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Translating Gender Justice in Southeast Asia: Situated Ethics, NGOs, and Bio-Welfare

Aihwa Ong
University of California, Berkeley
aihwaong@berkeley.edu

Abstract
This essay shows that regardless of existing laws and prominent female leaders, gender justice as a value must be attuned to the situated ethics of the majority populations in order to gain social legitimacy. Since the 1980s, NGO movements for *reformasi*, or reform, and *democrasi* have intervened on women's behalf in a variety of areas—Muslim feminism, political violence, and the abuse of maids, sex workers, and migrants. They have had to modify rights-based strategies in accordance with religious, legal, and economic conditions. Universalizing gender rights articulate situated fields of power that contest or qualify imposed regulatory systems of humanitarian values. It is important to acknowledge that gender justice intervenes in webs of power that can thwart its regulation as well as form new alliances of solidarity. Gender justice and rights cannot be unilaterally imposed, but are transmitted and translated through negotiations with situated religious and citizenship norms. In postcolonial milieus, ideals of gender justice interact with diverse ethical regimes to shape the conditions of possibility for problematizing gender and possible solutions to gender inequality that cannot be predetermined.

Keywords
Situated ethics, rights-based approaches, assemblage, moral economy, Islam, Southeast Asia

Five years after the Conference on Women in Beijing (1995), a United Nations (UN) workshop considered how links between democratic rights and women's struggles for "gender justice" can be sustained in a world of unruly markets (UNRISD 2000). There was recognition of the interdependence of needs (welfare) and rights (empowerment) and how NGO strategies can best serve gender justice by linking the two. Nevertheless, democracy and rights-based strategies have pushed ahead as the main approach to bringing about gender justice through legal reforms. The problematic and contingent aspects of welfare provision and local ethics of

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reciprocity are left largely unexamined. Southeast Asia, like other parts of the world, is a region that confounds such trust in the power of law to bring about gender justice without attention to local values and norms.

This essay will show that regardless of existing laws and prominent female leaders, gender justice as a value must be attuned to the situated ethics of the majority populations in order to gain social legitimacy. Since the eighties, NGO movements for *reformasi*, or reform, and *democrasi* have intervened on women's behalf in a variety of areas—Muslim feminism, political violence, and the abuse of maids, sex workers, and migrants. They have had to modify rights-based strategies in accordance with religious, legal, and economic conditions. Universalizing gender rights articulate situated fields of power that contest or qualify imposed regulatory systems of humanitarian values. It is important to acknowledge that gender justice intervenes in webs of power that can thwart its regulation as well as form new alliances of solidarity. Gender justice and rights cannot be unilaterally imposed, but are transmitted and translated through negotiations with situated religious and citizenship norms. In postcolonial milieus, ideals of gender justice interact with diverse ethical regimes to shape the conditions of possibility for problematizing gender and possible solutions to gender inequality that cannot be predetermined.

Clearly, there is an urgent need to rethink gender justice beyond the rights-based conceptualization popular among international NGOs. Only an exploration of interactions between NGOs and local ethical regimes will reveal mechanisms that can effectively translate and recast gender justice in actual existing situations. In Southeast Asia, for instance, public religions mediate and adjudicate notions of gender justice within a moral economy framework that unfortunately may not include migrant communities. Millions of female migrants unprotected by moral economies are most vulnerable to gender exploitation. NGOs working on behalf of migrants and sex workers develop a version of gender justice that I *call* biowelfare. Finally, I suggest key areas of research that focus on the religious reinterpretation of gender justice, the plight of migrant and aboriginal women, and NGOs and NGO accountability.

Milieus of Gender Justice, Gender Justice as Instrument for Rights-based Intervention

Gender justice seems to have replaced gender equality among advocates for gender and human rights. First, gender justice has the rhetorical value of

not imposing Western notions of gender equality on non-Western societies. At the same time, gender justice suggests the need for improvement in the balance of power between men and women everywhere. Second, more specifically, gender justice as employed by feminists in the Beijing Platform for Action 1995 deliberately links balance in gender relations with the development of democracy in the developing world. Gender justice claims that "Achieving the goal of equal participation of women and men in decision-making will provide a balance that… is needed… to strengthen democracy and promote its proper functioning." The United Nations women's fund (UNIFEM) defines gender justice as "women's empowerment and equal participation in leadership and political decision-making position." These necessary achievements, it claims, ensure "that gender quality is integrated into policymaking and constitutional, electoral, and judicial reform." The concern is to keep countries focused on these targets, assessing women's access to secondary school education, seats in parliament or legislatures, and nonagricultural jobs.

