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Negotiating Citizenship:

The case of foreign domestic workers in Canada

Daiva Stasiulis and Abigail B. Bakan

Abstract

This paper argues that most conceptualizations of citizenship limit the purview of the discourse to static categories. 'Citizenship' is commonly seen as an ideal type, presuming a largely legal relationship between an individual and a single nation-state – more precisely only one type of nation-state, the advanced capitalist post-war model. Alternatively, we suggest a re-conceptualization of citizenship as a *negotiated relationship*, one which is subject therefore to change, and acted upon collectively within social, political and economic relations of conflict. This dynamic process of negotiation takes place within a context which is shaped by gendered, racial and class structures and ideologies; it also involves international hierarchies among states. Citizenship is therefore negotiated on global as well as national levels. This conceptualization is demonstrated by way of identifying one particular set of experiences of negotiated citizenship, involving foreign domestic workers in Canada. As non-citizens originating from Third World conditions, this is a case involving women of colour workers, highly prone to abusive conditions, and under the direction of employers who are more affluent First World citizens and predominantly white women. Original survey data based on interviews with Caribbean and Filipino domestic workers in Canada are used to demonstrate the varied, creative and effective strategies of two distinctive groups of non-citizens as they attempt to negotiate citizenship rights in restrictive national and international conditions.

Keywords

domestics; citizenship; gender; Canada; Philippines; Caribbean

In recent years, the liberal project of building national societies of formally equal, rights-bearing citizens has increasingly been challenged and discredited. Governments have implemented dramatic restructuring policies in both the North and the South, while global pressures for international migration have increased. Polarization between different populations has augmented, notably between international business and the growing populations of low income and jobless 'others'. Ideologies such as

Keynesianism, which supported the post-World War II expansion of welfare services as citizenship entitlements have been replaced by neo-liberal clarion calls for deficit-reduction and global competitiveness. In line with these trends, policy makers across the political spectrum are seeking new definitions of state/citizen relations, emphasizing responsibilities rather than rights of citizens. Feminist, Marxist, liberal and social movement theorists are reformulating citizenship in relation to these changing conditions of a post-cold war era (for summaries of contemporary debates on citizenship, see Andrews, 1991; Bulmer and Rees, 1996; Kymlicka and Norman 1994; and Yuval-Davis, 1996).

This paper contributes to this debate in two separate but related ways. First, it argues that most conceptualizations of citizenship limit the purview of the discourse to static categories. 'Citizenship' is commonly seen as an ideal type, presuming a largely juridical relationship between an individual and a single nation-state – more precisely only one type of nation-state, the advanced post-war capitalist model. While this ideal type is sometimes understood as a relationship individually obtained and passively granted by a given state to an individual, the relationship is usually understood as a static one. The citizenship experience tends to be rendered 'thing-like', objectified as something one is granted or not granted. Alternatively, we suggest a re-conceptualization of citizenship as a *negotiated relationship*. Subject to change, it is acted upon collectively, or among individuals existing within social, political, and economic relations of collective conflict, which are shaped by gendered, racial, class and internationally based state hierarchies. Citizenship is therefore negotiated on the international as well as national levels.

Second, in this paper this new conceptualization is demonstrated by way of identifying one particular set of experiences of negotiated citizenship, involving foreign domestic workers in Canada. This example draws on a case study of non-citizen women of colour working within a gendered, highly vulnerable economy of sexualized, racialized service. In Canada, they are non-citizens originating from Third World conditions, now working for employers who are First World citizens and predominantly white women.¹ Though they retain formal, legal citizenship from their nations of origin, the capacity of their home states to act on their behalf within Canada is rendered ineffectual. As Bhabha (1996) and others (Jonas, 1996; Joppke, 1997) have argued, international conventions on human, migrant and refugee rights are markedly vague and non-binding, and there is an absence of expectations of enforcement beyond what sovereign states are willing to concede. One result is that the national, territorially based sovereignty of receiving states regarding policies towards non-citizens is virtually unchallenged. The minimalist nature of the

encroachment on territorial sovereignty in international human rights conventions is reinforced by the centrality of border control to state power (Bhaba, 1996: 6). To this must be added constraints on Third World state 'interference' in First World states' treatment of migrant non-citizens arising out of the structural inequality between nations in the North and South. The increased reliance of Third World labour-exporting countries on the remittances earned from their overseas nationals makes the governments of these states reluctant to intervene to arrest their mistreatment by First World labour-importing countries.

The complexity of the process of negotiation of citizenship in this case study is demonstrated in stark relief. Relations of citizenship and non-citizenship are shown to be mediated and influenced by conditions of global capitalism, as well as by class exploitation, racism and sexism within and beyond Canada's borders. Citizenship and non-citizenship are perceived on a spectrum of variable rights and denial of rights, negotiated in a continual and dynamic process in which the active agency of the non-citizen is profiled. This perspective challenges the more common understanding of citizenship, where emphasis is placed on the granting or denial by nation-states of legal citizenship status to passive recipients.

Reconceptualizing citizenship

Current debates on citizenship have commonly taken as their point of departure the seminal work of T.H. Marshall (1950). Analytically, Marshall's framework presumes an evolutionary expansion of citizenship rights. Historically, it is based on the experience of post-World War Two Britain and the development of the modern welfare state. Such a perspective pre-figured the linear and Eurocentric view put forward by modernization theory in the development literature, as it was classically presented by W. W. Rostow (1960) in his *The Stages of Economic Growth: A Non-Communist Manifesto*. Similarly drawing on Britain as the basis of a universal model, Marshall generalized from an exception to define a rule. Contemporary critics have not been reticent to challenge the basic parameters of Marshall's perspective on these grounds (Brubaker, 1989; Bottomore, 1992).

Others have disputed the premise of Marshall's work for its presumption of the emergence of equality of citizenship rights within post-war Britain itself, blurring, in particular, the importance of class, ethnicity and gender as differentiating elements (Turner, 1990). There are many important critical insights offered in these contributions. Feminists such as Carole Pateman (1988), Mary Dietz (1992) and Anne Phillips (1991), for instance, have debunked the liberal notion of the universal citizen which

valorized the attributes of the white, European, propertied male to the exclusion and devalorization of all others. A number of other theorists have given substance to arguments for a 'differentiated citizenship' to counter discrimination inherent in equal treatment which suppresses the values and identities of national, cultural, religious, racial and sexual orientation groups (see Modood, 1994; Parekh, 1991/2; Young, 1990). Within both the Marshallian and post-Marshallian literature, however, a common theme tends to be repeated, one with which our argument takes issue.

