FODW agency as embodied by issues of underdevelopment that limit her livelihood options, and as therefore an issue of capability. With this identification, the kind of practical intervention becomes a task of ensuring capability in FODW agency (Chapter 8). For the particular case of FODWs then, a CA enables a more accurate understanding of, and response to, their struggles, as ongoing, and as their own. That is, struggles in terms of the problems of unequal development as they experience and respond to it; as a problem rooted, but also structured transnationally, by their lives not just in “Canada” or the host country, but also in the Philippines.

In constructing the final text then, I hope to use the FODW’s given meanings of her agency in the context of capability. In line with a self-reflexive, experimental feminist ethnographic approach, the outcome of the final text will necessarily reflect my voice—“my discourse,” on the topic over that of the respondents’ narratives. However, my structuration approach embeds myself with their situation, making me part of them and their struggles (as I show in Chapter 5). My practical motive behind the use of the “capability approach” is thus also long term; I use it as a strategic analytical tool for direct policy intervention not just on the FODWs’ immediate, but also future, concerns. As part of the established international Human Development program, employing the CA of course does not incite critique of the existing structures of protection, or as Agustín (2006) has termed it, the “Rescue Industry.” The present study must therefore be read as part of the universalist discourse on, and instrumental applications of, rights, justice, human development and empowerment. In this, I make no apologies in the same way as Nussbaum has defended the need for the use of universal values if, in the current “protection industry” structure, we are to achieve material and gender justice for every individual (see here also footnote 68). Further, of absolute importance, and as the following chapters show, it is in the improvements within the Industry on which the survival of the FODW depends. Although in these ways, the study can only ever be an “experimental” undertaking, they nevertheless incite thinking and action towards some form of justice in the upholding of the FODW’s human dignity.

Chapters to Follow

This introductory chapter has provided the basis from which the objectives and key questions of the study have been raised and placed in the context of current debates on the experiences and protection of FODWs. The next chapter contextualizes the study by providing the structural context of global domestic work migration as well as the analytical context of agency and capability within this structural context. It shows how the structural context of global domestic work migration is constituted not only by the interconnections of unskilled labor immigration control policies with societal stigma against domestic work and inadequate labor regulations of the domestic work sphere in the receiving locale, but also how these are directly connected to migrants' locales of origin by processes of unequal global development. This supra-structure importantly provides the framework within which we can enrich current theories on structure-agency in international labor migration by enabling analysis to link issues of agency and capability with FODWs' claim to a livelihood, and to human rights, earlier discussed in this chapter. Chapter 3 reviews the current literature on women overseas domestic workers, organized around the main theories of migration: functionalist, structuralist and structurationist, to highlight the gaps in current understandings of FODW agency and capability. Using insights from migrants' rights NGOs, Chapter 4 shows how a synthesis of the structuralist and structurationist perspectives can fill the gaps by providing a framework that incorporates issues of capability to issues of agency in overseas domestic work. The next three chapters allows engagement with FODW discourses, as mostly drawn from the interview data. Chapter 5 sets out the concept of a "FODW institution" in order to focus discussions on agency, but also structure, in the particular context of Filipina overseas domestic work. Chapter 6 outlines a theoretical framework that highlights the linkages between FODW agency and issues of capability. Chapter 7 builds on this framework by examining the role of capability in the agentic practices of FODWs. By bringing together respondents' insights with the main findings of the study, Chapter 8 takes the analysis further by discussing the role of livelihoods and human rights in determining FODW capability, and explores how the concept of "capable agency" could be used to better understand, as well as intervene against migrant domestic workers' oppression. In this way, the chapter is able to identify key directions for future research and policies.