In the area of violence against women, human rights advocates consider countries in transition from colonial to postcolonial rule and market society as a unique window of opportunity for intervening on behalf of gender justice. In places such as Cambodia and East Timor, United Nations agencies have contributed to a gender focus in electoral, constitutional, legal, judicial, and policy reform. The goal is to sharpen an awareness of women's entitlement to the same set of rights as men. Such rights for citizens may already exist in state constitutions, but in practice are unevenly acknowledged, respected, and implemented in many developing countries. The stress on gender justice also promulgates awareness of gendered citizenship in practice, providing a stronger link between women's rights and human rights. Furthermore, gender justice, it is hoped, will reduce endemic violence against women, and persuade governments to sign and implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). UNIFEM, for instance, has focused on the links among human rights, gender, and HIV/AIDS in order to strengthen state responses to the epidemic in poor countries. In short, feminist NGOs play important roles in strengthening women's claims to legal protections and rights that may otherwise be underdeveloped or overlooked in the process of reconstruction. By thus connecting gender justice to the democratic process and a rights-based approach, NGOs hope to improve women's human rights to the level of globally agreed upon norms. But the legal approach and focus on governments tend to limit benefits largely to people in the urban, middle, and upper-middle classes.

But in practice, universalizing values of gender justice must navigate and articulate ethical regimes in particular situations of intervention. Diverse cultural and ethical elements crystallize problems of gender inequality and possible solutions that cannot be imposed from the outside. Astute feminist interventions must always take into account the web of indigenous norms and values of female role and agency. For instance, age, class, and status rank have always conditioned gender roles in Southeast Asia as opposed to the principle of gender difference. Historically, the region is well known for its queens and female revolutionary leaders, especially in Vietnam (e.g., the Trung sisters) and Indonesia (e.g., Princess Katrini.) Today, women—Megawati Sukarnoputri, the president of Indonesia; Gloria Macapagal Arroyo, the president of the Philippines; Aung San Suu Kyi, Myanmar's opposition leader; and Wan Azizah Wan Ismail, an opposition leader in Malaysia—dominate the political landscape. Furthermore, gender complementarity rather than gender difference in stressed in many areas of everyday life.

Such female political icons do not obviate the spreading inequities associated with regional and class differences. Female participation in agriculture, marketing, and the urban economy has always been high in Southeast Asian countries, especially in the more developed states of Singapore, Malaysia, Thailand, and the Philippines. However, in Vietnam, Indonesia, Cambodia, Laos, and Myanmar, the majority of women are still involved in agricultural employment, but there is a growing trend of women working in industrial and urban jobs. For the majority of rural populations, basic gender rights to education, health, social services, and protection from domestic violence are still unavailable. In addition, religious rules and customs governing gender relations often check or deflect the influence of legally backed rights. Given the wide disparity in status and power among women, gender issues must be examined as well in articulation with ethical regimes based on social prestige, class, culture, religion, and regimes of citizenship. Indeed, rights guarantees already exist in the constitutions of all Southeast Asian countries; the problem is the contestation over the proper value of gender that is refracted through indigenous notions of justice and compassion.

Gender Justice as a Situated Ethics

Technically and legally, none of the countries in Southeast Asia exclude women from participation in governance, urban employment, or higher

education. Rather, their limited representation in some occupations and sectors is due to social norms and class discriminations. Gender discrimination is often overlooked unless recast within terms of humane living conditions for women and the weak. A rethinking of the term "gender justice" is required, as well as the need to broaden its scope beyond women gaining leadership positions. An exploration of the potential reach of gender justice in Southeast Asia should look outside the strictly legal realm and beyond gender justice as rights-based guarantees. As noted above, feminists and UN-supported or Western-funded NGOs operating in Southeast Asia have monopolized gender justice. There has been little attempt by international NGOs, however, to make conceptual and moral connections between gender justice and local concepts of social responsibility, fairness, and humanity in the region. However, there are many benefits to a richer, more complex, and plural concept of gender justice.

As analysts, therefore, we should distinguish between the admirable ideals of international NGOs, on the one hand, and the actual practices of local or homegrown NGOs on the other. This is because international rights discourses and concepts unavoidably must be translated into situated ethical norms, or can only gain traction through being represented through local cultural values about gender, humanity, and solidarity. So the issue is not to "demonize" international NGOs, but to cast light on the actual practices of translation that are crystallized in particular constellations of politics and ethics.

As a term, gender justice is less likely than gender equality to rub local people (men) the wrong way. It is also more easily translatable into central beliefs about fairness and compassion. In Southeast Asia, justice (in Indonesian: *keadilan*), reconciliation/ forgiveness (*perdamaian/maaf*), and nonviolence (*ahimsa*) are important moral concepts—prominent in Islam, Buddhism, and Christianity—that regulate and harmonize social relationships in all spheres of life outside the law. These ethical terms of the upright life travel easily across religious and humanitarian landscapes and can play a role in supporting the idea of gender justice in everyday life. Ethical debates generated by crises have crystallized around the particular problems of gender suffering, violence, and oppression. Indeed, recent events in Southeast Asia have generated widespread public questioning of humanitarian implications of politics and development. An emergent focus on the gendered body—its survival, health, and well-being—can contribute to the transformation and shaping of a humane society.