Citizenship is commonly perceived as an ideal type, either in the form of a static relationship of an abstract individual to an abstract state or as a thing-like legal status, granted to 'deserving' individuals on the basis of achievement, natural attributes or accident of birth. The assumption is that the state is, or should be, a neutral and fair arbiter of rights based on objective criteria; consistent with modern liberal ideology, the individual is perceived abstractly, subject to fair and equal conditions of access to citizenship rights. This conceptualization, while an ideal, is not artificial; it is a historically constructed feature of modern state ideology bearing and reflecting real, lived consequences. It is therefore highly tenacious and widely accepted as a real condition rather than an ideological construct. The idea of 'citizenship' itself is a politically and socially constructed expression of the development of the advanced capitalist nation-state. We can concur with Stephen Howe when he summarizes: 'the origin of the citizen ideal . . . envisaged a state which was not the personal property of an individual, or an aristocracy or a clique but in which government is the public business of all citizens and has as its aim the common good' (Howe, 1991: 125). In reality, however, women, slaves, colonial subjects, immigrants from certain countries, religious, racial and ethnic minorities, and conquered indigenous peoples were excluded historically from the ideal image of the citizen, and from the rights accorded to the ideal citizen (see Beaud, 1983; Ringer, 1992; Holt, 1992).

Under conditions of contemporary capitalist globalization, this liberal republican ideal, even as just an ideal, is increasingly relegated to outside the experience of 'actually existing liberal democracy' (Stasiulis, 1996a). While Marshall's evolutionary model seemed to 'fit' the politically and socially constructed notion of the liberal democratic state during the years of post-war expansion, his view of that state was in itself historically limited and partial. The realities and legacies of the various and widespread non-citizenship experiences, within Britain and internationally, do not figure centrally in Marshall's explanatory model. Though class exploitation was a feature of Marshall's analysis, his view of class was itself static, and there was no conception of class relationships on an

international scale (Marshall and Bottomore, 1992: 17–27). T.H. Marshall's notion of an evolutionary expansion of civil, political and social rights as the defining feature of citizenship is historically rooted in the development of modern capitalism. On this, Marshall himself was explicit. Civil rights are seen to be a feature of eighteenth-century capitalist development; political rights of the nineteenth century; and social rights of the twentieth century. As we approach the end of this same twentieth century, however, rather than seeing an evolution of increasing citizenship rights, or of increasing numbers of beneficiaries of such rights, it may be more appropriate to identify counter-evolutionary characteristics.

The ideal of citizenship is increasingly, in other words, being revealed to be what it is – more ideal than real. There are growing indications of the failure of the citizenship ideal to be taken up even as a model in contemporary conditions. These include the decline of the welfare state and stubbornly high unemployment rates in Europe and North America (Denitch, 1996; Miliband, 1996), the failure of structural adjustment policies in developing nations to meet the needs of the vast majority of the populations, and the failure of the once 'newly' industrializing countries (NICs) and of post-Stalinist Eastern bloc states to evolve into liberal democratic welfare states. Following from a Gramscian notion of ideological hegemony, in order for an ideal type to be experienced as 'real', it needs at least an element, even if partial or mixed, that is consistent with that experience. As the basis of such experience declines, the ideal type appears increasingly fictive (Gramsci, 1971).

As capitalism faces conditions of chronic and deeply rooted crisis on an international scale, the naked drive towards profit maximization rather than raising living standards, and towards balancing state budgets rather than delivering state services, is increasingly accepted as the bottom line in global policy making and statecraft. There is an extensive literature on the nature of the current global crisis of capitalism and its relationship to national governments. While there is considerable debate regarding the root causes of the crisis, and similarly divergent conclusions concerning the parameters of human action to intervene in hopes of a reversal, there is also increasingly common ground on the issue of the extensive damage the crisis has forced upon the majority of populations internationally (see Bauzon, 1992; Callinicos *et al.*, 1994; Cox *et al.*, 1995; Harman, 1995; Harris, 1987; Manor, 1991).

The view of citizenship as an ideal type associated with one type of state tends to limit our understanding of forms of inequality and modes of contestation for rights by groups which lack rights-bearing forms of membership in the territorial nation-state where they are working and residing,

often for considerable lengths of time. In the view argued here, global processes of negotiation, mediated, contested or limited by the restrictions of gatekeepers to citizenship, and the reality of an uneven hierarchy among states in the world system, become central features. Our formulation regarding the negotiated, collective and social-relational character of citizenship parallels an argument put forward by E.P. Thompson in his preface to *The Making of the English Working Class* (1963: 9–14). Situating his path-breaking historical outline of the emergence of a mass working class, Thompson took issue with the notion of class as a ‘thing’ rather than a relationship. ‘[W]e cannot understand class unless we see it as a social and cultural formation, arising from processes which can only be studied as they work themselves out over a considerable historical period’ (1963: 10–11).

If we substitute the word ‘citizenship’ for ‘class’ in the above, although the parallel is not an exact one, a conclusion can be drawn similar to that reached by Thompson. Citizenship is commonly taken to be an ideal type, similar to a thing. We often presume that there is an ideal of citizenship which is fair, inclusive and, if not necessarily fully universal, at least constructed in such a manner that it could be reformed or adapted to incorporate differences in an egalitarian manner. This notion of citizenship is as an ideological construct at best, rather than a lived reality. For those scholars (Pateman, 1988; Turner, 1990; Phillips, 1991) who have effectively challenged the Marshallian notion of evolutionary, universalistic citizenship, several important aspects of the ideal type have been unpacked, exposed and analysed. Further, citizenship as a relationship negotiated between an individual and the state, including the relationship between the realm of the private and the public, has been usefully explained (Pateman, 1988; Phillips, 1991). The full range of social relations inscribed in the relational character of citizenship have not, however, been explored. Understanding citizenship and non-citizenship in terms of a spectrum of negotiated relationships as we perceive it is not limited to the issue of whether citizens should be defined as individuals or groups (Turner, 1990).

Even within the critical literature, the historically specific, variable and often contradictory dynamics of the citizenship process are obfuscated or relegated to the background. Our perspective attempts to bring the dynamic, active and continually negotiated complexity of relationships that comprise the citizenship/non-citizenship spectrum into focus, both within and beyond national boundaries. Such a perspective emphasizes specific historical constraints, social conflict and negotiation, and uses the global, rather than the national, setting as its starting point.

As elaborated below, citizenship is itself a nodal point for the intersection of many other social relations. Not unlike a Thompsonian view of class,

citizenship exists specifically, historically, and changes continually as relationships are negotiated and re-negotiated in variable national and international conditions. Further, citizenship and non-citizenship, like conflicting classes, emerge simultaneously. However, the analogy is not an exact one. Unlike antagonistic classes, which depend directly on one another in their formation, and develop over time in a context of divergent material interests, citizenship and non-citizenship are usually mediated and socially constructed to work as oppositional by the border-control mechanisms, laws and discourses of nation-states. For example, the maintenance of the ideal type of liberal citizenship relies upon the creation of its opposite, the derogatory ideal of the dangerous, criminal, economically burdensome non-citizen (see Barratt, 1990; Bakan and Stasiulis, 1995).

In contemporary conditions of global crisis and restructuring, tendencies towards nominal or partial recognition of universal human rights, and trans-border citizenship rights, have coincided with tightening restrictions on the rights of new immigrants. These trends are contradictory and create a dynamic terrain of struggle. New immigrants, particularly those from poor Third World origins, are compelled to struggle to obtain even minimal citizenship rights from reluctant host states and among populations encouraged to scapegoat those seeking permanent status and full equality. The tendency to assume that citizenship is a static ideal type, or linear condition or status, has led some contemporary theorists, incorrectly in our view, to focus on only one or another of these trends in abstraction from the wider dimensions. For example, while Yasemin Soysal (1994) accurately identifies one pattern of rights expansion for non-citizens in the case of European guest workers, these rights have not unfolded according to some 'more universal' conception of citizenship. Rather they have been negotiated on the grounds of permanent residence through state, social movement and domestic constitutional politics, where the nation-states have continued to play the central role. Moreover, the focus on the guest workers of the 1960s ignores the trend in other less permanent forms of migration which presents a greater challenge for forging principles of post-national rights. Temporary and what Rodriguez (1996: 23) terms 'autonomous international migration' – taking place independently of intergovernmental agreements by workers, their families and communities – has become a prevalent and important means of survival for trans-border families and has made transnational communities a growing reality. Post-national theorists such as Soysal move from emphasizing the weakening of citizenship rights at the national level to projecting an expansion of citizenship rights at the global level. While the former is accurate, the latter does not follow. Similarly, others have attempted to 'save' citizenship from the failure of its implementation. Hence, going in the opposite direction

from Soysal, some liberal and left theorists have strongly defended national state boundaries as a means of defining the borders of citizenship for membership within ethno-national communities (Kymlicka, 1995; Miller, 1994; Taylor, 1992; for a critique, see Stasiulis, 1996a).² What these post-Marshallian re-conceptualizations continue to mirror is the view of citizenship as a linear, static, thing-like status which is earned by or bestowed upon individuals or groups.

Alternatively, we maintain that citizenship is negotiated, and is therefore unstable, constructed and re-constructed historically across as well as within geo-political borders. States attempt to regulate access of different individuals and groups to various forms of rights and obligations, and to impose various forms of responsibilities and hardships upon individuals and groups. From the perspective argued here, citizenship and non-citizenship (and various intermediary categories such as non-citizen residency) emerge simultaneously, defined and re-defined according to a dynamic process of struggle and negotiation. Rather than presuming there is an active state and a passive citizenry, or an active number of states and a passive number of bodies of citizens, our view sees citizenship and non-citizenship in a variable spectrum of rights and mechanisms to deny such rights. It is a process which renders legal and legitimate discriminations based on whether individuals embody capital (e.g., as transnational capitalists benefiting from wealth creation in the NICs) or poverty (e.g., of the majority of those living in developing nations), as well as the dominant race/ethnicity and gender.

While this argument is particularly relevant in identifying the contradictions between the citizenship ideal and the reality of a declining level of access to citizenship rights in the contemporary conjuncture of the world system, it also sheds light on the historic development of citizenship in advanced capitalist liberal democracies. As we have stated elsewhere, we maintain that citizenship has to be reconceptualized in ways that:

simultaneously reflect both global and national relations of power . . . [T]he acceptance of the regulatory authority of hegemonic states in determining access to citizenship rights is not only reflected in the racialized and gendered definition of who is and who is not suitable to obtain such rights. It is also apparent in the assumption of the non-hegemonic status of third world states. . . . The unequal distribution of citizenship rights within the advanced liberal democracies, principally along the lines of class, race and gender inequalities, become blurred and recede in importance when considered in counterposition to societies where far greater proportions of citizens suffer from chronic poverty and privation.

(Bakan and Stasiulis, 1994: 26–8).

The particular case of foreign domestic workers in Canada is considered from this analytical starting point.

Negotiating citizenship: the case of foreign domestic workers in Canada

The selection of this particular case study is relevant in demonstrating the value of such a perspective. First, Canada in the post-World War Two era earned a reputation as one of the most advanced welfare states worldwide. In recent years, Canada has been identified by the United Nations human development index (HDI) as the 'best country in the world to live'. Since 1990, when the United Nations Human Development Index (HDI) was introduced, Canada has consistently been among the top three of Canada, the US and Japan; it is currently ranked number one (United Nations Development Programme, 1995: 18–19). Canada is rated number one in the world according to the following definition of human development:

Human development is a process of enlarging people's choices. . . . [T]he three essential [choices] are for people to lead a long and healthy life, to acquire knowledge and to have access to resources needed for a decent standard of living.

(United Nations Development Programme, 1995: 11).