Therefore, in my discussion below, I will not discuss gender justice in an abstracted universal sense, but rather focus on how local or situated NGOs in Asia seek to translate and recast gender rights ideals in the idioms of local politics and ethics. This kind of situated analysis is crucial in order to reveal how human values are disseminated and taken up on the ground in a diversity of ways.

An Assemblage of Situated Politics, NGOs, and Ethics

Interactions among government, religious authorities, and NGOs in the developing world remain a *terra incognita* in gender studies. This blind spot is partly due to the rights focus in Western feminist advocacy and analysis, an approach that assumes that the spread of laws promoting gender justice will change things on the ground. Indeed, recent events that have roiled Southeast Asian societies—the financial crisis of 1997–1998, the fall of political leaders, the growth of migrant populations, and NGO fighting *for reformasi and democrasi*—highlighted conditions of gender poverty, gender violence, and the needs of the gendered body. A rights-based approach would not capture the ways that contingent relationships among political events, local NGOs, and ethics come into play in shaping gender justice. NGO social activism increasingly poses gender violence, justice, and governance as interlinked public issues.

Over the past two decades of turbulence, a variety of local NGOs have raised ethical questions that are related to but not confined by gender concerns. A constellation of citizen-driven initiatives emerged to address a range of public issues that can no longer be adequately addressed exclusively by the state. This kind of "sub-politics" (Beck 1994:16–19) actively challenges and negotiates with governments over women's rights, development, the environment, and other civil issues. The proliferation of local NGOs brought into play a variety of actors who identify and problematize issues of poverty, violence, and political representation and realize something close to an embodied and gendered view of citizenship.

What is key in any intervention is the capacity of situated NGOs to translate and adapt universal human rights discourses to specific material and social webs of relationships around which particular problems crystallize and gain shape. We need research that can examine how ethical problematizations by religious and other NGO groups create conditions for

supporting the acceptance or introduction of laws intended for evening out the gender playing field.

Thus, a useful analytical angle would consider how particular assemblages of situated politics, ethics, and NGOs create the conditions of possibility for the ethical formation of gendered life and labor. In other words, any gains in gender equality in the development process cannot be simply measured in terms of statistical targets and indicators. Rather, we need to explore how the situated interactions among politics, religious ethics, and NGO interventions produce ethical resolutions and regimes that govern the contours and forms of gendered existence. In other words, laws may be passed and still remain on the books. For legal reforms to be taken up, they have to be translated and interpreted in actual practices and translated through local ethical norms as to what is at stake for particular categories of women—and children.

NGO Movements for Reformasi and Democrasi

Since the economic boom of the late eighties and the rise of Asian Tiger economies, the growth of NGOs has made them a significant force in shaping the ethical debates on gender in Southeast Asia. First, the reconstruction of war-torn countries such as Cambodia, Vietnam, and Myanmar created a space for the influx of NGOs that brought outside funds, ideas, and techniques to shape new understanding of gender relations. As I have argued elsewhere, NGOs are practitioners of modern humanity, adjudicating decisions about different categories of humanity, such as women, children, migrants, the stateless, and the dispossessed. Backed by foreign money, NGOs sought to tie the democratization process with women's advancement in poor countries. In mainland Southeast Asia, NGOs such as CANDO directed campaigns to get women to register to vote and to run for office.

Second, elsewhere in Southeast Asia, economic growth has created conditions whereby the vulnerability of poor, minority, and migrant women expose them to more violence. The Asian financial crisis of 1997–1998 revealed that poor women (and children) were the most vulnerable victims of economic recession. A panoply of NGOs emerged to provide rice packages and cheap milk to struggling families in Indonesia (Budianta 2003:155–55). But NGO groups and activism really took off in the context of *reformasi* movements sparked by two major political events in the

late nineties: street protests against the Suharto regime in Indonesia (mid-1998), and the arrest and beating of the deputy prime minister in Malaysia (late 1998). A diversity of humanitarian, nonviolent, and women's groups came together demanding an end to corruption. They not only sought reforms in autocratic forms of rule but also struggled to increase the variety of actors and widen the space of civil society. For the first time, NGOs linked activists of different faiths and classes; Catholics and Muslims, middle-class housewives, and sex workers came together to protest state brutality. They called for humanitarian solidarity regardless of religious, class, or ethnic differences. For instance, the army-instigated rapes of hundreds of Indonesian-Chinese women focused public attention on state violence against the human body. The female body in particular became the site of state violence against humanity (see Budianta 2003:162–66). Gender-specific problems are often refracted through related problems of political brutality, development, migration, minority oppression, and the need for democratic reforms.

Thus, a narrow rights-based perspective on gender justice that depends on statistical benchmarks would miss the complex intersections of biopolitics, NGOs, and ethics that in interaction shape emerging ethical regimes of gender. Despite their equal rights as citizens, in practice a majority of women suffer disproportionately from the effects of religious customs, violence, migration, and health threats. It is therefore not surprising that these are the areas of greatest NGO interventions, where gender justice is most keenly needed. These sites are political spaces where administrations, religious leaders, and NGO advocates problematize the female and her dangers, vulnerabilities and claims for justice.

Public Religion: Ethical Regimes of Good Living

Contemporary religious activism in Southeast Asia has produced a spectrum of gender-related activities. Filipino nuns work as human rights activists, Cambodian Buddhist nuns organize peace marches, Thai monks assist with HIV prevention, and religious networks criticize violence against women (Keck and Sikkink 1998). The vitality of religious activism throughout the region is part of a trend that Jose Casanova (1994) calls "public religion." Religious activism, he argues, has trumped the "desecularization" of the public sphere in the last decades of the twentieth century. Religious political activism represents a counter response to secularization

theories that have been forecasting the "disenchantment" of modern society since Weber. Public religion is on the rise across the world, I agree, but not as a counterforce to technology. Rather, religious activism is developing new relationships with diverse technologies, such as communications, modern media, and NGOs. The interrelationships of religious ethics, NGO agendas, and politics take place in specific webs of social relationships around which certain ethical problems crystallize. Alignments of politics, religion, and NGOs produce different ethical regimes of what is a just and a good way of living for women in specific milieus. It is in such situations that gender violence is confronted as an ethical problem, and ethical and legal solutions can be posed. Let me give a few examples of the situated ethical problematization of gender violence and emerging regimes of gender justice.

In Southeast Asia, the colonial legacy has left key family and gender issues under the jurisdiction of traditional religious authority. The region has the largest nominally Muslim country, Indonesia. For millions of Muslims throughout Southeast Asia, Islamic family courts handle questions of family, inheritance, marriage, divorce, and sexuality. Islamic judges (*kadi*) and scholars (*ulamas*) have adjudicated decisions involving gender oppression linked to domestic violence, polygamy, divorce, and rape. In recent decades, concurrent with the rise of middle- and upper class Muslims in Malaysia, feminist NGOs have emerged to contest the *ulamas*' tolerance of gender violence in the name of Islamic law. However, NGOs cannot rely on invoking human rights as an abstract universal moral horizon as an effective strategy when negotiating with *ulamas* or with the government, for that matter. The NGO Sisters-in-Islam is careful about framing the problem of gender bias and violence within the Muslim ethical universe, and the larger goal of constructing a modern *umma* (community) of good Muslims (Ong 1999; 2006a). By reinterpreting salient passages of the *Quran*, the sisters challenge accepted norms such as purdah, polygamy, marital rape, and limited alimony as entirely in keeping with the Prophet's teachings, or meaningful in contemporary Muslim societies. The Sisters point out that these practices are routinely justified in terms of the Arab medieval interpretations when they are quite contrary to Islamic injunctions on gender equality and contemporary claims and contributions of women in an affluent urban society (Othman 1993, 1994). Through their interventions, Sisters-in-Islam compels radical *ulamas* to reconsider the ethical premises of antiquated rules and practices. In Malaysia, the government supports such efforts to secure gender equality within a reinterpreta-

tion of Islam, partly because they permit women to participate fully in the modern economy and society. Such confrontations and debates produce the circumstances for new ethical regimes. Muslim women increasingly limit polygamy, claim adequate alimony, and struggle to have state backing in outlawing marital rape and domestic violence. The process is ongoing, but Malaysian authorities are beginning to intervene in domestic violence and to punish culprits more severely. Press reports of domestic abuse help to broaden the discussion of whether rape can exist within the Muslim marriage. Islamic law recognizes the woman's sexual autonomy in that non-consummation becomes legitimate grounds for divorce.

Thus, despite the secular state systems in Southeast Asia, in practice, only ethical reasoning between religious authorities and NGOs can make gender justice seem reasonable and acceptable in a Muslim society (see, e.g., Ong 1999). For gender justice to be an attainable legal goal, Muslim values of patience, forgiveness, and kindness to all living forms can be invoked in the service of female emancipation. When gender justice is thus enmeshed with religious reasoning, support for gendered entitlements and citizenship can become part of the vision of the good Muslim community.

But struggles that link gender justice and the modern Muslim *umma* do not always produce or seek the same outcomes. In Indonesia, Muslim feminists view gender ethics not as a means for achieving some kind of mechanical or measurable gender equality within Islam. Rather, for many grassroots Muslim women's movements, gender justice is achieved through the provision of social services to the less fortunate of one's sex. Furthermore, gender justice seems to rely on a firmer segregation between the male and female worlds. In the 1990s, institutions such as the World Bank sponsored "community-based organizations" where women could mobilize their power and organize community activities (see Guggenheim, n.d.). Muslim women's groups at the grassroots levels have intensified their efforts to create sustainable social worlds separated from men's. The collective nature of women's empowerment and access to social services is viewed as in keeping with Islamic traditions. Such movements represent a kind of radical social form that seeks gender justice through gender segregation, with no reliance on laws.