Political, economic and social freedom, self-respect and guaranteed human rights are further identified as necessary features of human development. Citizenship rights in Canada may therefore appropriately be considered among the 'best' that liberal democratic capitalism can offer in the current period. The experience of 'lived' citizenship/non-citizenship rights in Canada, and how they are negotiated, may suggest the boundaries of such experiences in contemporary capitalism in general. What is not addressed in the UN Human Development ranking is that Canada in the 1990s, like other liberal democratic states internationally, has not been immune to the conditions of global crisis. Despite the advent in 1982 of a new and controversial Constitution, including a Charter of Rights and Freedoms, and regardless of the political party in office at both the federal and provincial levels, social services, the rights of immigrants and visible minorities, working women's access to public childcare and other historic provisions of the welfare state have been in continual decline (Mandel, 1994; Fudge and Glasbeek, 1992; Giles and Arat-Koc, 1994; Cameron and Smith, 1992). It is significant that, when indicators of women's welfare are factored into the United Nations HDI, Canada's 1995 rating falls to ninth place.

The second reason for the selection of this case study, however, goes beyond simply the choice of Canada. The specific experience of foreign

domestic workers within Canada – more specifically Canada's largest and most multicultural city, Metropolitan Toronto – suggests that the best place in the world to live is hardly the best for all. Regulated under separate federal state legislative policy, foreign domestic workers in Canada suffer conditions of institutionalized and profound discrimination. Foreign domestic workers in Canada form part of the international migration and employment in private homes of poor Third World female workers, in a process which represents the under-belly of globalization (Chang and Ling, 1996). The scale of female-domestic-worker migration from poorer to richer countries is growing, contributing to an overall pattern of a growing proportion of female migrants that is particularly marked within Asian migration (Lim and Oishi, 1996). These workers are increasingly recognized by the international community not only to account for the majority of female temporary worker migrants from poorer to richer countries, but, along with sex trade workers, also to represent the most widely exploited and abused of migrant workers (United Nations, 1996). The systematic reproduction of migrant domestics as non-citizens within the territories where they work and reside renders them in any meaningful sense stateless as far as access to state protection of their rights is concerned. This is despite the formal retention of legal citizenship status accorded by their home country. This process of construction as non-citizens is also central to maintaining their vulnerability to abuse, violence and human rights violations.

The most recent policy formulation governing the recruitment and conditions of domestic workers in Canada, called the Live-in Caregiver Programme, was developed in 1992. Institutionalized discrimination against foreign domestic workers in Canada, however, has a historical lineage. Even during the period of Canadian post-war welfare state expansion, an explicitly racist immigration policy was maintained (Bolaria and Li, 1988; Stasiulis, 1996c). Foreign domestic workers in Canada have experienced a condition characteristic of domestic workers internationally, one that continued before, during and after the post-war expansionary period: foreign domestic workers suffer particularly harsh discrimination and vulnerability, uncharacteristic of most forms of labour in other service sectors or industry (Bakan and Stasiulis, 1997; Daenzer, 1993; Giles and Arat-Koc, 1994; Stasiulis, 1996b).

Two particular features mark the current legislation governing foreign domestic workers in Canada: 1) they are compelled by law to live in the homes of their employers for a minimum of two years out of a three-year period; and 2) while employed as domestic workers they are legally classified as temporary workers, subject to deportation upon termination of their contracted labour as live-in domestics. The vast majority are women



Figure 1 Filipino migrant women in Canada demonstrate against Canadian immigration restrictions, 1996.

Photo credit: Pura Velasco

of Third World origins, now principally from the Philippines, formerly principally from the Caribbean, who work as domestics in Canada in hopes of obtaining permanent settlement for themselves and their families. Their aim is therefore to negotiate increasing citizenship rights, but in order to do so they fill one of the most vulnerable non-citizenship niches constructed on an international scale.

Foreign domestic workers in Canada are admitted to the country under a national, and therefore federally regulated, policy. Labour legislation, however, falls within the jurisdiction of provincial states. The result is that there are no common labour laws governing their working conditions across the country, and provincial standards vary widely. Even in Ontario, the province with the greatest level of labour protection for domestic workers, the limited rights that are available operate through a complaint-driven process. These non-citizen women of colour therefore have the 'right', in certain limited instances, to demand fair terms of employment from their employers, who are usually white and female, or an employing male/female couple, and of considerable economic means. The employers also act as their landladies/landlords and control the right of foreign domestic workers to stay in Canada. The result of this institutionalized asymmetry in power between live-in foreign worker and citizen employer is that, in all provinces where studies have been conducted, cases of domestic-worker abuse ranging from unpaid overtime to sexual harassment and assault have been reported (Bakan and Stasiulis, 1997 forthcoming).

Foreign domestic workers generally continue to apply for such jobs and to accept such conditions because there is a carrot as well as a stick attached to the legislative policy. Those who endure two years of virtually indentured labour within a three-year period after arrival are entitled to apply for permanent residence in Canada. If successful in obtaining the right to permanent residency, or landed immigrant status, all of the rights accorded other workers apply, approximating full legal citizenship rights with the exception of the right to vote and hold certain civil service positions. After a period of three more years, landed immigrants are eligible to apply for full legal citizenship.

The Canadian government and private employment agencies insist that the foreign domestic worker policy increases the opportunity for the advancement of citizenship rights for poor Third World women migrants. In fact, the LCP has been portrayed ideologically as a form of foreign aid (Arat-Koc, 1992: 238–9). In reality, this policy serves to counterpose the citizenship rights of the employing families – usually white, relatively wealthy professional couples with two or more pre-school-age children – to the restriction of citizenship rights of Third World women. In the absence of a national child-care policy which might provide affordable public child care, the Canadian state ‘subsidizes’ a privatized child-care service for its wealthier citizens, through recourse to immigration control. In effect, the cost of this subsidized citizenship entitlement is borne by the poor, Third World female non-citizen.