Thus, norms or incidents of gender injustice that seem to be tolerated by religious rules can be challenged, but the direct imposition of new laws without prior negotiations of religious norms can backfire. Increasingly, Muslim and Buddhist feminists find that they are more effective in contesting gender bias or inequality by interacting with the life-ethics of the

religion and the biopolitical objectives of the state. When development goals seeking to promote women's public participation clashes with religious control of women, NGOs can recast gender justice as an ethical question of how people in a modern religious communities should live. Such interventions expose gender oppression and prepare the way for broader acceptance of laws to protect women's citizenship. Unfortunately, incidence of gender bias and violence is growing in transnational markets where women fall through the cracks of citizenship and moral economy.

Women Outside Citizenship and the Moral Economy

Michel Foucault's concept of biopower maintains that modern states are primarily concerned about the management of life to ensure its well-being, productivity, and security. Biopolitics depends on an array of calculations and strategies that problematize and regulate the vitality of the population. In advanced liberal societies, biopolitics tend to operate at the scale of the individual rather than at the scale of the population. In the Asia-Pacific, the social state tends to deploy biopolitical techniques at the macro level. Development projects, for instance, are the outcomes of biopolitical calculations about different categories of labor that can be mobilized to improve overall social well-being and national productivity. Biopolitical rationality and regulations can reinforce women's status as exploitable workers, and no women are more vulnerable than those who are poor and foreign.

The past two decades of development in Asia have created a revolution in the displacement of millions of women from the countryside to cities and to richer countries overseas (Fawcett, et al. 1984; Ong 1991). Development in the region depended on two models—the Tiger economy of export-industrialization based on cheap female labor (Ong 1987; Wolf 1992; Chow 2002), and the labor-exporting economies also based on cheap female labor sent abroad (CIIR 1987; Constable 1997; Parrenas 2001; Gueverra 2003). Export-industrialization and labor-export rely heavily on legal and illegal female migrations that create ample opportunities for violence to be inflicted on young powerless women far away from their homes and home countries. Ironically, NGOs and feminists have participated both in the preparation of young women bound for the flexible migrant labor markets and in exposing the abuses that they experience as migrant workers or trafficked labor.

For more than three decades, the Philippines were the leading labor-exporting country in the world, supplying professionals—nurses and other female overseas contract workers—to richer countries. Currently there are more than 6 million overseas contract workers, of whom more than half are female (AMC 2000: 11). Famous for supplying the world with nannies, the Philippines operated an overseas employment administration program that is held up as a model for other would-be labor-exporting nations. State authorities recruit female migrants, search for overseas jobs, arrange contractual agreements, provide pre-departure training, and advertise the "natural" qualities of "the great Filipino worker." Labor recruiters for overseas markets stress the flexibility and docility of Filipino workers. Driven by neo-liberal goals, the state stresses the training of workers to be responsible, entrepreneurial subjects—"modern day heroes"—whose remittances from abroad are vital to counter the widespread unemployment at home. State authorities urge overseas contract workers to make "investments" from overseas earnings that are needed by the country. (Guevarra 2003). Abroad, they become "ambassadors" of Filipino labor diplomacy and must not let down the image of their country as the home of global workers. The labor-exporting state thus links neo-liberal values of entrepreneurialism and overseas female employment.

Elsewhere in the region, labor-export has become a legal and illegal way for making money off poor, unprotected women who are sent to more-developed neighboring countries. The Indonesian state hopes to increase foreign earnings by sending abroad a multitude of young, low-skilled women who can earn wages in Malaysia or Singapore ten times the amount they can make at home. Besides the legal mobilization of migrants, there is a vast, multilayered labor recruitment system that exposes women to dangers such as bonded labor, illegal detention, and torture. There are an estimated 2 million Indonesian migrants in Malaysia in any single year, and the distinction between legal and illegal is blurred because migrants try to circumvent costs of permits, fees and delays, or overstay (Jones 2000:5). On mainland Southeast Asia, the trafficking of women and children as cheap labor for Thai factories and brothels (Pongpaichit 1982; Troung 1990; Bishop 2000) has intensified with the onset of the HIV/AIDS crisis and chaos along borders with Myanmar, China, Cambodia, and Laos. At the turn of the century, it was estimated that there were 10 million Asian labor migrants working in Southeast Asia, but also Japan, South Korea, Taiwan, the Middle East, Australia, and beyond

(AMC 2001:14). But clearly, this figure misses the actual volume of trafficked human beings.

The links between development, female empowerment, and labor migration find their clearest expression in the Philippines. Recruitment campaigns align the mobilization of female migrant workers with the moral economy of the family. The overseas employment authorities link overseas employment with Catholic feminine values of indebtedness, gratitude, and sacrifice for the family. Feminist NGOs deploy terms such as "empowerment" to prod women to seek overseas employment as a way to fulfill their moral debts to their families (Guevarra 2003).