From 1955, when Canada instituted its first official foreign domestic worker policy, until the mid-1970s, Caribbean women held the dubious honour of being formally ranked high on the list of most favoured domestic workers. Indeed, the job of live-in domestic worker, and particularly live-in child-care worker or nanny, was widely associated with a socially constructed stereotype of the West Indian woman.³ The demand for in-home domestic care has continued to be filled by the labour of foreign women. However, the trend shifted through the 1980s away from the Caribbean region towards recruitment from the Philippines. Despite an historic bias against Asian immigration, for the purposes of domestic service the stereotype now turned away from West Indian women to favour Filipinas.⁴ Unofficially, gatekeepers shifted their preference to Filipinas in an effort to undercut the organizing campaigns of Caribbean domestic workers attempting to increase their citizenship rights within Canada (Bakan and Stasiulis, 1995). Officially, the 1992 Live-in Caregiver Program (LCP) imposed novel and intensified barriers to entry, such as stricter educational and training eligibility criteria, for all domestic workers from the Third World, regardless of their particular region or country of origin. The combined effect was that the gatekeepers began to secure the locks,

limiting or restricting entry to Canadian residence or citizenship for Caribbean and Filipino female migrants to Canadian residence or citizenship.

Recent statistics confirm the discriminatory biases in the new policy (interview, Linda MacDougall, 1996). A precipitous drop in numbers of migrants to approximately one-fifth of the pre-LCP annual figure demonstrates the limiting of an important source of legal entry and acquisition of Canadian residence and citizenship for Third World women. This is particularly the case for West Indian and Filipino women who have historically comprised the largest concentrations of foreign domestic workers from developing countries. Collectively, Caribbean and Filipino women have been compelled by restrictive Canadian state policy and wider international pressures to devise distinct strategies to negotiate their way through these labyrinthine barriers.

Strategies for negotiating citizenship compared: the experiences of West Indian and Filipino domestic workers in Canada

Based on a survey of foreign domestic workers living in Toronto, the remainder of this paper offers a comparative analysis of the experiences of women currently working in the homes of wealthy Canadian families. The survey was designed to investigate the negotiating strategies of two distinct groups of women of colour attempting to challenge the myriad barriers to citizenship for foreign domestic workers in Canada. The data are drawn from fifty questionnaires, twenty-five from interviews conducted with live-in domestics from the Caribbean and twenty-five with those who have originated from the Philippines.⁵ Country of origin was determined by birthplace.

The results provide the basis for a comparison of the distinct experiences of negotiating citizenship relationships among two groups of women of colour in Canada. Because the study is numerically small, it is of qualitative rather than quantitative significance. However, the Caribbean and the Philippines are not arbitrary reference points in terms of the general experience of Third World migration. Both the English-speaking island states of the Caribbean and the Philippines have long histories of colonialism and neo-colonialism, a recent history of debt-based dependency through International Monetary Fund and US-government-supported structural adjustment policies and recent or long-term experiences of emigration as a strategy for economic survival (McAfee, 1991; Beltran and de Dios, 1992). The efforts of Canada to take advantage of large pools of women workers of colour who are compelled by conditions of poverty and

chronic unemployment in their countries of origin to accept labour conditions spurned by those who have other options is directly related to these global realities.

Survey data of this nature are necessarily based on generalizing collective patterns of social negotiation, rather than isolated individual experiences. While the size of the sample is small in terms of statistical trends, it is substantially larger than an approach based on individual life histories. The study effectively highlights the pathways of negotiation of distinctive groupings of non-citizen women. These are workers who are treated as temporary visitors and, though providing labour in serious demand, they are designated as menial servants by employers and the Canadian state. What are revealed are the dynamic, creative and effective attempts of non-citizen Third World women to enter Canada and, once arrived, to overcome demonstrable barriers to the attainment of citizenship rights, not only in the legal sense of the term but also in terms of the wider context of rights discussed above.

Survey findings: immigration status

The survey data reveal a commonality of conditions of work among the two groups of women working as live-in domestic employees of Canadian families. Faced with the threat of deportation for non-fulfilment of duties, domestic workers who live with their employers work long hours for low pay in very isolated and highly regulated conditions.

Regarding their immigration experience and statuses, however, there was a divergence of experience among the two groups of women interviewed. Among the West Indian women, twenty out of twenty-five responded to a question about place of work immediately prior to working as a domestic in Canada (Q7).⁶ Of these, all but two (who had worked in Europe) had worked in the West Indies immediately before coming to Canada. Among the Filipinas, twenty-three responded to this question; only eleven of these came directly from the Philippines. The rest had worked in the Middle East, Asia and Europe immediately prior to coming to Canada to work.

This divergent finding reflects two different structures of migration for the two groups of women and two distinct strategies for negotiating the global restrictions to migration faced by Third World workers seeking First World residence. The migration of Caribbean women to Canada reflects historical country/region to country imperial ties. In contrast, Philippine migration reflects the aggressive marketing of labour for export on the part of various Philippine governments (from Marcos to Aquino to Ramos). The latter

process has had the unintentional effect of rendering unskilled or deskilled Filipino women experienced international migrants (see Bakan, 1987).

Negotiating citizenship involves making one's way through the selection processes of various gatekeepers. There is a notable preference among domestic placement agencies in Canada to recruit Filipinas from outside Manila; moreover, the experience requirement of the LCP in Canada would tend to lend favour to those who had previously done domestic service. This trend is reflected in the survey findings, which is notable given the small size of the sample. In contrast, West Indian women in search of domestic service as a means of emigrating are not on the most favoured list in Canada, or in any other country. Among the West Indian domestics, ten entered Canada as domestic workers on either the FDM or the LCP, and therefore had been legally admitted as foreign live-in domestic workers; fourteen entered Canada as visitors, and one claimed asylum as a refugee (Q15). It is, however, illegal to work in Canada while on a visitor visa, and refugee status is almost never granted to those who claim the need for asylum from the West Indies. Refugee claimants can work only with a separately issued work permit. Therefore, the majority of the West Indian respondents entered into domestic service in Canada as undocumented migrant workers. Among the Filipinas, twenty-three had entered Canada on the FDM or LCP programmes as foreign domestic workers, while only two entered as visitors.

The divergent patterns of entry into Canada and subsequent legal status for the two groups indicates more restrictive access for West Indian women versus Filipinas in current conditions. The high number of undocumented (visitor) workers among West Indian women reflects the official disfavour among gatekeepers in Canada towards these applicants. Such anti-black bias compels more and more West Indian women to enter the country as visitors and work without any formal status in the country. This is a pattern of undocumented personal service that is widespread in other countries such as the United States and Italy. Despite increasing restrictions, Filipino applicants, however, are currently considered in a racist stereotype to be 'good servants', and therefore find it easier, or at least possible, to pass through Canada's closely guarded gates. This is conditional, however, on their willingness to work as maids and nannies, arrive on temporary visas and live with their employers.