In the glare of publicity surrounding the murders and rapes of overseas Filipino maids, NGOs instruct would-be migrants in balancing the vulnerability of their sex and the vulnerability of their families. Women about to depart are taught to be "friendly but not familiar" with overseas employers, not to be "sexually available," even when they are economically available as domestic helpers (Guevarra 2003:164). Similar notions of gender indebtedness and family obligations in Buddhist Thailand have exerted moral pressure and provided justification for sending millions of young rural women to Bangkok sweatshops and brothels (Pongpaichit 1982; Troung 1990; Mills 1999). Thus the authorities and sometimes NGOs reinforce the moral obligations that burden young women with heavy debts that, it is now commonly believed, can only be repaid through migrant labor and overseas employment.

The flexible, often unregulated, transnational labor situations that attract female migrants position them in a legal and moral limbo, receiving neither the protection of citizenship nor moral economy. Female migrants are exposed to a variety of economic exploitation and physical violence at different steps of their journey, at the workplace, and during attempts to reenter the market when their work permits end. In more affluent Asian countries, the degree of violence to which female migrants are vulnerable seems to eerily reflect regional perceptions of their respective and relative economic and moral worthiness.

Violence Against Female Migrants

- After a trial in 1995, the Singapore authorities hanged a Filipino maid, Flor Conception, for the murder of another domestic helper and her employer's child a few years earlier. That year, a 15-year-old Filipino

maid received a death sentence in the United Arab Emirates for killing her employer who attempted to rape her. Her sentence was reversed after she spent two years in jail and received a hundred lashes.
- In 2001, a Hong Kong man forced his Indonesian maid's head into the sink and raped her. She was raped again a month later, but finally found her way to a women's shelter to report the crime.
- In 2002, an Indonesian maid employed by a Malaysian government employee was treated as a "sex slave" for nearly two years.
- In the same year, an Indonesian maid, who had been starved and repeatedly tortured by her Singaporean employer over a period of sixteen months, died from a final blow. Her employer was sentenced to eighteen and a half years in jail and to receive twelve strokes of the cane. A few months earlier, a female employer bit her maid's breasts, tearing off a nipple. She was also charged and sent to jail.

The availability of female migrants in Hong Kong, Thailand, Singapore, and Malaysia has made possible a kind of middle and upper-middle class lifestyle in which one or two cheap foreign maids in the household has become an entitlement. Maids become marked as figures of "biopolitical otherness," alien workers who can exist without rights or protection. There is no legal requirement that the host society acknowledge their human rights. In all cases, migrant workers are under the jurisdiction of immigrant authorities.

In this state of legal exception, foreign domestic workers exist as contingent human beings entirely at the mercy of their employers. While there are daily reports of attacks on Filipino women working as foreign maids, Indonesian female migrants are widely stigmatized and even more vulnerable to abuses by their foreign employers. Indonesian maids are at the bottom rung of the regional foreign maid industry. They are in general less educated and lower paid than their Filipino counterparts. Besides, in times of trouble overseas, they receive no protection from their home embassies and consulates. Meanwhile, their Southeast Asian employers—middle-class families in Malaysia, Singapore, and Hong Kong—make Indonesian females the target of blame for moral ills associated with poor migrants. For instance, the Malaysian public believes that many Indonesian migrants have entered illegally and that they have contributed to the spread of crimes and social ills and therefore constitutes a threat to the family. There is widespread perception that Indonesian migrants are illegal entrants and that they contribute to petty crimes and an array of other risks such as

spreading prostitution and AIDS. In the aftermath of the financial crisis in 1997, Malaysia expelled female migrants to nearby Indonesian islands. There, migrant women are forced to survive by providing sexual services to tourists.

The different kinds of violence inflicted on female migrants—unprotected by citizenship or moral economy—thus render them practically stateless laboring beings. They are not only outside the protection of laws of the host society but also excluded from the moral economy that employers may feel toward their domestic helpers. Instead, foreign maids are considered the most expendable workers, easily replaced by a seemingly endless stream of poor migrant women. Despite growing media reports of horrifying abuses against migrant workers, they continue to be vulnerable to random dangers at the workplace, in public, and in transit.

Finally, we must not overlook abuses suffered by female migrants working in their own countries, where they are treated as second-class citizens. The explosion of the sex trade and its links to the HIV epidemic, especially in mainland Southeast Asia, has rendered new generations of women vulnerable to sexual exploitation, bad health, and early death. There are many studies on the violence against sex workers in Thailand (Pongpaichit 1982; CRRI 1987; Troung 1990), but similar exploitation and plagues are visited on female migrants in Cambodia and Vietnam. Poor economic prospects are forcing many poor women to seek sex work in the cities, where the belief that sex with virgins is a protection against HIV is rampant. In Phnom Penh, the number of brothels is increasing, exposing more prostitutes to sexually transmitted diseases. Rural women who end up as "beer girls" are also exposed to the dangers of the sex trade. The NGO Seedling of Hope provides HIV/AIDS counseling to brothel workers who may be infecting the next generation as well. Health violence against poor woman is a major problem that demands more research and advocacy work.

Aboriginal Women

A notion of bio-legitimacy has implications as well for the hidden predicaments of another category of women who fall through the cracks of citizenship: aboriginal women in the hundreds of tribal groupings scattered throughout the region from Myanmar to Papua New Guinea. In the past two decades of rapid industrialization and urban growth, aboriginal groups have suffered tremendously because of land grabs, lumbering, and mining

(Peluso 1992; Tsing 1995; Li 1999). Many aboriginal peoples have been severely neglected. Their lands are deforested or polluted by mines, they are forced to remove to other areas, and they are even compelled to give up nomadic lives and convert to the religions of majority populations. We have very little information on the effects of these upheavals on women, especially their health, reproductive rights, and capacity to sustain a livelihood. The question of bio-welfare for minority aboriginal groups is especially pressing because many are suffering from high rates of alcoholism or is in danger of dying out. The widespread denigration of aboriginal women adds to their lack of rights and capacity to reproduce their families and way of life that runs counter to development plans. It appears that different notions of gendered entitlements must be introduced to protect the rights of people with no access to citizenship rights and justice.

Bio-Welfare

Women's health is a central concern in the struggle for gender justice. While migrant NGOs may formally invoke United Nations conventions to claim rights for migrant women and their families, their interventions respond directly to the specific conditions and problems shaped by material and bio-political relationships. NGOs like Tenaganita define the ethical problem of female migrants in terms of the three "D jobs" (dirty, demanding, and dangerous) and the three "D stigmas" (disease, depravity, and drugs). In other words, migrant workers constitute "the cheapest, flexible, and most docile labor... for dirty, demanding, and dangerous jobs which locals shun." (Tenaganita 1998:8). The nexus of problems affecting migrant women's health—prostitution, rape, AIDS and other illnesses—have induced NGOs to challenge governments to extend conditions that foster and preserve life from citizens to migrant workers.

To this end, NGOs have tracked the parallel rise rates of female migration and their exposure to diseases and rapes during their work abroad. Feminist groups "use the media as their ally" to expose abuses and challenge state authorities to increase the protection of migrant women (WAO 2000). Feminist NGOs help abused migrant workers press their charges in court or to settle their problems with employers. NGOs are also very active in publishing reports on the abuse, maltreatment, torture, and even deaths of migrant workers. NGOs are not fighting to expand the labor rights of migrants. Ivy Josiah, the director of a women's shelter in Malaysia, has

been an active spokesperson on behalf of abused foreign maids. Her accounts have shaken Malaysian society horrified by its new face as a monster produced by the rapid rise to affluence. Josiah said, "We need to widen the notion that maid, so that poorer people who are working for you, also have rights. This is not slavery." But until a law against domestic violence is passed, NGOs focus on the bodily safety of migrants in order to stress their status as human beings deserving of moral respect by the public. Such NGO interventions and dissemination of information on the mistreatment of migrants have achieved important outcomes, including the banning or strict regulation of labor recruiting agencies in Malaysia and Singapore. A focus on the healthy and unthreatened bodies of migrant women allows NGOs to appeal to local authorities for basic health rights for migrant workers. A new claim is to make medical coverage part of the work contract for female migrants.

Feminists have called for governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families and to give full legal status to migrant workers (Jones 2000:11). But, on the ground, the majority of NGOs are focusing on the immediate needs to recast the migrant worker as a biological being, with ethical claims on good treatment and physical security. The pressing, immediate question is not legal rights, nor better wages, nor the right to gain citizenship in the host society. Rather, for NGOs, the first step in gaining gender justice for female migrants is to gain the right to a healthy and an unthreatened body, a kind of *gendered bio-legitimacy.* As in most ethical traditions, a basic premise of the good life is physical well-being, especially healthy bodies for women as life-givers and life-nurturers. Freedom from illness and violence are the moral grounds for demanding humanitarian treatment, if not for awarding full legal status to migrants. Gendered bio-legitimacy also means that anyone who is abused—including migrants and stateless persons—must have the right to lodge criminal complaints and have their day in court. Bio-welfare thus transcends the legal limits of legal citizenship, and the case can be made only on ethical, not legal grounds. By invoking state discourses such as "the caring society" (in Malaysia) and "civilized and educated society" (in Singapore), NGO leaders link ethical norms to the rights of female migrants to healthy bodies. Feminist advocates are pushing beyond migrants' right to protection from illness, rapes, and beatings to claim a form of legitimacy that is denied by their political stigma as racialized alien body.

Foreign funding by Western European countries has also focused attention on migrants' vulnerability to infectious diseases. A regional NGO network devoted to research on AIDS and mobility has been very active organizing around the conditions that make migrants especially vulnerable to diseases. (CARAM 2000). The healthy body of migrant women also requires rest, a limit to overtime labor. Feminist NGOs in Singapore are now insisting on the need for maids to have days off for "rest and relaxation," or to attend to religious practices. The language avoids demanding rights for rest days, appealing instead to the moral and health needs for time off. If Singapore is such a civilized society, why are maids treated as "emotionless and slavish working machines," not as human beings? (Lee 2003). In this regard, Hong Kong is way ahead, entitling foreign maids to a rest day each week, but employers, who may also withhold wages, often deny these and legal holidays (AMC 2001: 49).