In response to another question regarding current immigration status within Canada, the picture changed somewhat (Q16). Among the West Indian domestic workers, sixteen had temporary or unidentified status within the country at the time of the interview, whereas nine had obtained landed immigrant status or actual legal citizenship. Among the Filipino

domestic workers, nineteen were legal temporary workers, whereas only six had obtained landed immigrant status.

The notable feature here is that historically it has been unusual for any worker to accept live-in domestic service in Canada unless they are temporary workers. The implication is that the economy in Canada today is so restrictive for workers in general, and for 'unskilled' immigrant workers of colour in particular, that even those who are legally eligible to leave live-in domestic service are faced with few or no other options. The numbers here are not large enough to maintain an argument for a new general trend, and this is not our claim. The fact, however, that some West Indian women workers, for whom the general community network of contacts and support is older and therefore potentially more extensive than for the more recent Filipino workers, are continuing to work at least partially as live-in domestic servants (see below), despite having obtained landed immigrant or citizenship status, is a new and highly unusual phenomenon within the post-war Canadian work-force.

Regarding immigration status, then, the spectrum that is revealed is a skewed one. First, the findings suggest that there are more West Indian women than Filipinas who have legal rights to work in other occupations yet who remain working as domestics. Second, there are also apparently more illegal or undocumented domestic workers among the West Indian sample.

These findings have implications for the live-in requirement of the LCP. The LCP obliges foreign domestics to work and live in their employers' home for two years if they are to be eligible to apply for permanent residence in Canada. Domestic workers will commonly share an apartment for weekend use in order to obtain some privacy and time away from what are often twenty-four-hour, on-call obligations. Those who are illegal, however, and have no hopes of obtaining permanent legal status, would feel no obligation to live in their employers' homes to meet the FDM/LCP regulation. Those who are landed immigrants or citizens, would be released from this requirement and would normally be seeking an alternative to domestic service.

Among the West Indian domestics, of the twenty-four who responded to this question, only four lived with their employer during the entire seven-day week (Q28). Thirteen lived with their employer during the five- or six-day working week only; five lived out; and two had 'other' living arrangements. Among the Filipinas, of the twenty-four who responded, only six lived with their employer all week. Sixteen lived with their employer during the working week only; and two lived out. Regarding the live-in requirement of the FDM/LCP, the survey suggests that both

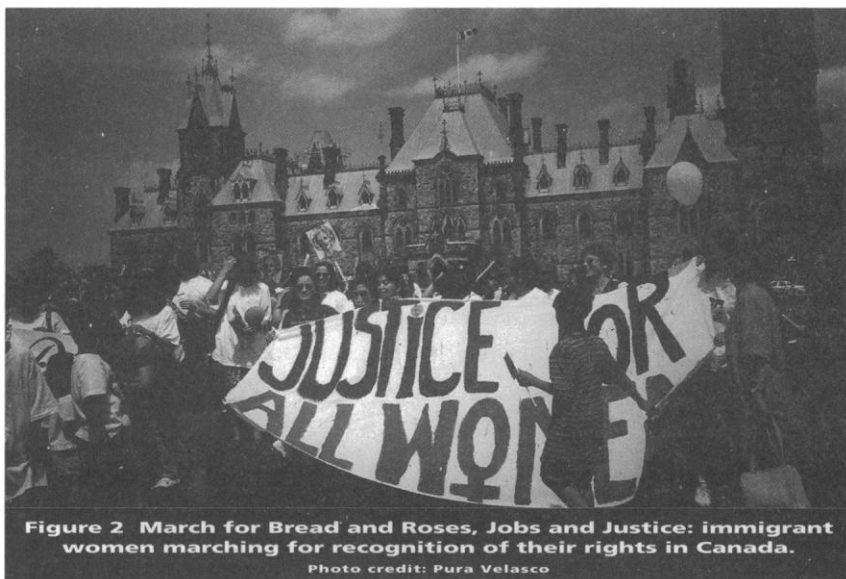


Figure 2 March for Bread and Roses, Jobs and Justice: immigrant women marching for recognition of their rights in Canada.

Photo credit: Pura Velasco

employers and domestics are inclined to bend the full-time live-in rule. This represents an important finding about the collective negotiating strategies of foreign domestic workers, for whom the live-in requirement has been identified as one of the most oppressive features of the regulated policy.

Research internationally and over historical time has found that the single greatest feature of domestic workers' ability to negotiate or bargain for improvements in the generally oppressive conditions of domestic service is the ability to live out, away from the dictates of the employing family (Romero, 1992: 139ff; Bakan and Stasiulis, 1997 forthcoming). Among both the Caribbean and Filipino domestic workers, the attraction of obtaining a private part-time residence is clear. In spite of the threat of dire consequences, including deportation, the rate of success in obtaining some degree of live-out arrangement represents a notable accomplishment in negotiating citizenship rights for this non-citizen population.

According to government explanations, the LCP exists due to a chronic shortage of labour from the Canadian market willing to provide live-in domestic service. The LCP was designed in 1992, following the earlier Foreign Domestic Movement (FDM) policy of 1981, to address the purported need to recruit workers from outside of the country for the sole purpose of filling this niche in the labour market. These findings, however, suggest a different picture. From the standpoint of the employers, demand for live-in service is generally assumed to be high among those with small children, or in some cases elderly parents, who require care during all hours of the day and night. In the context of declining real incomes for the

majority of income-earners, however, employers may in fact be more concerned to hire domestic workers who are willing to work for low wages and are subject to minimal regulation – whether they are live-in or live-out.

The quality of accommodation reported by the domestic workers from both groups suggests a further reason why attempting to live out at least part of the week is attractive. Among the West Indian domestics, eleven of twenty-five who responded reported their room in their employers' house was in the basement (Q29); only seven of twenty-five had their own telephone (Q30D); ten of twenty-four who responded had no lock on their door (Q30E). Among the Filipino domestics, sixteen of twenty-four who responded had a basement room; sixteen of twenty-three had their own telephone; and fully eighteen of twenty-five had no lock on their door. When asked what changes they would like to see in the LCP (Q36F), eighteen of twenty-five West Indian domestics and sixteen of twenty-three Filipinas who responded said they would like to see changes in the live-in requirement.