NGO intervention on behalf of migrant women thus seeks to overturn their slave-like status and compel the host society to acknowledge the humanity of their foreign helpers. By stressing the bio-legitimacy of health for foreign workers, NGOs also spur a more coherent reflection on ethics by elites in Southeast Asian societies. In other words, how to reconsider the situation of the domestic worker, whose very bio-political availability denies her bodily security and human dignity in the host society? NGOs raise questions such as whether living the good life (in the material sense) should entail the mistreatment of less fortunate others. Although foreign maids have no citizenship, their right to healthy bodies makes claims on the moral economy of the host society. The healthy and secure body of the foreign maid can only redound favorably in sustaining the higher standard of living enjoyed by many Asian city dwellers. Such ethical reflection will correct the new ugly face of Asian affluence, and perhaps stimulate a recovery of a sense of Asian hospitality that integrates the female migrant into the moral economy of Asian families. The questions posed are tied to wider moral questions of how Asians should live and how they should treat others who provide their daily comfort and family security. Such ethical discourses call for a restoration of the heart to the Asian treatment of migrant others. Employers are urged to reconsider the questions of foreign labor and social reproduction as a political and ethical problem. In particular, can the middle-class person re-envision his or her relationship with the foreign maid as a kind of moral economy, as an ethical relationship, rather than as a purely instrumental one?

Conclusion: Priority Areas for Research

I have argued that when it comes to gender justice, a variety of contexts and entities are involved in shaping ethical and legal responses to gender injustice. Laws against gender injustice exist on the books, but NGOs have emerged as crucial agents in translating gender rights in religious contexts and in finding legal gaps where migrant women are left unprotected. NGOs in Southeast Asia are important moral mediators as well, using ethical reasoning that is more crucial than legalistic arguments to build social support for gender justice.

I therefore recommend that ethnographic research be conducted on the following problems, in a way that will derive the maximum impact on gender governance and justice. We urgently need detailed explorations of how concepts first proposed in Beijing are translated and modified on the ground. It is mandatory to have ethnographic research that is familiar with and sensitive to the particular assemblage of culture, religion, language, and politics through which the actual translation, recasting, and selective conversion of universal civil rights into local ethical idioms take place.

Thus, the first kind of approach I recommend is research on women's struggles to reinterpret religious principles of gender justice and equality, especially in Islam, Buddhism, and Christianity. Negotiations and debates about the ethics of the good life—how one should live—are the necessary foundation to wider acceptance of gender rights and laws that may already exist on the books. The many religious traditions in Southeast Asia have overlapping concerns about women's vulnerability, forgiveness, and reconciliation—values that can be tapped and rearticulated in relation to ideals of gender equality. Only after the struggle has been first worked out on the religious terrain will new laws be seriously considered and have bite.

Second, urgent research is needed on female migrant labor markets that are a major strategy of development in the region. Extensive legal and illegal mobilization of millions of women—for manual and factory work, the sex trade, and domestic service—intensify the vulnerability of poor migrant women who are deprived of rights in the process of migration. Gender violence is especially extensive against female migrants who fall through the cracks of citizenship, and are widely considered of subhuman status. Besides the lack of rights, female migrants are especially vulnerability to health threats such as TB, SARS, AIDS, and other sexually transmitted and infectious diseases.

The intervention of NGOs is crucial in shining a spotlight on such gender violence and suffering, and in raising ethical issues that can win migrant women protection and rights.

Third, other displaced populations are the hundreds of minority and aboriginal groups scattered by development projects and conflict situations. There are huge refugee populations on the Thai-Burmese border, and all over Southeast Asia as aboriginal peoples are being forced to give up their land and to become sedentary farmers. Aboriginal women are vulnerable to violence linked to forced prostitution and portage, unemployment, and the destruction of their traditional way of life. Gender justice scholars may want to undertake investigations into the plight of aboriginal women who are often left to care for the children while their men engage in fighting off invaders.

Fourth, it will be important to study NGOs as key agents that translate human rights principles into ethical gender regimes that are acceptable in local contexts. The activities of NGOs—religious, feminist, political, humanitarian, and economic—expand civil society in Southeast Asia, bringing about new values of human justice and good in society around which gender issues crystallize. NGOs adjudicate decisions affecting gender justice with governments and other authorities; they are an important mechanism for translating and situating gender ethics in a particular matrix of power relationships. They also help formulate new concepts such as biowelfare for stateless subjects. Researchers should consider as well the accountability of NGOs and the effects of their action. What kinds of mechanisms do or should NGOs adopt to assess the effects of their projects on gender justice and civil society in a particular country? These four foci of research—religious feminism, female migration, aboriginal and displaced populations, and situated ethics—avoid overlap with the existing research on gender violence, ethics, and policy interventions and are emerging as the most dynamic contexts of social change in Southeast Asia.

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