Remittances and family support

The survey indicated the importance for both groups of workers of financially supporting family members back home. This is an important element of the negotiating strategy of immigrant communities, particularly of women for whom compensatory paid work sufficient to support their families is limited relative to men's in virtually every country in the world. The interviewees were asked to rank the importance, on a five-point scale from 'very important' to 'not important at all', of a number of factors considered in their decision to come to Canada as a domestic worker (see Table 1; note that each question was ranked separately).

Clearly, for a significant number of women workers, the decision to come to Canada was largely linked to their family's financial and social welfare. Another open-ended question asked 'What are the major things you have gained, or hope to gain, in becoming a live-in domestic worker in Canada?' (Q31). The largest number of West Indian domestics first mentioned furthering their education (ten of twenty-five who responded); the second most common answer was about integrating with others or getting to

Table 1 *Percentage of those who answered 'important' or 'very important'*

	<i>Immigration to Canada⁷</i>	<i>Bring family to Canada⁸</i>	<i>Money for home⁹</i>
WI	96	60	70.8
Fil.	80	72	76

know Canada (eight responses); and the remaining responses were about raising their standard of living, acquiring landed immigrant status, or bringing family to Canada.

The Filipino responses were different. Here, sending money home was the most common goal first mentioned (ten of twenty who responded); after this, the most common answers focused on bringing their family to Canada (six responses); and the remaining answers were scattered among educating their children, improving their standard of living or gaining a better job.

The role of remittances figures more highly in the concerns of the Filipina domestics interviewed than among the West Indians. In both cases, remittances are important, but the relative weight is different. When asked directly in another question, 'For your family back home, how important do you feel it is that you send them money from your work in Canada' (Q25), among twenty-one West Indians responding to this question, ten said 'very important'; four said 'important'; two said it was a neutral issue; four said 'not very important' and for one it was 'not important at all'. Out of twenty-five Filipinas who answered this question, eighteen said 'very important'; one said 'important'; five said it was a neutral issue; and one said 'not important at all'.

This variation in emphasis could be understood as at least partially due to the more recent migration flow of Filipinos to Canada, with more dependants remaining back home in need of overseas support. Further, the Philippine government is highly dependent upon overseas remittances as the main source of foreign currency. There is a massive network of state and private interests encouraging overseas work for this purpose (Heyzer *et al.*, 1994). The Ramos government calls female overseas workers 'the new heroines' of the Philippines. Originally viewed as a temporary answer to the Philippines' unemployment and severe balance of payments problems, labour export, and in particular international trafficking in female domestics and entertainers, has become an integral aspect of the Philippine economy.

Despite this difference, an interesting similarity regarding remittance payments was also indicated in the survey. In answer to the question, 'To whom do you generally send remittance cheques?' (Q24), among twenty West Indian respondents, only three stated that money was sent to their husbands. Other responses included their mother (nine); combinations of relatives (six); or another relative or person (two). Among the twenty-three Filipino respondents who answered this question, only six stated that they sent money to their husbands. Other responses were their mother (nine); combinations of relatives (three); another relative or person (three); and eldest daughter (two).

Of note is the fact that, among both groups of women, more directed their remittance cheques to their mothers than to their husbands, and more to other relatives in general than to their husbands. This is despite quite divergent marital patterns among the two samples (Q18). Of twenty-five West Indian domestics who answered this question, only three were in the category of married/partner prior to arrival in Canada; one described herself in the category of separated/divorced/widowed; and twenty-one stated they had never married. Among the twenty-five Filipinas who responded, roughly half (twelve) identified themselves as married/partner; two in the separated/divorced/widowed category; and eleven stated that they had never married. Therefore, there were a larger number of married/partnered Filipinas compared to the West Indian women.

This is a finding consistent with the divergent cultural norms related to the institution of marriage. In the Philippines, the majority of the population are practising Catholics and formal legal marriage is commonly expected of young women. In the West Indies, on the other hand, there is a common tradition of unions without formal marriage, and single-parent families headed by women are far from unusual (Eviota, 1992; Momsen, 1993). In both groups, however, husbands were notably not the principal recipients of the remittance cheques.

This cross-cultural similarity in remittance patterns conforms to world-wide observations that women tend to work to support the basic needs of their families rather than for personal consumption. Moreover, it implies that there is no automatic presumption that their male partners or spouses will distribute their earnings in accordance with the wishes of the women migrant wage-earners. As a strategy for negotiating citizenship, the financial independence of women workers and women-centred networks are therefore important factors in the process. This finding adds emphasis to the importance of considering female migration patterns distinctly from male migration patterns and marital relations, even when considerations of family support as a motivation for immigration are highlighted (Miller Mattei, 1996).

Conclusion

In contrast to theorists such as Soysal (1994) and Jacobsen (1996) who see a trend in the emergence of deterritorialized post-national rights for non-citizens, our analysis of one augmented form of transnationalized female labour – migrant domestic workers – indicates the tenacity of national, territorially based sovereignty to restrict rights to individuals originating from outside a nation-state's borders. Without denying that emergent forms of trans-border, regional (e.g. European) citizenship can function as a

guarantee of further privilege for transnational business people and of mobility rights for some workers of designated 'appropriate' nationalities, 'control over which non-citizens can have access to the territory is a defining characteristic of the modern state, and states in the twentieth century have guarded their borders with increasing jealousy' (Bhabha, 1996: 6)¹⁰.

Canada's immigration programme for foreign domestic workers, which institutionalizes *de facto* temporary statelessness for Third World poor women is informed by the same logic as California's Proposition 187, which, 'if implemented would deny public school education, health care and other public benefits to undocumented immigrants and their children' (Hondagneu-Sotelo, 1995: 185). Wealthier states, whose own capacities to deliver on benefits associated with social citizenship have declined in obeisance to the dictates of transnational capital and neo-liberal deficit-cutting logics, are increasingly 'wanting a labor force without human beings' (ibid.: 184), secure in the knowledge of vast reserves of labour willing to migrate from desperately poor countries. Those immigrants seeking to attain increasing citizenship rights through the migration process are therefore under considerable pressure to find creative and collectively effective negotiating strategies in face of increasingly severe restrictions on permanent, non-discriminatory and accessible citizenship rights. While becoming revealed as more a mirage than real, the status of fully recognized citizen of the advanced capitalist nation-state is still no less coveted. This is particularly the case for Third World migrant workers given the existence of large wage differentials between labour-sending and labour-receiving countries.

Other theorists have raised the possibility that, when considering the link between citizenship and international migration of various sorts (refugees, temporary workers, generally those counterposed to global capitalists), we are witnessing the constitution of new forms of global and regional apartheid (Richmond, 1994; Balibar, 1996: 362-3). Rendered largely invisible as a result of their performance of work in the private sphere of the family-household, migrant domestic workers are generally exempted from societal-level employment standards and other forms of protective labour, social security and human rights legislation. Wide-scale exploitation of Third World women domestic workers, through their construction as non-citizens, is an intrinsic aspect of globalization. It is in this context that the creative negotiating strategies of Canada's domestic workers take on international significance.

Our survey of Caribbean and Filipino women domestic workers in Toronto reveals some of the motivations and strategies of those who have the most to gain by obtaining full Canadian citizenship rights, and who

risk the most if that goal is not obtained. Thus, Caribbean women who have been virtually shut out of the formal immigration routes to Canadian citizenship, bypass official channels and, as undocumented workers, also are *less* likely than Filipino domestics to acquiesce to the harsh live-in requirement of the official programme.

While the non-citizenship status of foreign domestics is negotiated through transactions involving many stakeholders in the global exploitation of Third World female domestics (sending and receiving countries, the IMF, the World Bank, citizen-employers and a host of intermediaries), these women are far from passive. They reveal the transformative power of human agency, of ordinary people, including highly exploited and undocumented migrants. They work to negotiate a measure of dignity as well as economic well-being. Through their transnational remittances, and initiation of networks of migration, these migrant women actively develop transnational ties and support transnational families and communities. There is also increasing evidence that migrant domestic workers are collectively contesting the limitations on their human and worker rights through global networking and involvement in increasingly internationalized and multi-focused social movements (Velasco, 1997; Bakan and Stasiulis, 1997 forthcoming).

Notes

Daiva Stasiulis and Abigail B. Bakan have been conducting joint research on women of colour, work and citizenship since 1991. Publications from this research have appeared in *Signs, Science and Society*, several edited books, and will appear in two forthcoming books: *Not One of the Family: Foreign Domestic Workers in Canada* (University of Toronto Press, publication date June 1997) and *Negotiating Citizenship: Filipino and West Indian Domestic Workers and Nurses in Canada* (Macmillan Press, expected 1998).

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difference. In May 1996, she chaired the United Nations Expert Group Meeting on Violence Against Migrant Women Workers, held in Manila. Her publications include *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class* (edited with Nira Yuval-Davis) (Sage, 1995).

Earlier drafts of this paper were presented at the 'Women, Citizenship and Difference' conference, 18 July 1996, University of Greenwich, London, and the Society for Caribbean Studies, London, 3–6 July 1996 (Bakan and Stasiulis, 1996a, 1996b). It is part of a larger study directed by the authors and funded by the Social Sciences and Humanities Research Council of Canada, entitled 'Women of Colour, Work and Citizenship: West Indian and Filipino Domestic Workers and Registered Nurses in Toronto'. For further elaboration of findings from this study, see Bakan and Stasiulis (1994, 1995, 1996c, 1997). All works published in this study are equally and jointly authored.

- 1 We are aware of the potentially over-simplified implication of the terms 'First World' and 'Third World' and 'North' and 'South'. However, we take as given an international hierarchy of economic and political power among nation-states in the world system, which has seen an increasing gap between the more developed and less developed nations over recent decades. With due recognition of the risk of oversimplification, for the purposes of this argument, therefore, we think the usage of these terms is appropriate.
- 2 There are alternative views which recognize the need for increased rights and freedoms of immigrants as against national law. See, for example, Baubock (1994), Jacobsen (1996) and Soysal (1994).
- 3 While this was recognized by the willingly co-operative governments of the English Caribbean – and by thousands of Caribbean women themselves – as an opportunity to migrate abroad in search of better prospects, the policy was not constructed on altruistic grounds. Instead, favouring women from the British West Indies was a reflection of Canada's historic legacy of imperialist interests in the region (Bakan, Cox and Leys, 1993; Tennyson, 1990; Levitt and McIntyre, 1967; Chodos, 1977).
- 4 Note that the term 'Filipina' is a noun (plural: Filipinas), referring to a woman who lives in or originates from the Philippines. 'Filipino' is a gender-neutral adjective referring to those who live in or originate from the Philippines.
- 5 The interviews were conducted by women research assistants of the same regional or national origins as the interviewees. They were conducted face-to-face or by telephone through individual interviews of about ninety minutes. The sample was selected through a snow-ball approach of community contacts. No more than three names were suggested by each interviewee, among whom no more than one name was subsequently interviewed. Interviewees were asked to respond to all questions, though it was not uncommon for some questions to be declined a response. The fifty interviews took place between 1994 and 1995, after the new LCP legislation was enacted. Some of the interviewees arrived in Canada under the previous FDM and others by other means elaborated further

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- 6 The reference 'Q' followed by a number refers to the question number of the interview schedule. This paper is only a partial interpretation of findings. The survey questionnaire is available on request from the authors.
- 7 Question 12A 'I wanted to immigrate to Canada.' Twenty-five West Indian and twenty-five Filipino workers responded to this question.
- 8 Question 12B 'I wanted to bring over my family or certain family members to Canada.' Twenty-five West Indian and twenty-five Filipino workers responded to this question.
- 9 Question 12H 'I wanted to be able to earn money to send back home.' Twenty-four West Indian and twenty-five Filipino workers responded to this question.
- 10 The seeming instance of post-national membership offered by European citizenship actually discriminates against third country nationals (nationals of non-EC states who have acquired legal permanent resident status in an EC country), and thus reinforces an equivalence between citizenship and nationality (Holli-field, 1994: 167)

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